



QUEENSTOWN LAKES DISTRICT COUNCIL

COMMISSION TO CONSIDER PLAN CHANGE 4 COMPRISING

**Commissioner David Whitney (Chair)
Commissioner Leigh Overton**

REPORT & RECOMMENDATIONS OF INDEPENDENT COMMISSIONERS

PLAN CHANGE 4 : NORTH THREE PARKS

DATED : 9 AUGUST 2012

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1.0 THE HEARING

The hearing on proposed Plan Change 4 and submissions including further submissions thereto took place at the St John Rooms at Link Way in Wanaka on Wednesday 27 June and Thursday 28 June 2012. A site visit was undertaken by the Commission on 27 June 2012 prior to the commencement of the hearing.

2.0 APPEARANCES

Submitters:

For Ballantyne Investments Ltd.

Mr Duncan White, Planner, Paterson Pitts Group (Wanaka) Ltd.

Ms Shannon O'Shea, Senior Urban Designer, Common Ground Urban Design and Architecture Ltd

Mr Michael Botting, Surveyor, Paterson Pitts Group (Wanaka) Ltd

Mr Bill Haig & Mr Neil Matchett, Directors of Ballantyne Investments Ltd

For Willowridge Developments Ltd

Mr Graeme Todd, Legal Counsel, G Todd Law

Mr Allan Dippie, Director, Willowridge Developments Ltd

Ms Alison Noble, Planner, Mitchell Partnerships Ltd

Roger Moseby & Marilyn Gordon

Neville Harris

For Wanaka Golf Club Inc

Ms Kim Badger, Administration Manager, Wanaka Golf Club Inc.

Ms Susan Robertson for Robertson Family Trust

Mr Simon Spencer-Bower with Mrs Spencer-Bower

For Queenstown Lakes District Council

Mr Tim Williams, Urban Designer, Queenstown Lakes District Council

Mr Oliver Brown, Traffic Engineer, MWH New Zealand Ltd

Evidence was also tabled from **Mr Tony McColl**, Planner of **NZ Transport Agency** in support of the Agency's submission.

Officers in Attendance:

Ms Sue Mavor, Senior Policy Analyst, Queenstown Lakes District Council. Ms Mavor prepared a section 42A report on Plan Change 4 and the submissions including further submissions received thereto.

Ms Ruth Joiner, District Plan Administrator, Queenstown Lakes District Council. Ms Joiner provided administrative support on 27 June 2012.

Ms Monique Frampton, Policy Planner, Queenstown Lakes District Council. Ms Frampton attended the hearing as an observer on 27 June 2012 and provided administrative support on 28 June 2012.

Abbreviations

CPD – Comprehensive Development Plan
 DP – Queenstown Lakes District Plan
 NZTA – NZ Transport Agency
 ODP – Outline Development Plan
 PC4 – Proposed Plan Change 4
 RMA or the Act – Resource Management Act 1991
 SH 84 – State Highway 84
 TPZ – Three Parks Special Zone

3.0 INTRODUCTION

PC 4 seeks to rezone approximately 46.8 hectares of land at Wanaka from the Rural General Zone to the Three Parks Special Zone.

The land subject to PC 4 is held in five Identifiers [titles] as listed below:

<u>Identifier</u>	<u>Legal Description</u>	<u>Area</u>	<u>Owner</u>
17826	Lot 2 DP 304423	36.8700 ha	Ballantyne Investments Ltd
OT 5B/179	Lot 1 DP 12726	4.0638 ha	SM & JC Robertson & GCA Legal Trustee 2007 Ltd
OT 5B/474	Lot 1 DP 12296	2.0353 ha	RS Moseby & MF Gordon
34455	Lot 1 DP 304423 & Lot 4 DP 22854	3.6403 ha	Canterbury Helicopters Ltd [Spencer-Bower]
OT 5A/42	Lot 1 DP 12295	<u>2023m²</u>	Aurora Energy Ltd
		<u>46.8117 ha</u> more or less	

The land subject to PC 4 is located to the north-east of Ballantyne Road; to the west of the existing TPZ; generally to the south of the Wanaka-Luggate Highway (SH 84); and to the east of the Wanaka Golf Course that is designated D95 for Recreation Reserve purposes on Map 21 of the Queenstown Lakes District Plan.

The relevant provisions of the Queenstown Lakes District Plan that are affected by proposed PC 4 are:

- Part 12 (Special Zones) by adding some specific provisions that relate to the North Three Parks Area into the TPZ provisions.
- Part D Definitions by inserting a definition of the North Three Parks Area.
- Planning Map 21 by changing the zoning of the North Three Parks Area from Rural General to TPZ.

PC 4 enables the development of the land known as North Three Parks for Low and Medium Density Residential and Business activities. A Structure Plan, Indicative Staging Plan and Open Space Plan are provided for the North Three Parks Area that, amongst other provisions, provide for an internal roading network incorporating a Collector Road and a Boulevard.

4.0 NOTIFICATION AND SUBMISSIONS

PC 4 has been prepared by the Queenstown Lakes District Council and funded by Ballantyne Investments Ltd being the owner of the majority of the land subject to PC 4.

PC 4 was notified for submissions on 29 March 2012 and the period for submissions closed on 4 May 2012. A summary of the decisions requested in submissions was publicly notified on 17 May 2012 and the period for further submissions closed on 1 June 2012.

A total of 12 original submissions and 6 further submissions were received. All further submissions were lodged by original submitters. **Appendix 2** contains a summary of the decisions requested, and includes a summary of the further submissions received.

The original submissions from **Ted (CE) Lloyd**, the **Ministry of Education** and the **Wanaka Golf Club Inc** were received during the week following the closing date for submissions. At the commencement of the hearing and having taken into account the matters stated in section 37A(1) of the Act we **accepted** these late submissions. No party present at the commencement of the hearing objected to us granting such an extension.

Our recommendations assess the matters raised by submitters and further submitters and we make recommendations as to whether these should be accepted, accepted in part, or rejected.

5.0 DESCRIPTION OF PROPOSED PLAN CHANGE 4

PC 4 seeks a number of amendments to the Queenstown Lakes District Plan. It seeks the following amendments:

- **Amend Planning Maps by adding:**
An additional area of land (North Three Parks Area) to be zoned as TPZ on Planning Map 21.
- **Amend Section 12 (Special Zones) by adding:**
 - i. An additional policy under Objective 2 to ensure a connection from the TPZ Commercial Core to the hillock park [Kame & Kettle] and the linear park, adjacent to the golf course, through the creation of a green boulevard.
 - ii. An additional area of land (North Three Parks) to the TPZ by adding this area of land to Section 12.25.3 Three Parks Structure Plan, Indicative Staging Plan and Open Space Plan.
 - iii. A rule to require Medium Density Residential Development to be setback from the boundary of the linear park, along the golf course in North Three Parks to ensure that the principles in the Urban Design Framework are implemented.

- iv. A new assessment matter for Outline Development Plans and Comprehensive Development Plans in the Residential and Business Sub-zones that refers to the Urban Design Framework for North Three Parks.
- v. A new assessment matter to the existing assessment criteria for Outline Development Plans and Comprehensive Development Plans in the Residential and Business Sub-zones that outlines when Collector Roads can move up to 50m from their location on the Structure Plan. This assessment matter is to be specific to the North Three Parks Area and relates to adequate sight lines for intersection safety.
- vi. A new assessment criterion for Outline Development Plans and Comprehensive Development Plans in the Residential and Business Sub-zones for the North Three Parks Area to ensure that the intersection between the Collector Road and Ballantyne Road has adequate sight lines and is safe.
- vii. Another diagram showing another option for an acceptable relationship between residential land use and open space where Medium Density Residential abuts the linear park along the golf course as shown in the Urban Design Framework for North Three Parks.
- vii. An additional assessment matter for the North Three Parks area for residential development in the Medium Density Residential Sub-zone to ensure that the development has a positive relationship with adjoining open space.
- ix. An additional assessment matter for non-compliance with the internal set back performance standards in the North Three Parks Area adjacent to the linear park to ensure that development has adequate private outdoor living space and protects privacy whilst maximising passive surveillance of adjoining open space.

- **Amend Section D – Definitions by adding:**

A definition of the North Three Parks Area.

The core purpose of PC 4 is to rezone approximately 46.8 hectares from Rural General to TPZ. The section 42A report prepared by Ms Mavor informed us that the rezoning of this land originates from the Wanaka 2020 Community Workshops in 2002; the subsequent Growth Options Study and Growth Management Strategy; and the Wanaka Structure Plan that was adopted in its final form in 2007. At that time the Council resolved to implement the Wanaka Structure Plan 2007 through a series of plan changes.

PC 4 seeks to rezone land at North Three Parks to accommodate a portion of the growth foreseen by the Wanaka Structure Plan 2007. The Commission has had the opportunity to study the Section 32 Analysis relating to PC 4 North Three Parks dated February 2012 and the various technical reports and other documents which accompanied the Section 32 Analysis. These documents are presented as Appendices to the Section 32 Analysis and included the following:

Appendix 1 - North Three Parks Urban Design Framework. March 2012

Appendix 2 - North Three Parks Infrastructure Assessment 21 January 2012

- Appendix A North Three Parks Structure Plan
- Appendix B Preliminary Stormwater Design
- Appendix C Schematic Wastewater Network
- Appendix D Wastewater Report
- Appendix E Water Modelling Report
- Appendix F Service Providers Confirmations
- Appendix G Geotechnical Investigations
- Appendix H Confirmation of Land Suitability
- Appendix I Traffic Assessment

- Appendix 3- North Three Parks. Assessment of Landscape Character and Values. Anne Steven Landscape Architect. June 2010.
- Appendix 4- Assessment of Ecological Values. Natural Solutions for Nature Ltd. 19 June 2010
- Appendix 5 - Cultural assessment. Letter from KTKO Ltd. 15 June 2010
- Appendix 6 - Record of discussion with Te Ao Marama Inc.
- Appendix 7- Archaeological assessment for Ballantyne Plan Change. Matthew Sole, Kopuwai Consulting. June 2010
- Appendix 8 - Discussion Document for Plan Change 4 North Three Parks. June 2010
- Appendix 9 - A record of the public comments received in response to the discussion pamphlet prepared as part of this Plan Change. July 2010
- Appendix 10 - Ngāi Tahu ki Murihiku Accidental Discovery Protocol
- Appendix 11 - Dwelling Capacity Model 2010

The full Section 32 Analysis and appendices can be viewed at http://www.qldc.govt.nz/plan_change_04_north_three_parks/category/1078/

6.0 STATUTORY REQUIREMENTS

PC 4 is a Council initiated plan change to the Operative Queenstown Lakes District Plan. Section 73(1A) provides that a District Plan may be changed by a territorial authority in the manner set out in the First Schedule of the Act.

Clause 10 of the First Schedule requires that a local authority give a decision on the matters raised in submissions, and the reasons for accepting or rejecting the submissions, although it is not required to give a decision that addresses each submission individually. The decision may also include making any consequential amendments necessary to the proposed plan arising from submissions.

Section 75 of the Act states the contents of district plans. Subsection (3) states:

- (3) a district plan must give effect to-*
- (a) any national policy statement; and*
 - (b) any New Zealand coastal policy statement: and*
 - (c) any regional policy statement.*

Subsection (4) goes on to state that a district plan must not be inconsistent with a water conservation order or a regional plan on any matter specified of regional significance.

Section 74 states as follows;

- a) Matters to be considered by territorial authority*

(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

- (a) any—
- (i) Proposed regional policy statement; or
 - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
- (b) any—
- (i) Management plans and strategies prepared under other Acts; and
 - (ii) [Repealed]
 - (iia) Relevant entry in the Historic Places Register; and
 - (iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—

to the extent that their content has a bearing on resource management issues of the district; and

(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

(emphasis added by underlining)

The Commission is only empowered to make a recommendation to the territorial authority, in terms of the limits of its delegated authority under section 34A (1) of the Act.

7.0 THE EVIDENCE

7.1 Submissions and Evidence for Submitters

7.1.1 For Ballantyne Investments Limited

Mr White confirmed that Ballantyne Investments Limited supports PC 4 and considers that the plan change represents a logical location for Wanaka's urban expansion and provides a framework to achieve urban design and resource management outcomes. Mr White considered that PC 4 connects the current urban edge of Wanaka with the Operative TPZ.

Mr White provided background information with respect to PC 4. Mr White confirmed that the genesis of PC 4 originates in the strategic planning exercises undertaken by the Council in the early to mid 2000's, including the Wanaka 2020 Community Plan (2002) and the Wanaka Structure Plan (2007). These identified the need for Wanaka to continue to expand to satisfy demands for additional housing as a result of continued population growth.

Mr White noted that the Wanaka Structure Plan anticipated a retail core and commercial precinct supported by residential uses in the area between SH 84 and Ballantyne Road. He confirmed that part of this vision is implemented (with some design modifications) through

the Three Parks Plan Change 16, that rezoned approximately 100 hectares of land generally to the east of the North Three Parks land subject to PC 4.

Mr White noted that the Wanaka Structure Plan identified two main uses for the North Three Parks land: Low Density Residential and Medium Density Residential. He advised that the Medium Density Residential zone running along the boundary with the Wanaka Golf Course was subject to a Visitor Accommodation overlay in the Structure Plan. Mr White also advised that the Structure Plan shows a triangle of mixed Business adjacent to Ballantyne Road in the southern corner of the site matching into an area for similar use in the current TPZ.

Mr White advised that in the initial phases of the Three Parks Plan Change 16 the then owners of the Ballantyne Investments Limited site indicated to the Council their interest in becoming involved in the plan change and having their land rezoned. Mr White advised that when the Three Parks Plan Change 16 was notified, this included only the land owned by Willowridge Developments Limited. Ballantyne Investments Limited submitted in response to Plan Change 16, seeking that their land also be rezoned but that the residential land should be the subject to a separate plan change. Ballantyne Investments Limited lodged a further submission along the same lines.

Mr White provided us with the following quotation from the Commissioners report [and Council decisions] on Plan Change 16 that related to the Ballantyne Investments Limited submission:

“Whilst we can entirely understand the concerns of the submitter and agree that it seems logical that the future use of the land between the Town Centre and Three Parks be resolved in the context of Three Parks, we agree with the Planners S 42A Report that this can be considered after the decision is made on the zoning of the Three Parks. Whilst we do recognise there may be issues with the amount of residential land that may be released if a second Plan Change proceeds, the logic of containing it all within the same catchment and all in the vicinity of an evolving Commercial Core and the infrastructural investment has definite advantages in terms of efficiency and the ability to provide a local centre off the back of the larger retail.

...

However, it is acknowledged that it is logical to consider re-zoning the land north of the Three Parks zone (being Lot 2 DP 304423), owned by Ballantyne Investments, and potentially also Moseby and Gordon’s property located at 124 State Highway 84, in the foreseeable future so that it can be developed in a seamless way in conjunction with the Commercial Core and adjacent residential subzone. To this end, the Council has indicated this project in its LTCCP and 2009/2010 Annual Plan.”

Mr White advised that Ballantyne Investments Limited subsequently appealed the Plan Change 16 decision and sought provisions coordinating the cross boundary location of services to ensure the integrated design of utilities and services. He advised that a resolution to this appeal was negotiated on the basis of changes made to the TPZ provisions relating to the location of roading and services.

Mr White also advised that as a result of the comments made by the Commissioners in the context of Plan Change 16 that Ballantyne Investments Limited negotiated a stakeholder agreement with the Council and PC 4 commenced thereafter. Mr White advised that the initial phase of preparing PC 4 was the completion of several reports on background issues including landscape, ecological, cultural and archaeological values of the plan change area; and that these reports form the basis for the subsequent more detailed design phase and

are contained as appendices to the Section 32 Analysis; as listed in Section 5.0 of this report.

Mr White advised that the reason for the plan change is not strictly to provide land for further residential development (given that Wanaka is already well provided with residential land for the foreseeable future), but rather to provide a development framework to link the current Three Park Zone back to the Wanaka Town Centre and to ensure the best possible resource management and urban design outcomes for the PC 4 area. He noted that PC 4 was determined in the Section 32 Analysis to be the most appropriate mechanism to achieve a suitable development pattern, comprehensive planning within the plan change area and development that is integrated with the current Three Park Zone, the Wanaka Sports Facilities (that is subject to a pending requirement for a designation) and surrounding infrastructure.

Mr White noted that the TPZ rules were developed specifically for the adjacent TPZ. He observed that there is a strong relationship between the PC 4 area and the existing TPZ. Mr White observed that the design outcomes sought in both areas are consistent so it makes sense and is efficient to extend the existing TPZ over the PC 4 area, rather than developing a further set of rules. Mr White noted that integration with the existing TPZ is achieved by introducing what is referred to in the notified PC 4 as the "North Three Parks Structure Plan" and including a new policy and several new rules or assessment matters specifically for the North Three Parks Area. Mr White emphasised that the proposed Structure Plan is based on an Urban Design Framework and is supported by an infrastructure assessment as discussed in the evidence of Ms O'Shea and Mr Botting.

Mr White expressed general support for the recommendations contained in Ms Mavor's section 42A report and made comment on some of the matters raised in the plan change through the submission and further submission processes.

Mr White advised that the proposed land use pattern developed in the Urban Design Framework for the plan change is in response to a number of factors (which he referred to as "external constraints"). He explained that as a result of these factors a modified grid roading pattern is recommended with Medium Density Residential activities (25 residential units per hectare, 11 metres maximum height or 3 storeys) along the edge of the Golf Course and around the central Collector Road, the Wanaka Sports Facilities and to support the Three Parks Commercial Core. Mr White noted that the Medium Density Residential Sub-zone provides for the identification of sites for visitor accommodation activities. Mr White provided a plan at his Appendix A that showed the relationship of land use activities proposed in PC 4 with the existing TPZ and the anticipated location of the Wanaka Sports Facilities that are intended to be established within the TPZ and on adjacent land owned by Ballantyne Investments Limited that is subject to PC 4.

Mr White advised that Low Density Residential (10 residential units per hectare 8m maximum height) is proposed to match up with similar uses proposed in the existing TPZ and Rural Residential uses to the south of Ballantyne Road.

Mr White confirmed that Business uses are proposed for the Ballantyne Road frontage from the existing Aurora Electricity substation to the southern corner of the plan change area (adjacent to the existing TPZ). Mr White noted that the Business Sub-zone is larger than anticipated in the Wanaka Structure Plan but he considered that proposed extent appropriate, given the current and future business nature of the area. The Business use anticipated is 1.5 hectares of light industrial, wholesaling, showrooms, trade-related retail and activities similar to those occurring in parts of Gordon Road and the Anderson Road business area. He emphasised that these activities are very different to those found in the

Wanaka Town Centre, the main difference being that purely retail activity is found in that location.

Mr White explained that the extent of Medium and Low Density Residential and Visitor Accommodation is different in PC 4 to that identified in the Wanaka Structure Plan for the plan change area. He explained that the proposed extent of the various Sub-zones is the result of analysis of factors, many of which could not be considered in detail during the development of the Wanaka Structure Plan.

Mr White endorsed the recommendation in the section 42A report not to include deferment mechanisms into the plan change as sought by submission. He supported Ms Mavor's opinion that the economics of development indicate that there must be a market demand for sections at a price that makes development affordable before a developer will commence a development project. Mr White observed that this provides a natural, market driven, deferment mechanism. He also noted that the plan change itself includes an indicative staging plan. He considered that Objective 4 of the TPZ and subsequent policies and assessment matters for future ODPs are considered along with market conditions to provide sufficient control of when residential land may be developed.

Mr White also addressed infrastructure, roading and the relationship with the golf course. Mr White confirmed on behalf of Ballantyne Investments Limited that the effect of the Douglas fir trees along the boundary of the Wanaka Golf Club is an issue that can be discussed with the Wanaka Golf Club outside the plan change process as development adjacent to the golf course is some years away.

Mr White noted the recommendation in section 42A report to the effect that the area of the Kame & Kettle Reserve (identified as 11 on the Open Space Plan) be increased to approximately 95 metres by 140 metres. Mr White considered that a smaller reserve area would suffice to protect the prominent mound feature. Mr White also noted that open space provided by Ballantyne Investments Limited in PC 4 equates to approximately 14.4% of the site area being a percentage far in excess of the normal 6% reserve provision within urban development.

Ms O'Shea confirmed that she prepared the Urban Design Framework Report, being Appendix 1 to the Section 32 Analysis. Ms O'Shea noted that the Urban Design Framework provides a clear rationale for the concepts underpinning the plan change together with a detailed explanation of the integration between the TPZ and the North Three Parks Area.

Ms O'Shea confirmed that good urban design can create a more efficient infrastructure system, land use pattern, movement network and produce a more desirable and sustainable environment. At its heart it is reinforcing the character that defines the environment and gives sustenance and a sense of belonging to residents and visitors. Ms O'Shea discussed outcomes sought for the North Three Parks Area and confirmed that the purpose of the Urban Design Framework is to ensure that the North Three Parks vision, goals, objectives and policies are aligned to the TPZ to achieve a successful urban environment that will meet the needs of the residents, business and the wider community, both now and into the future.

Ms O'Shea advised that key outcomes sought of the Urban Design Framework include:

- Creating an active and accessible residential neighbourhood.
- Offering a range of housing types and densities.
- Concentrating medium density housing within comfortable walking distance of the commercial centre, and adjacent public open space and reserves.

- Establishing a regional identity through maximising visual connections to the surrounding landscape.
- Creating a central movement spine around which the development is 'organised'.
- Establishing a legible street pattern and urban form.
- Providing an open space network that caters for a variety of recreational opportunities.
- Integrating stormwater treatment methods with recreational, ecological and educational opportunities.
- Creating a movement network that suits a variety of modes for transport, offering desirable alternatives to private vehicular travel.
- Reinforcing the Commercial Core within the Three Parks.
- Providing area for business along Ballantyne Road, opposite existing business.

Ms O'Shea described the North Three Parks Area as undulating rural land which has been extensively cleared for agricultural use. She noted that vegetation consists mainly of shelterbelts located along the fringes of roads and property boundaries and between paddocks and the golf course. She noted that the tree species are mainly exotic conifer which she estimated to be up to 20 metres in height. She provided photographs taken at 3:15pm on 21 June 2012 to illustrate the effect of shading by the Douglas firs planted along the golf course boundary on the shortest day. Ms O'Shea observed that the dominant landforms surrounding are Mt Iron to the north and the distant Mt Aspiring National Park to the west.

Ms O'Shea observed that a notable physical landmark within the site is the Kame and Kettle mound (glacial knoll) along the north-western boundary. This is the feature which was discussed in Mr White's evidence, relating to the proposal to extend a reserve, as recommended in the section 42A report.

Ms O'Shea observed that the existing pedestrian/cycle path along SH 84 and Ballantyne Road form key linkages to the Wanaka Town Centre. She considered that the existing pedestrian/cycle path along SH 84 that is set in a 20 metre reserve forms a landscape approach into Wanaka, creating a park-like character and preserving amenity.

In the figures attached as Appendix B to her evidence Ms O'Shea illustrated design principles for an integrated approach in response to the site analysis and the existing Three Parks Structure Plan. In summary the design principles include Connectivity, Permeability, Identity, Resilience, Diversity and Community; and the Commission notes that each of these principles are to be achieved by measures described in detail in Ms O'Shea's evidence at paragraphs 30-35.

Ms O'Shea explained that the design strategies summarised within the Urban Design Framework provide a mechanism for giving effect to the design principles. She discussed each of these strategies under the headings of Movement Network, Open Space Network and Urban Form.

Ms O'Shea confirmed that the design of the Movement Network is to:

- Provide a clear circulation network that allows for ease of movement and reduces the impact of the car on the local environment.
- Allows for a variety of street types (residential streets, lanes, pedestrian streets, collector roads, etc), that helps define public and private spaces, and assists in creating distinctive and legible places.
- Provides for a community which fits legibly into the surrounding recreational and pedestrian networks.
- Provides a seamless connection into the town centre and to the Three Parks Main Street.

- Provides gateways which make the connections more legible and memorable.
- Where possible align roads with view shafts to maximise amenity and aid legibility.

Ms O'Shea discussed the roading hierarchy noting that the Collector Road is deemed to be the "main movement spine" that has been created to run centrally through the development from south-west to north-east. She explained that the alignment of this movement spine is aimed at contributing to the overall legibility and will provide a varied and dynamic streetscape connecting to the adjacent Three Parks Commercial Centre.

Ms O'Shea advised that the secondary street network of local roads establishes perimeter blocks that are generally 60 metres deep and on average approximately 100 metres long. She noted that these dimensions encouraged travel on foot and bicycle, enhanced legibility and maximise neighbourhood connectivity. Ms O'Shea observed that the alignment of streets and reserves will provide clear sight lines to Mt Iron and the distant mountains reinforcing connections to the wider landscape.

Home zones or "living streets" are designed to ensure that cycle lanes, carparking and footpath treatment, and amenity planting, combine to form a valuable component of public space. Ms O'Shea confirmed that the home zones or living streets are more pedestrian focussed which provides safe areas for children to play, and encourage greater interaction between neighbours. Ms O'Shea also referred to "woonerfs". Where it is not possible to create through roads, some roads will end in woonerfs, being pedestrian priority environments where barriers between the dwelling and road are minimal. Ms O'Shea advised that this concept has evolved since first being developed in the 1960's in Northern Europe and is now being applied to many mixed-use, higher density residential areas.

Ms O'Shea also noted that rear laneways and courtyards, although privately owned, provide vehicle access to the rear of properties providing the opportunity for dwellings to front the linear park and connector roads, providing surveillance and good streetscape amenity.

Ms O'Shea also described the Open Space Network that provides for a diversity of environments – reserves, parks, watercourses, streets, shared spaces and walkways; catering for a range of recreational needs.

Ms O'Shea noted that the neighbourhood park is strategically located on the junction of two primary routes and will become a central focus with a safe walking distance to all dwellings. Ms O'Shea anticipated that the neighbourhood park will form part of the Wanaka Sports Facilities. The Commission notes in this context that a requirement is pending with respect to the Wanaka Sports Facilities area.

Ms O'Shea noted that the neighbourhood park is connected by the central Boulevard that links the Kame and Kettle mound (to the north) to the TPZ Commercial Core (to the south).

Ms O'Shea observed that landmarks identified within the development emphasise key routes, gateways and the hierarchy of streets and connections – making it easier to orientate and integrate new development. The terminating view of the Boulevard becomes an important link to natural landmarks including the Kame and Kettle mound; and trees lining the Boulevard reinforce connections to green spaces. Existing long views (to Mt Iron and distant mountains) varied with newly created short views and terminating landmarks such as the Kame and Kettle mound will become particularly memorable experiences for visitors. Ms O'Shea anticipated that the detailed design of the ODP will assess the extent of the area required for landscape protection, whilst also addressing the requirement for stormwater servicing which may require change to the levels in this area.

Ms O'Shea noted that the creation of a linear park along the north-western boundary provides for a pedestrian footpath and cycleway set back within a landscaped buffer which has the opportunity to access direct views to and from the golf course [in the event that the Douglas fir trees are removed or thinned]. Ms O'Shea referred to the indicative cross section presented in the Urban Design Framework [to be inserted into the DP by PC 4 after Assessment Matter 12.26.4.5ii(p)] that provides for buildings fronting the linear park to have a 10 metre setback adjoining a 15-20 metre recreational corridor which includes a pedestrian footpath and cycle path. Ms O'Shea confirmed that the purpose of this is also to provide protection to development from golf ball strike, and also to provide a positive interface between the development and the park. Ms O'Shea confirmed that the proposed buffer for golf ball strike was adequate, based on studies undertaken at the Gulf Harbour development in the North Island.

Ms O'Shea noted that passive surveillance of the linear park is maintained by adjacent dwellings having visually permeable fences and landscape abutting. Ms O'Shea advised that early consultation is encouraged between future developers and the golf club to address appropriate landscaping to be used at the interface between the golf course and development in this area.

The Commission notes that the indicative cross section of the linear park relates both to PC 4 land and the adjacent golf course. In these circumstances achievement of the linear park vision as illustrated in the indicative cross-section depends on co-operation between developers and the golf club. The Commission therefore endorses Ms O'Shea's comment to the effect that early consultation is encouraged between the parties, in the event that PC 4 proceeds.

Ms O'Shea noted that along the north-eastern boundary of SH 84 the development is well served by the existing pedestrian and cycle corridor, which will be integrated with a drainage reserve and highly landscaped frontage to development fronting this corridor. Ms O'Shea noted that this reinforces and protects the park-like character and landscape amenity of SH 84.

Mr O'Shea addressed Urban Form and emphasised that a mix of land uses and residential density are an essential element to achieving a sustainable, socially balanced and vibrant community. Land use and density is designed to:

- Encourage a variety of household types, groups, ages and ethnicity within the community allowing for a variety of densities, lots sizes and housing typologies
- Higher densities are associated with a range of uses/activities and amenity areas within walking distances
- A clustered development with the relevant intensity in order to avoid unnecessary urban sprawl
- Reinforce an appropriate scale to their surrounding landscape and function

Ms O'Shea noted that future development of blocks along the southern boundary – fronting the Tourism Zone in the TPZ and Medium Density Residential – ensure a high level of integration between the TPZ and North Three Parks. She noted that this also applies to the Business zone integrating the TPZ and existing business to the south of Ballantyne Road.

Ms O'Shea also noted that the foundation of any good development is a robust and legible pattern of development that can be easily read and understood by everyday residents and users. She confirmed that the primary block pattern has been determined by acknowledgement of the existing landscape framework; Connectivity, Open space features; Recognition of climatic conditions; Topography and views. Ms O'Shea also considered that

within individual blocks careful consideration of lot sizes and positioning should be made to ensure light access required for living spaces is maximised.

Ms O'Shea confirmed that the Concept Plan (her Figure 22 at Appendix B; and as presented on page 51 of the Urban Design Framework) shows one possible design outcome that is able to successfully achieve the aims and objectives within the TPZ. She confirmed that the urban design principles applied in the North Three Parks Area would provide a natural extension to the TPZ and provides for an active and design led development in urban design terms.

Mr Botting confirmed that he had prepared the infrastructure report that supported PC 4. The infrastructure report had concluded that the existing infrastructure together with planned upgrades can cope with the potential increase in demand on services that would result from the development of the land at North Three Parks, in accordance with PC 4. Mr Botting advised that no system limitations have been identified by any of the network operators that would limit the development of North Three Parks; apart from possible staged upgrades required on the Wanaka water supply. The final determination of what and when any upgrades to the Wanaka water supply will be required is yet to be confirmed, and further modelling at the time of future resource consents and detailed infrastructure design will be necessary.

Mr Botting advised that the Tonkin & Taylor geotechnical investigation dated June 2010 (Appendix 2 – Appendix G to the Section 32 Analysis) did not identify any areas of concern regarding site stability nor identify any special soils which would require further geotechnical assessment during development. Accordingly the site is considered suitable for residential development given its soil structure, gentle ground slope, stability and ability to dispose of stormwater to ground. Mr Botting advised that the ground soakage rate has been identified as very permeable, which provides opportunities for a low impact approach to stormwater disposal by enabling on-site quality treatment and disposal to ground soakage. Mr Botting also noted that the geotechnical report did not identify any liquefaction issues or areas of contamination.

Mr Botting explained that road widths within the North Three Parks Area subject to PC 4 are based on the new NZS 4404:2010 which specifies a range of roading widths designed to service suburban (Low Density Residential) and urban (Medium Density Residential) areas. Mr Botting noted that the Traffic Assessment prepared by Traffic Design Group (Appendix 2/Appendix I to the Section 32 Analysis) confirms that the existing roading network can accommodate the expected demands from PC 4; and that the proposal is consistent with regional and local transport planning strategies.

Mr Botting also noted that the Traffic Assessment considered that the likely form of the required intersection on SH 84 to the north-east of North Three Parks is a roundabout with two circulating lanes and two lanes on all approaches; such design being required to meet the travel demands for the TPZ. Mr Botting confirmed that such an arrangement would also provide sufficient capacity to meet the additional travel demands associated with PC 4.

Mr Botting also noted that the Traffic Assessment also considers that the development enabled by the TPZ and the Ballantyne Road Mixed Use Zone will require Ballantyne Road to be upgraded to meet the future function of an arterial road. With such improvements Ballantyne Road will also have sufficient capacity to accommodate the additional traffic associated with PC 4.

Mr Botting advised that the final location and form of the intersection for the central Collector Road through North Three Parks with Ballantyne Road will be confirmed as part of the future ODP phase. Mr Botting anticipated that the speed limit on Ballantyne Road

would be reduced to 50 kph past the site; and that an intersection can be designed to meet the appropriate sight distances subject to minor location amendments as provided for under PC 4 and the TPZ rules.

Mr Botting confirmed that the option of fully disposing of stormwater to ground has been investigated as a result of uncertainties expressed about the capacity of the existing Cardrona River stormwater trunk main bypass in the Aurecon Southern Wanaka Growth Zone Stormwater Review dated 3 February 2010. Mr Botting advises that a stormwater concept design proposes a "Treatment Train" approach whereby all stormwater from the three main post development catchments are directed firstly by gross pollutant traps (GPTs), then further treated by stormwater quality treatment ponds before being discharged to soakage fields for infiltration to ground. Mr Botting confirmed that all stormwater from the Ballantyne Investment land can be disposed of within the confines of that site; without the need to dispose of stormwater on the Spencer-Bower land that is also subject to PC 4.

Mr Botting noted that the stormwater concept design is backed up by an emergency overflow into the existing Cardrona River stormwater trunk main by-pass via the adjacent TPZ development.

Mr Botting noted that the Rationale Modelling Report (Appendix 2/Appendix D to the Section 32 Analysis) confirms that it is acceptable for the proposed development to be connected to Council's existing wastewater infrastructure. Mr Botting anticipated that the point of connection would be via the existing wastewater sewer trunk main that bisects the adjacent TPZ or directly into the wastewater trunk main that is located in the verge of SH 84.

Mr Botting also drew out attention to the Tonkin & Taylor water modelling report (Appendix 2/Appendix E to the Section 32 Analysis) which confirms that the water supply can be made available to North Three Parks via the Albert Town ring main. Mr Botting noted that there is a need to ensure that the duplicate water main along Anderson Road is sized appropriately to cater for both the North Three Parks development facilitated by PC 4 and the adjacent TPZ. Mr Botting noted that the report also identifies that there is a need for additional upgrades to the wider Wanaka Water Supply as a result of the increased development. He noted that these upgrades can be staged and would only be required once all development within the existing TPZ and PC 4 occurs.

Mr Botting confirmed that Aurora Energy, Telecom New Zealand and Rockgas have confirmed that power, telecommunications and gas supplies can be made available to the PC 4 area. Mr Botting noted that Aurora Energy has confirmed that the existing substation located along Ballantyne Road is intended to remain in place for the foreseeable future. He noted that further consultation is required to investigate the undergrounding of existing high voltage power supply lines that bisect the North Three Parks and existing TPZ sites. Mr Botting anticipated that additional consultation on this matter will occur at the ODP phase.

Mr Botting provided evidence in relation to several issues identified by submitters and discussed in Ms Mavor's section 42A report. These matters included:

- Staging of servicing (Issue 2.2 - in section 42A report)
- Access for the northern part of North Three Parks from SH 84 (Issue 3.2)
- Buffer reserve between the TPZ Commercial Core and Medium Density Residential Sub-zone on North Three Parks (Issue 5.1)
- Size of Kame and Kettle mound reserve (Issue 5.2)
- Appropriateness and details of the Spencer-Bowers' land (Issue 8)

Mr Botting noted that the staging of servicing issue relates to getting the two main developers (Ballantyne Investments Limited and Willowridge Developments Limited) to work together to install appropriate sized services. Mr Botting considers that this is desirable and he advised that an initial agreement has been signed between both parties. Mr Botting noted however that it is still the Council's role as the territorial local authority to ensure that any development makes provision for services and roading to service adjoining properties, regardless of such agreements.

Mr Botting noted that while staging of development to delay certain works that provide benefit to an adjoining landowner is a commercial reality; that for North Three Parks there is the ability to develop independently from the existing TPZ for all services and roading. He considered that though not desirable this is possible and would not lead to any great inefficiencies. Any additional costs would be borne by the developer in pursuing alternative ways to service its development. Mr Botting noted however that the DP and engineering standards require that appropriately designed services and roading are installed to cater for full development of either the upstream catchment or area identified in the DP.

Mr Botting discussed access for the northern part of North Three Parks from SH 84. He understands that NZTA will ensure that any new intersection onto SH 84 is appropriately designed to cater for full development of the area which it provides access to. Mr Botting considered it likely that the minimum intersection required to service the TPZ would also have the capacity to cater for the North Three Parks development as provided for by PC 4. Mr Botting noted that effectively the first site to develop would be required to pay the full cost of the works unless that party had the ability to encourage the other party to contribute.

Mr Botting noted that an issue had been raised concerning the provision of a buffer area between the Commercial Core Sub-zone in the TPZ and the Medium Density Residential Sub-zone on adjacent land subject to PC 4. Mr Botting noted that this area has been identified as a likely area for treatment and disposal of stormwater though its final shape and location would be confirmed as part of the ODP phase. Mr Botting supported the recommendation in the section 42A report that no changes be made to the Structure Plan and Open Space Plan to include such an additional buffer area.

Mr Botting also addressed the size of the Kame and Kettle reserve. He noted that an initial version of the Structure Plan prepared by Paterson Pitts and the Urban Design Framework both show a reserve that is 95m by 70m. He contrasted this with the notified version of the Structure Plan that increased the size of the reserve to 95m by 140m. Mr Botting confirmed that the area in question has been topographically surveyed and detailed contours produced; and Mr Botting presented a plan showing such contours as Appendix A to his evidence.

Mr Botting considered that the reserve dimensions of 95m by 70m are more than adequate to protect the most prominent mound found on the site subject to PC 4. He also advised that the 95m by 70m reserve would be more suitable from an earthworks and stormwater perspective. Mr Botting advised that the area immediately to the west of the proposed reserve would be raised to ensure that stormwater flowed in an easterly rather than westerly direction. He therefore did not support extending the reserve to the west and supported a reduction in the size of the reserve to 95m by 70m, consistent with the Urban Design Framework.

Mr Botting noted that the Spencer-Bower land (that has frontage to Ballantyne Road on the western portion of land subject to PC 4) is at the centre of a closed depression into which several smaller catchments drain from outside the Spencer-Bower property. These comprise part of the Wanaka Golf Course, Rural Residential properties on the corner of Golf Course Road and a small part of Ballantyne Investment's land near the existing

substation. Mr Botting advised that any future development would require careful consideration of maximum flood levels and disposal of stormwater to ground.

Mr Botting advised that the post development stormwater catchments would generally align with the existing property boundaries as depicted on the plan at Appendix C to his evidence. Mr Botting advised again that Ballantyne Investments Limited would be able to fully account for and dispose of any stormwater within the confines of its own site. This would leave development of the Spencer-Bower property to deal with its own stormwater disposal and the stormwater from other catchments to the north and west.

Mr Botting confirmed that the post development wastewater catchment would align with the existing property boundaries. The Spencer-Bower property would therefore need to deal with its own wastewater disposal which would require a pumping main given the location and level of the Spencer-Bower property in relation to the nearest public wastewater drain in Ballantyne Road (near the substation). In these circumstances development of the Spencer-Bower property from a wastewater perspective is not reliant on Ballantyne Investments providing a connection.

7.1.2 For Willowridge Developments Limited

Mr Todd presented verbal submissions for Willowridge Developments Limited.

Mr Todd observed that the TPZ rules have taken some 10 years to come about and were specific to the Willowridge Developments Limited site. He considered that PC 4 is effectively a clip on to the TPZ provisions and questioned how much consideration had been given to the application of the TPZ provisions to the development on the North Three Parks land subject to PC 4. Mr Todd questioned what happens in the event that an ODP or CDP is consented for one area and a subsequent ODP or CDP is presented for the other area. He noted that an ODP not in accordance with the Structure Plan would have status as a non-complying activity. Mr Todd submitted that it would be inappropriate to promote a plan change which anticipates non-complying activities.

Mr Todd also raised concerns with respect to staging. The TPZ provisions provide for staging, and a stage cannot be undertaken until 60% of the area shown in the ODP for the same Sub-zone is given effect to [see Assessment Matter 12.26.4.5ii(cc) on page 12-208]. Mr Todd confirmed that his client is concerned at the implications of this for development in the existing TPZ. Mr Todd submitted that PC 4 was attempting to shoehorn the North Three Parks Area into the TPZ when the rules of the TPZ were never designed to encapsulate this neighbouring land. Mr Todd submitted that PC 4 should be withdrawn and redrafted or addressed in the forthcoming District Plan Review.

Mr Dippie advised that Willowridge Developments Limited acquired the existing TPZ land in 2001 and participated in various planning processes from 2001 which ultimately resulted in the adoption of the Wanaka Structure Plan in 2007. He noted that the Three Parks Plan Change 16 was notified on 1 April 2009 and made operative on 19 January 2011.

Mr Dippie referred to Mr Todd's submissions and Ms Noble's evidence. He considered that PC 4 and the existing TPZ provisions are not complementary in a number of key areas and that key changes need to occur so that the Council can be assured and have confidence that the urbanisation of this part of Wanaka occurs in the best possible way. Mr Dippie expressed the opinion that PC 4 will need to be re-notified as the fundamental changes required are beyond the scope of PC 4.

Mr Dippie observed that the location of activities within PC 4 do not tally with the Wanaka Structure Plan in the following areas:

- The ratio and location of Low Density and Medium Density Residential land has changed. He considers that this has given rise to a planning outcome that would be inferior to that provided by the Structure Plan.
- The Visitor Accommodation overlay has disappeared. Mr Dippie considered that it is vital that this overlay (adjacent to the golf course) is reinstated to ensure Wanaka can provide for its future growth as a tourist destination.
- The Business area has been extended in both size and location and is now a “Strip Zone” along Ballantyne Road. Mr Dippie considered this to be “very poorly conceived” and will produce an outcome inferior to that anticipated by the Wanaka Structure Plan.

Mr Dippie observed that the only reason for the extent of the Business Sub-zone appears to be to connect to the isolated Aurora Electricity substation. Mr Dippie considered that this substation (if it was to stay) should be screened by landscaping and not connected to Business use. Mr Dippie advised that alternatives are being considered for the relocation of the substation along Ballantyne Road in the vicinity of Riverbank Road.

Mr Dippie rejected the contention that the extension to the Business Sub-zone is to complement existing business land on the opposite side of the road. Mr Dippie noted in this context that the majority of the land on the opposite side of Ballantyne Road is Rural Residential; and that creating a strip zone as proposed will create a much larger residential/business boundary resulting in greater reverse sensitivity effects. Mr Dippie supported the alternative of developing an integrated business area rather than strip development along a future arterial road (Ballantyne Road). Mr Dippie expressed support for only that area of the Business Sub-zone to the south of the Gordon Road extension that fully integrates with the Business precinct provided for in the existing TPZ.

Mr Dippie emphasised that it is vital that the future Commercial Core in the TPZ is efficiently and effectively linked to the existing Wanaka township commercial area; and the surrounding and wider urban areas to the north-east, south and west (including the communities of Albert Town, Luggate and Cardrona). Mr Dippie noted that the existing TPZ has connections with SH 84, Riverbank Road and Ballantyne Road that will take traffic to the heart of the Commercial Core of the TPZ.

Mr Dippie noted that there is one missing road link being a link via North Three Parks. Mr Dippie considered it vitally important that a direct link from the golf course end of North Three Parks to the TPZ Commercial Core be a central feature of PC 4. Mr Dippie’s Attachment 1 illustrated such a road link which would extend from the Commercial Core of the TPZ to the intersection of Golf Course Road and Ballantyne Road. Mr Dippie considered that this would provide a direct link with Wanaka’s existing town centre and will encourage connectivity and integration of the two areas. Mr Dippie considered that such a link would encourage a number of transport options including pedestrian and cycle access between the two centres; would radically reduce the usage of SH 84 as the main link to Three Parks; and would also directly link the traffic from the fastest growing areas of West Wanaka (including West Meadows) via Golf Course Road. Mr Dippie considered that a second connection with Ballantyne Road (the Collector Road provided for in PC 4) may no longer be required if the direct link to the Golf Course Road intersection with Ballantyne Road is provided as advocated by him.

Mr Dippie also considered that the Council must have effective control over the exact location of roads as it does in the existing TPZ; and that it must also be able to ensure that the connection from the Golf Course Road end of Ballantyne Road to the Commercial Core in the TPZ is constructed before any other development on land subject to PC 4 takes place. This will ensure that this new road can be linked with the main arterial road that is planned as the initial stage of development in the existing TPZ.

Mr Dippie also gave consideration to infrastructure and staging. He considered that initial staging of the development at North Three Parks needs to occur close to the Commercial Core of the TPZ; and that subsequent stages triggered by an appropriate mechanism should only be able to proceed after that has occurred. Mr Dippie also considered that a rule is required to the effect that stormwater flows leaving the North Three Parks land post development are no greater than what presently occurs pre development. Stormwater flows created by development within the PC 4 land is to be dispersed to ground.

Mr Dippie also considered that the Wanaka Sportsfield Facilities should be identified in PC 4. He considered that the area concerned has been identified and that it is in all parties best interests to include this as part of PC 4 notwithstanding that a requirement has yet to be issued with respect to the proposed designation.

Mr Dippie also advocated that a 10 metre no build area and landscaping strip be provided as part of PC 4 where the residential subzone boundary of North Three Parks abuts the Commercial Core Sub-zone boundary of the existing TPZ. Such a buffer provision has been promoted to mitigate reverse sensitivity effects.

Ms Noble considered on a fundamental level that the method of introducing a new Structure Plan into the TPZ is flawed and is not a comprehensive approach. Ms Noble considered that PC 4 is cursory in the way it has tried to integrate the North Three Parks Area into the complex TPZ, with the result being a confusing and disjointed zone.

Ms Noble observed that the existing Three Parks Structure Plan is clearly labelled as such and that certain rules refer to it explicitly eg. Rule 12.26.3.1.10 – being an important Zone Standard requiring all development to be accordance with the Three Parks Structure Plan. Ms Noble noted that PC 4 includes a new Structure Plan labelled the “North Three Parks Structure Plan” which it is proposed that the TPZ rules also relate to. Given that the terminology used in the TPZ rules only apply to the Three Parks Structure Plan and not to the North Three Parks Structure Plan, Ms Noble observed that effectively this means there is no rule requiring development in North Three Parks to comply with any Structure Plan.

Ms Noble also noted that a number of the subsequent assessment matters are also based on the Three Parks Structure Plan and do not accommodate the introduction of a second, separate Structure Plan. Ms Noble referred in this context to Assessment Matters 12.26.4.5ii(b) and (cc). Ms Noble noted that Ms Mavor’s section 42A report acknowledges the difficulty of having two indicative staging plans and suggests that the landowners agree to an amalgamated plan and pursue this through the District Plan Review process.

Ms Noble considered that PC 4 has been promoted as an add-on to the TPZ without proper consideration being given to how it might play out through the rules. She considered that PC 4 should have sought to change the Three Parks Structure Plan to include reference to the North Three Parks land to safeguard the workability of the zone provisions. As it stands Ms Noble considered that PC 4 is a complicated and flawed zone, which will prove problematic for applicants and decision makers in the future. She considered that the Council should withdraw PC 4 and re-notify the plan change with a single structure plan, staging plan and open space plan or in the alternative withdraw the plan change and include the revised provisions at the time of the District Plan Review, which is programmed to be available for notification in 2013.

Ms Noble noted that PC 4 has some inconsistencies with the Wanaka Structure Plan 2007. Ms Noble noted in particular that the absence of an access at the junction of Golf Course Road and of a direct route through to the TPZ Commercial Core does not encourage an efficient flow of traffic between the existing Wanaka Town Centre and the TPZ Commercial

Core. The Commission notes in this context that no such direct route between Golf Course Road and the TPZ Commercial Core appears on the Wanaka Structure Plan (2007).

Ms Noble supported the consolidation of residential activity on the PC 4 land adjacent to Ballantyne Road rather than the Business Sub-zone shown on the Structure Plan for PC 4 as notified.

Ms Noble noted that plans for the community sports facilities were suitably advanced at the time of notification of PC 4 to have been provided for within the North Three Parks Structure Plan. She considered that identifying the sports fields in the North Three Parks Structure Plan would give more certainty to both the community and the designation process. Ms Noble noted that the North Three Parks Structure Plan identifies the land for residential development and she considered it illogical to zone the land for an activity that will not occur.

Ms Noble noted that the Concept Plan (Ms O'Shea 's Figure 22) identified a strip of open space between the TPZ Commercial Core and the adjoining Medium Density Residential land in PC 4. Ms Noble supported the retention of a landscape strip to protect the TPZ Commercial Core from reverse sensitivity effects and she considered that such provision should be included in the Structure Plan for North Three Parks.

Ms Noble considered that PC 4 is not in accordance with Part 2 of the Act, in particular as PC 4 introduces questions over interpretation of the zone provisions. Ms Noble considered that this could result in development being undertaken that does not accord with the North Three Parks Structure Plan or development being undertaken on an ad hoc basis between the two areas of the TPZ land. She did not consider that this represents sustainable management of natural and physical resources. Ms Noble also considered, in terms of section 32, that there are a number of objectives in the TPZ which the proposed changes are not consistent with and that are therefore not achieved.

7.1.3 Roger Moseby and Marilyn Gordon

Mr Moseby confirmed that he was speaking on his own behalf and on behalf of **Marilyn Gordon**. He confirmed that the submitters are landowners in PC 4 and have lived at 124 State Highway 84 for seventeen years.

Mr Moseby raised the issue of staging and servicing and noted that the submitters are totally reliant on the two main developers (Ballantyne and Willowridge) for the provision of infrastructure and that they ultimately have control over the development of the submitters' property.

Mr Moseby emphasised that the submitters wished to retain their rights to develop independently of the two main developers and that this is not provided for by access to the rear of their property via the roading system in PC 4 and via the existing TPZ. Mr Moseby advised that the submitters fail to see how Medium Density/Visitor Accommodation development can proceed on what should be prime development land fronting SH 84, the gateway to Wanaka; if access is from the rear.

Mr Moseby advised that all through the process the submitters have asked for the roading plan to show access to their boundary with SH 84. Mr Moseby noted that the submitters are now having to compromise their existing access to make SH 84 safe and functional so that the new roundabout on SH 84 can provide access into the TPZ. Mr Moseby advised that had the submitters been informed at the consent [plan change] stage for the Three Parks/SH 84 access that their access was to be closed and removed, the submitters would have opposed that proposal.

Mr Moseby suggested as a solution that the Council discuss with NZTA assuming responsibility for the section of road (SH 84) between the new roundabout and Anderson Road; as this would allow the Council to oversee development at this approach to Wanaka. Mr Moseby noted that if the speed limit was reduced from the roundabout to Andersons Road that this would allow the opportunity to design an access point with a slip lane for left turning traffic and a centre right turning medium strip adjacent to the submitters property. This would also have benefits in terms of access to the Wanaka Golf Club and to the Mt Iron Walking Track carpark.

Mr Moseby confirmed that overall it is preferable, from the submitters perspective, for PC 4 to proceed, rather than their land remaining in the Rural General Zone. This is because PC 4 provides development opportunities albeit that access to SH 84 is restricted in terms of the Structure Plan.

7.1.4 Neville Harris

Mr Harris is a Life Member of the Wanaka Golf Club. Mr Harris confirmed that he does not oppose PC 4 as such; but that some aspects of the proposal give concern to him as a member of the Wanaka Golf Club.

Mr Harris noted that the boundary trees between the Wanaka Golf Club and the PC 4 land were planted to give shelter to a very exposed landscape in the late 1960's; and now form part of the green belt for Wanaka. He emphasised that the Wanaka Golf Club is under no obligation to remove the boundary trees to enhance the views and conditions of any subdivision which will take place on its boundary.

Mr Harris considered that it was clear that the boundary trees will have an adverse effect on development as proposed in PC 4 and he considered that steps must be taken at this stage to protect the present activities on the golf course from future residents' complaints and litigation from ball strike and shading. He also anticipated a steady flow of complaints from future owners about views and loss of sunlight. Mr Harris provided shade readings on the Ballantyne Investments Limited, Spencer-Bower and Robertson properties taken on 14 June 2012; and for the Ballantyne Investments property taken on 16 June 2012.

Mr Harris was concerned that the promoters of PC 4 have omitted to properly assess the effects of shading on PC 4 land and the severe effect it will have on residential dwellings. Mr Harris promoted that to protect the golf club from complaints and possible future litigation a condition should be imposed by way of covenant on property owners next to the course, preventing them from objecting to any activities on the golf course.

7.1.5 For Wanaka Golf Club Inc

Ms Badger advised that in the past the Wanaka Golf Club has spent a lot of money to reduce the effects of its activity on neighbours including at Stratford Terrace, where the club changed the angle of the fairway, the tee location, erected two large fences and planted trees. Having spent some \$16,000.00 complaints were received from a different neighbour with respect to the trees planted for the protection of neighbours. Ms Badger also referred to trees that were trimmed at the back of McPherson Street at a cost of about \$17,000.00, and noted that subsequently there were more complaints of ball strike, insurance claims and complaints about the condition of trees.

Ms Badger emphasised that the Wanaka Golf Club does not wish to face the same problems with neighbours on the PC 4 land. Ms Badger promoted that a no complaints covenant be placed on the titles at the time of the PC 4 zoning.

Ms Badger advised that the large trees are very important for reducing wind, which saves the club a lot in terms of evaporation and irrigation costs. She also noted that the trees provide pleasant sheltered course playing conditions. Ms Badger noted that the trees have contributed to the golf course winning the accolade of Best Presented Course in Otago; and that course conditions have helped the club secure the prestigious NZ Women's Seniors tournament earlier this year. Ms Badger noted that these kinds of events attract visitors to the town, helping to boost tourism. In addition Ms Badger noted that the club has nearly 1000 members.

Ms Badger considered that the linear reserve adjacent to the Wanaka Golf Club boundary should be widened by a further 30 metres as this would benefit any new neighbours greatly in regards to view, shading and safety.

Ms Badger failed to understand the comments of Mr Williams (the Council's Urban Designer) to the effect that an increased width of the linear reserve will reduce the relationship between the built form and the linear park. Mr Badger failed to see how widening the linear reserve will have any negative effect on passive surveillance.

Ms Badger concluded with the observation that this is a classic reverse sensitivity case; and that the Wanaka Golf Club considers that something can be done now to protect the activities of the golf course. She emphasised that the golf course will not benefit from any development next door whereas the developers will benefit, and suggested that a long term plan of developer contributions be considered for the boundary trees.

7.1.6 Susan Robertson (for Robertson Family Trust)

Ms Robertson confirmed that her family have resided at 110 State Highway 84 for 32 years. Ms Robertson observed that the Douglas firs on the golf course boundary were planted shortly after 1980. Ms Robertson advised that no consideration was given to the neighbours in terms of loss of use, sun and constant seedlings when the Douglas firs were planted. Ms Robertson noted that there was much ground available in the middle of the golf course that could have been utilised rather than establishing the trees against the boundary fence.

Ms Robertson confirmed that the trees were topped adjacent to the Robertson property in 1994. She said that she had approached the golf club again in 2009 and that the club had agreed to go ahead and do additional topping in 2010, but this has not happened. Ms Robertson advised that the seedlings are a very real problem and hard to manage and that cones from the Douglas firs have caused fires on her ride on mower. Overhanging branches have also prevented delivery trucks visiting the Robertson dwelling.

Ms Robertson tabled a copy of a draft Management Plan for the Wanaka Golf Course. Clause 2.4 of the draft Management Plan confirms that the Wanaka Golf Course is Crown land set apart as a Recreation Reserve and vested in the control of the Queenstown Lakes District Council. The draft Management Plan advises that the reserve is managed by the Wanaka Golf Club Incorporated under a lease agreement with the Minister of Lands dated 1 September 1967 for a period of 33 years. The Commission notes that it appears that such lease has been extended given that the original lease would have expired on 1 September 2000.

Ms Robertson referred in particular to goals set out in section 17(1) of the Reserves Act 1977; and an objective of the Wanaka Golf Course that is:

“To preserve in perpetuity the Wanaka Golf Course as an open space in the overall urban structure of Wanaka.”

The statutory goals for recreation reserves and the above objective are also referred to on pages 7 and 9 of the draft Management Plan. Ms Robertson questioned what the retention of open spaces means. She considered that when tall trees enclose land that perhaps the emphasis on the retention of open spaces is not being adhered to.

Ms Robertson also referred us to an element of the vegetation programme relating to the maintenance and development of the golf course (being Clause 6.2.2ii of the draft Management Plan) that is:

“To remove those trees which are proving unsuitable in size, species or placement due to the particular needs and characteristics of the Golf Course.”

Ms Robertson noted that while her property is being zoned Medium Density/Visitor Accommodation the owners still do not have direct access from SH 84 in terms of PC 4. She considered the PC 4 zoning to be impracticable given the internal access through PC 4 land, rather than having an access to SH 84.

Ms Robertson noted that while the owners have a good relationship with Ballantyne Investments Limited, that this could change at any time if the Ballantyne land is on sold. In such circumstances the owners of the Robertson property could be denied road access and other services for years.

Ms Robertson considered that when the new roundabout on SH 84 to serve the TPZ occurs that the speed limit must be lowered to 50 kph or less. Ms Robertson saw no reason why a slip road cannot be put from SH 84 through the Robertson boundary on the north-west corner beside the golf course.

Ms Robertson confirmed that it would be better, from the submitters perspective, for PC 4 to proceed albeit that access from SH 84 is not provided for in the Structure Plan.

7.1.7 Simon Spencer-Bower

Mr Spencer-Bower and his family have resided at 27 Ballantyne Road for some 20 years. Mr Spencer-Bower confirmed that he was not opposing PC 4 overall and instead wished to focus on particular aspects of the proposal that affect the Spencer-Bower property.

Mr Spencer-Bower noted that the roading as shown on Mr Botting’s Appendix C plan would run through the existing Spencer-Bower dwelling. Mr Spencer-Bower considered that the open space overlay for a stormwater reserve affecting the Spencer-Bower property is not required. Mr Spencer-Bower disagreed with Mr Botting’s comments with respect to stormwater drainage, and Mr Spencer-Bower advised that he had never seen water in the bottom of the Kettle feature on his property which is purported to drain water from the Rural Residential Zone and the golf course. Mr Spencer-Bower advised that he is agreeable to the establishment of a linear reserve adjacent to the golf course as proposed in PC 4.

Mr Spencer-Bower confirmed that his property has an existing driveway onto Ballantyne Road and that he had always intended that future access would be achieved from Ballantyne Road at the bottom of the dip. This would be at about the location of the roundabout that would serve the new road as suggested by Mr Dippie and as shown on the plan presented as Attachment 1 to Mr Dippie’s evidence. Mr Spencer-Bower confirmed that he is not opposed to the new road link suggested by Mr Dippie which he considered would provide a good solution for achieving access to the TPZ Commercial Core. Mr Spencer-

Bower noted that his property had been identified for Medium Density Residential/Visitor Accommodation and he considered that access should be able to be achieved from the front (Ballantyne Road) as well as from the rear through PC 4 land.

Mr Spencer-Bower also referred to the draft Management Plan for the Wanaka Golf Course. He observed that less than 5% of wind is from other than a north-westerly direction; and that the Douglas firs would therefore provide little protection to golfers from the prevailing winds. Mr Spencer-Bower did not consider that Douglas fir were a good choice given the tremendous height that they can attain; the wind blow problem; the fact that they are prolific seeders; and as enormous quantities of cones accumulate on neighbouring properties. Mr Spencer-Bower did not consider that ball strike is a significant issue given that only the odd stray ball lands on his property and as residential activity is integrated with golf courses at Millbrook and elsewhere. Mr Spencer-Bower noted that the ground was frosted 20-30 metres out from the trees in winter.

Mr Spencer-Bower also noted that no complaints appear to have been received from residents at Golf Course Road who enjoy an outlook over the golf course where no trees are present to obstruct views. Mr Spencer-Bower considered that there is a need for the Douglas fir trees on the boundary of the golf course to be managed. Mr Spencer-Bower considered that the stance of the golf club is short-sighted and that removal of the trees could benefit the golf club by enhancing the adjacent future visitors accommodation, resulting in more members for the golf club.

Mr Spencer-Bower expressed his disappointment at development which had occurred along Ballantyne Road where the land contour has been significantly altered. Mr Spencer-Bower favoured the retention of natural contours and expressed support for the retention of the Kame and Kettle feature. He considered that the retention of other hollows would also be valuable in preference to the developers wish to flatten the land in PC 4.

Mr Spencer-Bower confirmed that his property utilised a septic tank. He questioned whether there would be a hook up to a sewer main in Ballantyne Road and if not whether the land is suitable to have a sewer main in the area. The Commission notes in this context that Mr Botting had advised that a pumping main would be required to provide wastewater disposal from the Spencer-Bower property.

Mr Spencer-Bower noted that he had contributed to landscaping by planting some 250 trees on his property and had controlled rabbits.

Mr Spencer-Bower emphasised that he wished to maintain existing use rights. Mr Spencer-Bower advised that he has landed a helicopter at his property for the last 20 years and wishes to continue this use. The Commission notes in this context that the legality of any existing helipad is a matter which falls outside the scope of its jurisdiction in the context of PC 4.

Mr Spencer-Bower confirmed that he supports PC 4 on the basis that this will apply the TPZ to the North Three Parks land, providing opportunities for the Spencer-Bowers to develop their property.

7.1.8 For Queenstown Lakes District Council

Mr Williams is employed by the Queenstown Lakes District Council as an Urban Designer. Mr Williams prepared a report dated 6 June 2012 that was attached to Ms Mavor's section 42A report at Appendix E. Mr Williams' report discussed matters raised in submissions that have urban design implications. Mr Williams appeared at the hearing on 27 June 2012.

Mr Williams noted that the linear park would be 15-20 metres wide and that an additional 10 metre setback would be required for development along the park boundary. Mr Williams referred to the indicative cross section that forms part of PC 4 [to follow Assessment Matter 12.26.4.5ii(p)] that illustrates how a positive interface between a development and the linear park can be achieved. Mr Williams considered that increasing the width of the park would have the potential to degrade the positive relationship the future built form can present to the park, by providing for passive surveillance, providing a strong edge to the park and ensuring that the linear park is integrated into the overall development as opposed to simply providing a setback from the golf course. Mr Williams considered that the 10 metre setback is the maximum distance which would achieve appropriate passive surveillance.

Mr Williams considered that the retention of the Douglas firs at the boundary of the golf course and their associated shading effects would not be fatal to the development. Mr Williams confirmed that his report was prepared on the basis that the Douglas fir trees would be retained and he did not consider that the setback for built development needs to be extended beyond the 10 metres as proposed in the indicative cross section that forms part of PC 4. Mr Williams noted that while adjacent development may have limited or little sunlight in the winter that such a situation is not uncommon elsewhere in the District.

Mr Williams considered that the size of the open space that provides for the protection of the Kame and Kettle mound should be sufficient to protect the integrity of the landform. Mr Williams expressed support for some adjustment to the boundaries as shown on the plan attached to Mr Botting's evidence at Appendix A; and acknowledged that such an amendment would result in some curving of the adjacent roading. Mr Williams confirmed that any adjustments to the extent of the open space should be shown on the Structure Plan as this provides certainty, and as it is much harder to enlarge an open space provision beyond that shown on a Structure Plan.

Mr Williams considered that the Urban Design Framework provided with the Section 32 Analysis (and as tabled by Mr O'Shea at the hearing) contains indicative cross sections that successfully illustrate how the street network as proposed can positively contribute to the public domain and identity of the development. Mr Williams considered that the proposed roading hierarchy will ensure a legible network of streets that will be reflective of their context.

Mr Williams commented on the alternate road alignment promoted by Mr Dippie at the hearing. Mr Williams noted that the current layout shown on the Structure Plan seeks to achieve block arrangements and a more regular lot arrangement. Mr Williams was concerned that the alternative road alignment would cut across this layout and would largely pass through residential areas. Mr Williams advised that the Main street collector road shown on the Structure Plan for the existing TPZ would provide a higher function for traffic in terms of urban design than the Collector Road promoted in the context of PC 4. In essence the Collector Road would have a higher standard of amenity than the Main street collector road provided for in the existing TPZ that links Ballantyne Road with SH 84 through the Commercial Core of the TPZ.

Mr Williams noted that providing an 80 metre setback from SH 84 as suggested in submissions would push development significantly further back from the highway, creating a large area of land that would need to be landscaped to ensure an appropriate treatment that contributes positively to the entry experience to Wanaka. Mr Williams considered that retaining a limited setback as promoted in PC 4 (and therefore adopting other means to address reverse sensitivity issues) would ensure that the development can positively contribute to the entry experience into Wanaka.

Mr Brown prepared a file note dated 7 June 2012 which responded to transportation issues raised by submitters. This file note was attached to Ms Mavor's section 42A report at Appendix D. Mr Brown appeared before us on 28 June 2012.

Mr Brown discussed the access to the northern part of North Three Parks from SH 84. Mr Brown expressed the opinion that a suitable roundabout intersection can be designed for this location, although matters of cost sharing, timing and staging are a separate matter which may be of interest between the parties. Mr Brown noted that the submission by NZTA supported the retention of a single intersection with SH 84 to serve both the existing TPZ and PC 4 developments. Mr Brown noted that NZTA's "Highway Planning under the Resource Management Act 1991" guidelines (now superceded) recommended that spacing for intersections on the same side of the road with a speed limit of 80 kph be at least 550 metres. Mr Brown observed that the distance between the proposed roundabout on SH 84 and the northern (golf course) boundary of PC 4 is about 220 metres, less than the recommended minimum spacing. Mr Brown did not support provision for an additional access onto SH 84 and recommended instead that the proposed roundabout be designed to cater for the existing TPZ and North Three Parks (PC 4).

Mr Brown noted that two landowners from the northern PC 4 area being Robertson and Moseby/Gordon currently have access directly onto SH 84 which is a Limited Access Road. Mr Brown noted that both had requested that a road be provided from their properties through the TPZ directly onto the proposed roundabout, or onto the proposed TPZ arterial road [Main street collector] leading to the roundabout.

Mr Brown advised that provision for a fourth leg onto the roundabout (resulting in a "K" layout) cannot be supported given the likely negative impacts on operation, safety and the road hierarchy. The fourth leg would create geometry whereby the angle between the intersecting roads is less than 70 degrees, which is the minimum recommended angle for operation and safety. Mr Brown also did not support a direct link from the northern part of PC 4 to the proposed TPZ arterial road based on the resultant road hierarchy that would link a local road/home zone to an arterial.

Mr Brown supported the proposed PC 4 hierarchy that provides access to the Robertson and Moseby/Gordon properties via a local connector, which he considered to be appropriate. Mr Brown considered that a direct link would be used as a "rat run" by other residents, due to the route being shorter than the proposed local connector route.

Mr Brown acknowledged that the Willowridge submission suggested an additional road linkage from the north western corner of PC 4, near Golf Course Road, linking to the TPZ Commercial Core and that Willowridge promoted that this should be considered as the main arterial route through the PC 4 area.

Mr Brown considered that the proposed PC 4 collector road as shown on the Structure Plan provides a connection from Ballantyne Road to the TPZ Commercial Core. Mr Brown considered that this will provide a functional layout that achieves a sound framework for the PC 4 area network, as well as integration with the existing TPZ network and land uses. Mr Brown noted that the proposed hierarchy would be further reinforced through design standards that make the class of the road easily understood by road users. Mr Brown is of the view that the PC 4 roading proposal is quite satisfactory for the purpose proposed.

Mr Brown was of the opinion that both the proposed location of the PC 4 Collector Road intersection about 300 metres south of Golf Course Road; and the relocated intersection proposed by Willowridge at Golf Course Road (as shown on Mr Dippie's Attachment 1) would have geometric deficiencies and access considerations that would require detailed

design to resolve. He noted that both options are likely to include some realignment of Ballantyne Road with associated land acquisition.

Mr Brown considered that if both parties consider that the proposed hierarchy and layout can be further improved as shown on Mr Dippie's Attachment 1 then it would be beneficial for them to discuss this and come back to the Council with proposed improvements. Such improvements is a matter which would have to be addressed outside PC 4 that proposes a specific roading pattern, as shown on the Structure Plan.

7.1.9 For NZ Transport Agency

The Commission has considered evidence from **Mr MacColl** of the NZTA who was unable to appear in person due to inclement driving conditions in Dunedin.

Mr MacColl's evidence addressed the statutory objective and role of the NZTA and its reasons for involvement in the PC 4 process; the strategic significance of the State highway system; and the role and characteristics of SH 84. Mr MacColl advised that Limited Access Roads such as SH 84 are intended to protect the operation of a State highway from the proliferation of property accesses that can potentially affect the safety, efficiency, functionality and level of service of the State highway. Mr MacColl observed that they are intended to provide this function in areas that are either set aside for, or are at risk of, further development being a relevant consideration in this instance.

Mr MacColl noted that NZTA's submission sought recognition through relevant rules of reverse sensitivity, by either providing for acoustic treatment for residential activities established within 80 metres of the edge of the seal of the adjacent State highway; or by providing an 80 metre setback between habitable buildings and the road edge.

Mr MacColl confirmed that he had reviewed Ms Mavor's section 42A report. Mr MacColl noted that the section 42A report mentions the possibility of SH 84 having a different speed environment once the access from the subject site and the TPZ to SH 84 is constructed. The Commission notes that this was also a matter raised by Mrs Robertson at the hearing.

Mr MacColl emphasised that the intersection to SH 84 that will serve the existing TPZ and PC 4 has yet to be designed. In these circumstances the NZTA cannot determine the likely future speed limit of SH 84. Mr MacColl advised that as a general rule the NZTA does not normally consider reducing the speed limit of a State highway unless there are potential safety benefits in doing so. Mr MacColl advised that the NZTA would therefore ideally like the speed limit to be the same or similar to the existing speed environment.

Mr MacColl also noted that there is likely to be more noise generated by vehicles accelerating and decelerating on SH 84 in the vicinity of the subject site once the SH 84 intersection is constructed. The NZTA therefore recommends that the proposed acoustic rule should apply to all residential dwellings, visitor accommodation and retirement villages within 80 metres of the seal edge of the State highway.

Mr MacColl noted that the Structure Plan for North Three Parks shows a shared entry with the adjacent TPZ off SH 84. He confirmed that the NZTA supports this arrangement on the basis that additional intersections onto SH 84 could unnecessarily adversely affect the functionality and efficiency of the State highway.

Mr MacColl also noted that the SH 84 entrance to the existing TPZ is approximately 220 metres from the northern boundary of the PC 4 land. He confirmed that the NZTA is of the view that the State highway frontage is too short to accommodate an additional intersection;

and if another intersection was created it would be inadequately separated from the TPZ intersection.

7.2 The Officers Report

Ms Mavor's section 42A report dated 11 June 2012 discussed the matters raised by submitters and further submitters to assist us in our consideration of the matters raised in submissions and further submissions.

Ms Mavor addressed us following the presentation of evidence and submissions and prior to the conclusion of the hearing to address matters that had been raised before us.

Ms Mavor emphasised that PC 4 has been prepared on the basis that there is one Structure Plan for the whole of the TPZ Zone, including land subject to the existing TPZ and the land to be subject to the TPZ via PC 4. In essence all objectives, policies and rules are to apply to the whole of the land subject to the Structure Plan including the North Three Parks Area, unless stated to the contrary. Ms Mavor confirmed that the existing TPZ provisions had been studied carefully when PC 4 was being prepared.

Ms Mavor drew our attention to the plan entitled "North Three Parks – Structure Plan" that formed part of PC 4 as notified and to the Key which identified the "North Three Parks Area". In essence this notation was to identify that part of the expanded TPZ where those provisions specific to the North Three Parks Area are to apply. Ms Mavor also advised us that the title of the Structure Plan should be amended to simply state "Three Parks – Structure Plan".

In essence the Structure Plan for the expanded TPZ is in two parts, being the existing Three Parks Structure Plan contained in the existing TPZ provisions, along with the Three Parks Structure Plan introduced via PC 4.

Ms Mavor noted that an alternative approach to PC 4 would have been to re-notify all of the existing TPZ provisions, with those specific to the North Three Parks Area incorporated into those provisions. Ms Mavor explained that a pragmatic approach was adopted on the basis that the existing TPZ provisions had only become operative on 19 January 2011. She explained that it was considered inappropriate to open all of these provisions up to a fresh notification and submission process.

Ms Mavor emphasised that PC 4 was based on significant urban design work and principles albeit that this work is not explicitly referred to in the specific provisions to be introduced via PC 4. Amendments to assessment matters are proposed to incorporate the outcome of this work.

Ms Mavor noted that the issue of the Indicative Staging Plan is somewhat problematic given that indicative staging applies to both the existing TPZ and to PC 4 land. The issue of staging between the existing TPZ land and PC 4 is unresolved and is not a matter which can be remedied through the PC 4 process. The potential exists for this matter to be revisited again in the context of the District Plan Review which is programmed to be approved for notification in October 2013.

Ms Mavor noted that the Wanaka Structure Plan 2007 is intended to provide a guide to development rather than being a prescriptive document. Ms Mavor noted that the Visitor Accommodation overlay is not required given that visitor accommodation is envisaged and provided for in the context of the Medium Density Residential Sub-zone. Ms Mavor referred

us to an Assessment Matter 12.26.4.5ii(y) which confirms that the Council expects the ODP to show visitor accommodation precincts within the Medium Density Residential Sub-zone.

Ms Mavor confirmed that the Business Sub-zone adjacent to Ballantyne Road is intended to fill the gap between the Aurora substation and the Business Sub-zone as proposed generally to the south of the Gordon Road extension. Ms Mavor considered that the extent of the Business Sub-zone could be reduced if the Commission considered that residential development would be more appropriate between the substation and the residual Business Sub-zone.

Ms Mavor noted that PC 4 proposes no access onto SH 84. She also acknowledged the NZTA's submission to the effect that an 80 metre acoustic rule should be applied with respect to buildings for residential activities, visitor accommodation and retirement villages adjacent to SH 84.

Ms Mavor also noted that the Wanaka Sports Fields complex is not shown on the amended Structure Plan and open space plan introduced by PC 4. Ms Mavor informed us that a notice of requirement is imminent with respect to this complex and that this would provide a footprint consistent with the plan attached to Mr White's evidence. Given that the outcome of the requirement process cannot be guaranteed Ms Mavor did not support the identification of the Wanaka Sports Fields in the context of PC 4. Ms Mavor noted that the Medium Density Residential Sub-zone and the roading network in PC 4 may be affected by the outcome of the requirement process.

Ms Mavor emphasised that the ODP and CDP mechanisms can function in the event that PC 4 proceeds as these relate to the specific areas of land concerned. In essence the existing TPZ is in one ownership, and land subject to PC 4 is in several ownerships. This will avoid a situation where the ODP or CDP for one area frustrates the ability of a developer of the other area to proceed.

Ms Mavor noted that the existing TPZ took a considerable amount of work to develop and that the TPZ provisions are some of the most recent to be introduced into the DP. She considered that it was appropriate for the existing TPZ provisions (with amendment) to apply to the land subject to PC 4. She considered that this approach was much more efficient than developing an entire suite of new zone provisions for the land to which PC 4 applies.

Ms Mavor also addressed several specific matters. She noted that no rear lots are proposed in the Medium Density Residential Sub-zone in PC 4; and she drew our attention to densities to be achieved in the Medium Density Residential Sub-zone and the Low Density Residential Sub-zone in terms of Assessment Matter 12.26.4.5ii(l)

Ms Mavor also drew our attention to Policy 15.1.3.1.7 (as presented in Section 15 of the DP) with respect to designing and providing infrastructure to take into account the requirements of future development on land in the vicinity. Policy 15.1.3.1.7 states as follows:

"1.7 To ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity, with Council being responsible for meeting any additional capacity of infrastructure above that required for the subdivision then being consented to in accordance with Council's Long Term Community Plan Development Contributions Policy."

Ms Mavor also noted the buffer area for stormwater management as shown in the Concept Plan at page 51 of the Urban Design Framework (Appendix 1 to the Section 32 Analysis). She considered that the issue of stormwater disposal is a matter which can be addressed at the ODP stage.

Ms Mavor did not support a 10 metre separation rule as promoted by Mr Dippie at the hearing. She noted that such a rule would affect development in the existing TPZ where the Medium Density Residential Sub-zone abuts the Commercial Core Sub-zone.

Ms Mavor also acknowledged the road alignment as promoted in the plan at Mr Dippie's Attachment 1. Ms Mavor considered that if this proposal was to be advanced further it should be addressed in the context of the District Plan Review.

Ms Mavor acknowledged the issue with respect to the Douglas fir trees in the Wanaka Golf Course that are adjacent to the PC 4 land. She considered that any solution with respect to these trees is outside the Commission's jurisdiction in the PC 4 proceedings. Ms Mavor noted Mr Williams' comments with respect to the trees and observed that visitor accommodation in Queenstown is often shaded.

Ms Mavor also noted the discussion which had taken place with respect the Kame and Kettle reserve. She supported some expansion of the reserve to the east and also considered that the reserve should be extended to some extent to the south-west to provide some context for the Kame and Kettle mound.

Ms Mavor noted in the context of open space provision on the Spencer-Bower land that the open space is proposed for both stormwater and landform protection purposes. She therefore supported the status quo with respect to the retention of this provision on the Open Space Plan.

Ms Mavor also noted that the expectation that 60% of the area shown in the ODP has been given effect to is an assessment matter in terms of Assessment Matter 12.26.4.5ii(cc) and that "given effect to" is defined as the section 224c certificate having been issued, as stated in that provision. She did not consider that this assessment matter would create any particular difficulties for the existing TPZ in the event that PC 4 proceeds.

Ms Mavor noted that some minor amendments are required with respect to the provisions to be introduced via PC 4 to ensure that consistent terminology is achieved and to ensure that correct DP provision references are incorporated.

Ms Mavor stood by the recommendations contained in her section 42A report; and in her opinion PC 4 should proceed, subject to amendments.

8.0 ASSESSMENT

The Act now requires that submission points are addressed by grouping them according to the provisions of the plan change to which they relate, or the matters to which they relate. For convenience, we have followed the format set out in Ms Mavor's section 42A report which is to group submission points according to 10 Issues.

The full list of the submitters and further submitters to PC 4 is provided in **Appendix 3**.

Our recommendations are structured as follows:

- The issue and submission points – being a general summary of the issue and main points raised in the submissions and further submissions.
- A discussion which reflects our assessment of the submission points that relate to the issue and which provide reasons for our recommendations.
- Our recommendations as these relate to the submission points that relate to each issue. We attach at **Appendix 1** PC 4 as amended by our recommendations.

Preliminary Findings

The fundamental matter for us to determine is whether the 46.8 hectares of land subject to PC 4 should be rezoned from Rural General to TPZ. Following our consideration of PC 4, the submissions and further submissions (including submissions and evidence presented at the hearing), the Section 32 Analysis and supporting technical reports, and Ms Mavor's section 42A report the Commission has concluded that the proposed zone change is appropriate. The Commission is satisfied that such a change of zoning is logical and integrates the existing TPZ with the Wanaka Township.

The Commissioners acknowledge in this context that all owners of the PC 4 land who appeared at the hearing fundamentally supported the rezoning of the North Three Parks Area from Rural General to TPZ, albeit that they may have expressed concerns with respect to particular provisions or elements inherent in the rezoning proposal, such as access.

We discuss specific issues and points raised in submissions in detail in Sections 8.1-8.10 below. In some instances we have accepted or accepted in part submission points which has resulted in modifications to PC 4 as notified. The Commission also acknowledges that there are other matters that cannot be resolved through decisions on PC 4 and that require further consultation and agreement between the parties. These matters include the Douglas fir trees adjacent to the boundary of the Wanaka Golf Club with the PC 4 land; the relationship of staging between the existing TPZ and PC 4; and whether a new arterial route connecting the Golf Course Road/Ballantyne Road intersection and the Commercial Core in the TPZ should be provided for through the PC 4 land. The Commission is confident that these matters can be resolved with the goodwill of the parties.

The Commission has given consideration to the submissions and evidence presented on behalf of Willowridge Developments Limited, to the effect that PC 4 is flawed and should be withdrawn. As noted above the fundamental element of PC 4 is the proposed rezoning. The Commission is satisfied that PC 4 can proceed with amendments that are within scope and that it is not necessary, in all the circumstances, to withdraw PC 4.

8.1 Consistency with the Wanaka Structure Plan

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of consistency with the Wanaka Structure Plan:

- **Willowridge Developments Ltd**
- **Ballantyne Investments Ltd**
- **Susan Robertson for Robertson Family Trust**
- **RS Moseby and MF Gordon**

The matters raised are:

- The proposed zoning in the plan change is inconsistent with the Wanaka Structure Plan in terms of extent and location of land to be zoned for low and medium

residential purposes, the mix of visitor accommodation, the extent of the business sub zone; and does not include the road connecting Ballantyne Road with State Highway 84.

- The Wanaka Structure Plan had extensive community buy in so the plan change should accurately reflect the Wanaka Structure Plan.
- Support the proposed sub zoning in the plan change as it provides for the best resource management and urban design outcomes.
- No area is zoned for the Wanaka Sports Facilities.
- The Wanaka Structure Plan is 5 years old and the plan change takes into account the changes that have occurred in this area since 2007.

Discussion & Reasons

The section 42A report informs us that the Wanaka Structure Plan was reviewed and adopted by the Council in December 2007. The purpose of the Structure Plan is to provide a tool for the Council to manage growth in Wanaka over the next 20 years.

Relevant extracts from the Wanaka Structure Plan 2007 are:

“The Structure Plan is intended to provide a framework to guide growth management in Wanaka. It is an expression of the strategic intent of the Council. Council’s intention is to translate the actions identified in the Structure Plan into appropriate statutory documents.

This means that the Council will undertake Plan Changes to enable the implementation of key aspects of the Structure Plan through the District Plan, which includes defining the identified growth boundaries for Wanaka within the District Plan; consider rezoning areas identified as being within the inner growth boundary; and ensuring that appropriate objectives, policies and rules are provided within the District Plan to ensure that the intended development outcomes for these areas are achieved.”

The Wanaka Structure Plan 2007 provides a tool to manage growth but does not and cannot define the precise location for zoning on specific land. Such a strategic document cannot go down to this level of detail. The Commission accepts that the Wanaka Structure Plan 2007 provides a framework to guide growth and that PC 4, as amended in terms of the Commission’s Recommendations, is in general accordance with the Wanaka Structure Plan (2007).

The Wanaka Structure Plan 2007 identified, with indicative zone boundaries, that the North Three Parks Area should be zoned for Medium/High Density Residential (in part subject to a Visitor Accommodation overlay) and in part Low Density Residential. Such provision is made in the Structure Plan as this relates to the North Three Parks Area; and the Commission notes in this context that visitor accommodation is provided for in the Medium Density Residential Sub-zone.

The Commission, for reasons discussed in Section 8.2.1 below supports the application of the Business Sub-zone only to that area generally to the east of the Gordon Road extension which integrates with the Business Sub-zone in the existing TPZ.

The Wanaka Structure Plan 2007 shows a road link connecting Ballantyne Road with SH 84, immediately adjacent to the golf course boundary. Information contained in the NZTA submission and the evidence of Messrs Brown and MacColl, confirms that it would be inappropriate to establish such a road connection to SH 84, given the installation of the roundabout intersection that is proposed to serve the existing TPZ and land subject to PC 4. The section 42A report also confirmed that such a road link is inconsistent with the Wanaka Transportation and Parking Strategy 2008. The Commission is satisfied that such a road connection is inappropriate.

The Commission is satisfied that the Structure Plan that relates to the North Three Parks Area is based on the Urban Design Framework presented by Ms O'Shea. The Commission also acknowledges that the form of future subdivision and development will be further refined through the ODP/CDP and subdivision consent processes.

The Commission has been informed that the Wanaka Sports Facilities complex is to be the subject of a notice of requirement that is to be issued in the immediate future. Given the uncertainty with respect to the outcome of the statutory requirement process the Commission considers it premature to zone an area for the Wanaka Sports Facilities in the context of PC 4.

Commission's Recommendations

With respect to the issue of Consistency with the Wanaka Structure Plan the Commission recommends:

1. That the submission by **Willowridge Developments Limited** PC 4-37 that seeks that PC 4 is amended to be consistent with the Wanaka Structure Plan in its entirety be **rejected**; and that the partly supporting further submission by **Susan Robertson for Robertson Family Trust** PC4-F101 be accepted; and that the opposing further submissions by **Ballantyne Investments Limited** PC4-F102 and **RS Moseby and MF Gordon** PC4-F103 be **accepted**.
2. That the submission by **Ballantyne Investments Limited** PC4-01 that seeks the adoption of the rezoning of North Three Parks Area as TPZ be **accepted**; and that the supporting further submissions from **Susan Robertson for Robertson Family Trust** PC4-F01, **Ballantyne Investments Limited** PC4-F02 and **RS Moseby and MF Gordon** PC4-F04 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F03 be **rejected**.

8.2 - Integrated development

8.2.1 Timing of release of land

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of timing of release of land:

- **Willowridge Developments Ltd**
- **Loris King**
- **Ballantyne Investments Ltd**
- **Susan Robertson for Robertson Family Trust**
- **RS Moseby and MF Gordon**

The matters raised are:

- There should be clear evidence of sufficient demand before residential or business land is released.
- A thorough and current analysis needs to be done to determine actual residential demand and supply requirements before residential land is released.
- No business land should be developed in the plan change area until all available land zoned commercial in the Wanaka Town Centre and expansion of the commercial zoning has been developed.
- Use of a deferment mechanism for residential zoning will ensure that there is no piecemeal development and the comprehensive planning approach of the Three Parks Zone is not undermined.
- There should be no deferment of residential zoning.

- Willowridge Development Ltd is a trade competitor and seeking to gain a commercial advantage.
- Business zoning in the plan change area is for light industrial uses rather than for retail or other Town Centre commercial uses.
- The development of the business zone will not be to the detriment of the Wanaka Town Centre so no deferment mechanism is required for the business zoning.
- A deferment mechanism should be linked to the staging of development in the plan change.

Discussion & Reasons

Residential land

Increasing the supply of residential land can be beneficial so long as it does not undermine the urban form of Wanaka. The strategic planning in the Wanaka Structure Plan 2007 indicates that growth in North Three Parks is appropriate. In fact the Wanaka Structure Plan 2007 states that:

“The Structure Plan will not incorporate a detailed ‘staging plan’, but will consider preferred staging principles when the structure plan is implemented into the District Plan. Initial investigations indicate that urban development is preferred south of the existing golf course (bound by SH84 and Ballantyne Rd)... “

The Section 32 Analysis made available when PC 4 was notified recognised that there is no shortage of undeveloped residentially zoned land in Wanaka. The Section 32 Analysis states that:

- *“Although the recent update of the dwelling capacity model (July 2010) shows that there is a considerable amount of land capacity already zoned for residential in Wanaka much of this land is for low density residential development. The Plan Change zones land for medium density residential development as well as low density development. This Plan Change provides for a range of housing densities that are not currently widely available in Wanaka e.g. medium density residential.*
- *It is important to provide for some housing at the more affordable end of the market. Having a large supply of land for housing can be positive, so long as the other outcomes sought by the community are not undermined.*
- *Development will be staged to ensure the market is not flooded with residential land.”*

While there is a considerable quantity of residential land provided within both TPZ and PC 4, it is sensible to identify the future use of this land at the outset in order to be able to provide certainty consistent with the Wanaka Structure Plan 2007; and to avoid resource consents being applied for on an ad hoc basis on what would otherwise be Rural General zoned land.

It is not considered necessary or useful to undertake an analysis to determine actual residential demand and supply requirements and then include a deferment method to ensure that no further residential land is released for residential development until sufficient demand is created and evident. Wanaka has an adequate supply of residentially zoned land to cater for many years. However the projected growth figures for Wanaka do show that this land will be needed to cater for future growth.

Developers will not develop residentially zoned land unless there is a demand for it and a market for it. PC 4 is appropriate now as it:

- Provides long term planning for growth.

- Creates a long term vision for the form and type of development of this area that integrates with the existing surrounding uses.
- Coordinates development on the site with the existing TPZ instead of development occurring through ad hoc resource consents.

The land subject to PC 4 lies between the Wanaka Town Centre and the existing TPZ and is a logical progression of development from the urban area in accordance with the Wanaka Structure Plan 2007.

The Commission notes that the residentially zoned land in the existing TPZ exceeds the immediate future demand for residential zoned land. It was not considered necessary to put deferment provisions relative to demand for residentially zoned land in the existing TPZ provisions. The section 42A report has informed us that this is because the Commissioners for Plan Change 16 felt that the policies, the staging requirements of the zone, the policies and assessment matters for the ODP, together with the market and the availability of services, will control where and when residential land will be developed. The Commission is satisfied that the same approach is appropriate in the context of PC 4.

Business land

The purpose of the Business Sub-zone is outlined in the provisions for the TPZ. The section 42A report advised us that this subzone provides for:

“... light industrial activities, wholesaling, showrooms, trade-related retail, and those retail activities which are inappropriate in the Commercial Core or can locate in the Business subzone of the Three Parks Zone without detracting significantly from the Town Centre or the Commercial Core within the Three Parks Zone. The intention is to ensure that main street retail aimed at the general public does not ‘leak’ into this area and undermine the Wanaka Town Centre or the Commercial Core and cause competition in the Business subzone between business uses and retail.it is accepted that buildings and activities in the remainder of the business area (not the main street precinct) will not necessarily always provide an attractive street frontage or be of such high quality design.”

The Business Sub-zone provides for a very different type of business use than in the Wanaka Town Centre Zone or TPZ Commercial Core Sub Zone. As it does not provide for main street retail it will not affect development in the Wanaka Town Centre Zone or in the Commercial Core Sub-zone of TPZ. In these circumstances there is no need to defer development in the Business Sub-zone until all the available land zoned commercial in Wanaka Town Centre Zone and Commercial Core Sub-zone of TPZ has been developed.

The Business Sub-zone provided for in PC 4 that is located generally to the east of the Gordon Road extension is a logical extension of the existing Business Sub-zone in the existing TPZ.

The strip of land in the Business Sub-zone generally to the west of the Gordon Road extension that includes the Aurora substation (designated D337 for Electricity Substation Purposes) is a narrow strip of land that will depend on access direct from Ballantyne Road. The Commission has noted Mr Botting’s evidence to the effect that Ballantyne Road is to be upgraded to arterial road status and the Commission does not consider that the linear extension of the Business Sub-zone between the Gordon Road extension and the Aurora substation is appropriate. The Commission also notes that while part of the strip is opposite the existing Industrial Zone the balance is opposite the Rural Residential Zone at Ballantyne Road.

The Commission has concluded that the strip of land generally to the west of the Gordon Road extension should be included in the Low Density Residential Sub-zone and not in the Business Sub-zone. The Commission notes that the potential exists for internal access to be achieved to the residential land via the internal roading network in North Three Parks rather than having multiple accesses off Ballantyne Road. The Commission notes in this context that the potential exists for mounding or other treatment along the boundary with Ballantyne Road and that a buffer zone is to be established adjacent to the Aurora substation as shown on the Open Space Plan. The Commission also notes in this context that while Mr Botting advised that the Aurora substation will stay, Mr Dippie indicated that consideration was being given to an alternative location for the substation. The Commission simply notes that if the substation is relocated no such buffering would be required.

Staging of development within the TPZ

Policies 12.25.2.4.3 and 12.25.2.4.5 of the TPZ address staging and state:

Policy 4.3 To ensure development is staged in a manner which results in a logical progression of development, the cost effective provision of infrastructure, an appropriate mix of uses, and a consolidated urban form.

Policy 4.5 To ensure that development and subdivision does not occur unless appropriate infrastructure is in place to service it.

These policies and the requirement as part of the ODP that a previous ODP in the same Sub-zone needs to be given effect to prior to moving on to a new ODP [see Assessment Matter 12.26.4.5ii(cc)] will ensure that residential development is not 'opened up' on too many fronts (which would otherwise result in inefficiencies and disjointed development). More specific deferment provisions linked to the staging of development in PC 4 are not therefore necessary.

As PC 4 adds land to the existing TPZ the Indicative Staging Plan will be in two parts; being the existing Indicative Staging Plan for the existing TPZ and the Indicative Staging Plan (in PC 4) for the North Three Parks Area of the TPZ. The Commission is satisfied that the staging as shown on the two parts of the Indicative Staging Plan are complementary in that Stage 1 of the North Three Parks Area corresponds to Stages 1 and A in the Indicative Staging Plan for the existing TPZ.

The Commission's conclusion is that the only area where true integration is not possible between TPZ and PC 4 is with respect to the timing of staging. The Commission acknowledges that the land subject to PC 4 is in different ownership than the existing TPZ. While CDPs and ODPs are able to be prepared and processed with respect to the land in the separate ownerships; the only manner in which staging issues can be finally resolved between the parties is through consultation between them. The Commission acknowledges that the potential exists for such consultation to occur and for the outcome to be reflected in some adjustment to the TPZ provisions in the forthcoming District Plan Review.

Commission's Recommendations

In the context of the timing of the release of land it is **recommended**:

1. That the submission by **Willowridge Developments Limited** PC4-38 that seeks that PC 4 be amended to ensure that there be clear evidence of sufficient demand for the development of PC 4 before the development land is released and that a suitable deferment method be included be **rejected**; and that the opposing further

submissions by **Susan Robertson for Robertson Family Trust** PC4-F104, **Ballantyne Investments Limited** PC4-F105 and **RS Moseby and MF Gordon** PC4-F106 be **accepted**.

2. That the submission by **Loris King** PC4-15 that no business activity should be developed in the Business Sub-zone in North Three Parks until all the available land zoned commercial in the central town area has been developed be **rejected**; and the opposing further submission by **Ballantyne Investments Limited** PC4-F45 be **accepted in part**.
3. That the submission by **Ballantyne Investments Limited** PC4-02 that seeks that the proposed areas for Business, Low Density Residential and Medium Density Residential Sub-zones identified on the North Three Parks Structure Plan be adopted be **accepted in part**; and that the supporting further submissions from **Susan Robertson for Robertson Family Trust** PC4-F05, **Ballantyne Investments Limited** PC4-F06 and **RS Moseby and MF Gordon** PC4-F08 be **accepted in part**; and that the opposing further submission from **Willowridge Developments Limited** PC4-F07 be **accepted in part**.

As a consequence of these recommendations PC 4 is to be modified:

1. To amend the headings and content of the Structure Plan, Indicative Staging Plan and Open Space Plan to delete the word “North” from the title and to insert a subtitle “(North Three Park Area)”.
2. To amend the Structure Plan, Indicative Staging Plan and Open Space Plan to delete the Business sub-zone to the north-west of the Gordon Road extension and to include this land in the Low Density Residential Sub-zone instead.
3. To include an additional Assessment Matter 12.26.4.5ii(nn) to provide for mounding and landscape treatment at the Ballantyne Road frontage, to the north-west of the Gordon Road extension and with respect to the existing Aurora substation.

8.2.2 Staging of servicing

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of staging of servicing:

- **Willowridge Developments Ltd**
- **Ballantyne Investments Ltd**
- **RS Moseby and MF Gordon**

The matters raised are:

- There is a need for servicing agreements to be established between Willowridge Developments Ltd and Ballantyne Investments Ltd for the provision of the services for North Three Parks that come over Three Parks land.
- An agreement already exists.
- There is more than one developer for North Three Parks.

Discussion & Reasons

Many of the services for North Three Parks are likely to come across Willowridge Developments Ltd land. Therefore much of the development of North Three Parks is likely to be dependent on the timing of the provision of these services. Mr Botting’s evidence was that an initial agreement has been signed between both parties; and that North Three Parks could develop independently from Three Parks for all services and roading. The

Commission also acknowledges in this context Policy 15.1.3.1.7 (contained in Section 15 of the DP) which is to ensure that the design and provision of any necessary infrastructure should take into account the requirements of future development on land in the vicinity of a subdivision.

Commission's Recommendations

In the context of the staging of servicing it is **recommended** that:

The submission by **Willowridge Developments Limited** PC4-39 that the PC 4 Structure Plan, Staging (ie. servicing), Roading Design and Open Space Overlay be amended to ensure compatibility with the adjacent TPZ be **accepted in part**; and that the opposing further submission by **Ballantyne Investments Limited** PC4-F107 be **accepted**; and that the opposing further submission by **RS Moseby and MF Gordon** PC4-F108 be **rejected**.

8.3 - Roading

8.3.1 Arterial Road

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of the alignment of the arterial road through North Three Parks:

- **Willowridge Development**
- **Ballantyne Investments Ltd**

The matters raised are:

- That the current arterial road shown on the North Three Parks Structure Plan is incompatible with Three Parks.
- That the current arterial road shown is compatible with the Three Parks Structure Plan.
- An additional road linkage, an arterial road, linking Golf Course Road corner to the Three Parks Commercial Core should be considered as it would be a more efficient link to Wanaka Town Centre and alleviate pressure on the access to and from SH 84.
- This proposed new arterial road would not be feasible.

Discussion & Reasons

The Collector Road shown on the Structure Plan for the North Three Parks area links the Commercial Core in the TPZ and Ballantyne Road.

The Commission also acknowledges that the Structure Plan that relates to the existing TPZ identifies the location of a Main street collector which connects Ballantyne Road with SH 84, through the Commercial Core in the existing TPZ.

Mr Dippie promoted a new alignment for a road link between the Golf Course Road/Ballantyne Road intersection and the Commercial Core of the TPZ as shown on Mr Dippie's Attachment 1.

Mr Brown's expert traffic evidence is that the proposed Collector Road from Ballantyne Road through the PC 4 land to the Commercial Core in the existing TPZ will operate satisfactorily. The Commission also notes that the location of this road is a fundamental element in the Urban Design Framework that provides the basis for PC 4. It is also noted that the Main street collector route through the existing TPZ will be of a superior design to the Collector Road and will function as essentially an arterial route between Ballantyne Road and SH 84, through the existing TPZ Commercial Core.

In all the circumstances, and given Mr Brown's evidence to the effect that the roading system provided for in PC 4 will work, the Commission is satisfied that the Collector Road provision as shown on that part of the Structure Plan that relates to the North Three Parks Area should remain. The Commission anticipates that those travelling between the Wanaka Town Centre and the Commercial Core in the existing TPZ will choose to utilise the Main street collector in preference to the Collector Road to be provided in PC 4. The Commission has come to this view having regard to the superior design of the Main street collector from a traffic perspective; and to the right hand bend in the vicinity of the central Recreation Reserve that is a feature of the Collector Road.

The potential exists for further consultation to occur between Willowridge Developments Limited and the developers of the PC 4 land with respect to the alternate road link promoted by Mr Dippie. Any change to the roading pattern which may result from such consultation could be addressed in the context of the forthcoming District Plan Review that is programmed to be presented for approval for notification in October 2013.

Commission's Recommendations

In the context of the Arterial Road issue it is **recommended**:

1. That the submission by **Willowridge Developments Ltd** PC4-39 that the PC 4 Structure Plan as this relates to roading design be amended to ensure compatibility with the adjacent TPZ be **rejected**; and that the opposing further submission by **Ballantyne Investments Limited** PC4-F107 (as this relates to roading) be **accepted**; and the opposing further submission by **RS Moseby and MF Gordon** PC4-F108 be **rejected**.
2. That the submission by **Ballantyne Investments Limited** PC4-07 that two new assessment criteria for the location and safety of the proposed Collector Road and Ballantyne Road be **accepted**; and that the supporting further submissions by **Ballantyne Investments Limited** PC4-F21 and **RS Moseby and MF Gordon** PC4-F23 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F22 be **rejected**.

8.3.2 Access for the northern part of North Three Parks from State Highway 84

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of access for the northern part of North Three Parks from SH 84:

- **Willowridge Development**
- **Ballantyne Investments Ltd**
- **NZTA**
- **RS Moseby and MF Gordon**
- **Susan Robertson for Robertson Family Trust**

The matters raised are that:

- The two main developers need to agree on intersection design and cost sharing and ensure that there will be no capacity issues for the roundabout with SH 84.
- An additional access for North Three Parks to the State highway is necessary to resolve capacity issues and provide for good connectivity for landowners fronting SH 84.
- An additional access for North Three Parks northern properties via an additional leg onto the proposed roundabout is needed.
- Single access off SH 84 does not provide a satisfactory outcome for all landowners in north North Three Parks as:

- they are then dependant on the development of land owned by Ballantyne Investments or Willowridge.
- that SH 84 access to North Three Parks via Three Parks is not a logical roading connection.
- such access is dangerous in emergency situations and dependent on the timing of North Three Parks project.
- One access point to the State highway is supported as an additional access from the State highway could adversely affect the highway's safety and functionality.
- An alternative access point to SH 84 could be from the Three Parks main street around the Tourism and Community Facilities Sub-zones to the two properties in the northern area of North Three Parks.
- The design of the roundabout is not a matter for this plan change.

Discussion & Reasons

Access to the State highway from North Three Parks is proposed utilising the proposed roundabout intersection that will service the existing TPZ. This confines access to the State highway in this area to a single point. This is supported by NZTA and Mr Brown, the Council's Consultant Traffic Engineer.

One of the issues raised in submissions is that the two main developers need to agree on intersection design and cost sharing and ensure that there will be no capacity issues for the roundabout on SH 84. This is a matter to be addressed by the two main developers (and other interested parties) outside the PC 4 process.

The other issue relates to direct access for the northern two properties in North Three Parks to the State highway. Currently RS Moseby and MF Gordon and Susan Robertson for Robertson Family Trust each have individual accesses to the State highway from their properties. The section 42A report advised us that NZTA has stated that when these properties have reasonable practicable alternative legal access to some other road then the existing additional State highway accesses will be permanently and physically closed. The Commission has not investigated the relevant legislation but questions whether the existing use rights to access currently enjoyed by these owners can be withdrawn by the NZTA and the existing accesses permanently and physically closed in the absence of a subdivision or development proposal that affects the land concerned.

Notwithstanding this the Commission acknowledges that irrespective of whether PC 4 proceeds the construction of the roundabout intersection to serve the existing TPZ would result in submissions to the effect that usage of the Moseby/Gordon and Robertson accesses should cease in the event that resource consent for future subdivision and development is sought. The Commission notes in this context that any subdivision that provides for access to be achieved from SH 84 would be in conflict with the Structure Plan for the North Three Parks Area; and would be a non-complying activity. Any such application is likely to be vigorously opposed by the NZTA.

The submission by NZTA and the evidence presented by Messrs Brown and MacColl make it clear that increased usage of the existing access points to SH 84 from the Moseby/Gordon and Robertson properties would not be appropriate. Similarly access via an additional leg from the proposed roundabout intersection or some alternate form of access reliant on SH 84 is not appropriate.

In these circumstances access for future subdivision and development of the Moseby/Gordon and Robertson properties must be achieved in accordance with the Structure Plan for the North Three Parks Area as provided for in PC 4. Such access must therefore be achieved from the rear of the Moseby/Gordon and Robertson properties.

The Commission acknowledges however that while direct access to SH 84 will not be available to the Moseby/Gordon and Robertson properties; that these properties do have a strategic location adjacent to SH 84. As a consequence these properties have the benefit of greater exposure to SH 84 (that may be enhanced by signage in the event that visitor accommodation is proposed); and that the guests of any such visitor accommodation would have enhanced pedestrian access to the Wanaka Town Centre via the pathway that exists adjacent to SH 84.

For completeness the Commission records again that the owners of the Moseby/Gordon and Robertson properties advised the Commission during the hearing that they supported PC 4 proceeding having regard to the development opportunities that would arise for them, albeit that vehicular access to SH 84 in the context of future subdivision and development of their land is likely to be indirect.

Commission's Recommendations

In the context of access for the northern part of North Three Parks from SH 84 it is **recommended**:

1. That the submission by **NZ Transport Agency** PC4-32 that the plan change be adopted as it is an integrated land use and transport solution to the on-going growth of Wanaka and as it co-ordinates the development of the North Three Parks site with that of the adjacent Three Parks site be **accepted**; that the supporting further submissions by **Ballantyne Investments Limited** PC4-F84 and by **RS Moseby and MF Gordon** PC4-F86 be **accepted**; and that the partly supporting further submission by **Willowridge Developments Limited** PC4-F85 be **accepted**.
2. That the submission by **NZ Transport Agency** PC4-33 that the plan change be adopted as it utilises the Three Parks Main Road and its intersection with the State highway therefore eliminating the need to create any additional intersections on to SH 84 be **accepted**; and that the supporting further submission by **Ballantyne Investments Limited** PC4-F88 be **accepted**; that the partly supporting further submission by **Susan Robertson for Robertson Family Trust** PC4-F87 be **rejected**; that the partly supporting further submission by **Willowridge Developments Limited** PC4-F89 be **accepted**; and that the opposing further submission by **RS Moseby and MF Gordon** PC4-F90 be **rejected**.
3. That the submission by **NZ Transport Agency** PC4-34 that the plan change be adopted as the Structure Plan establishes appropriate connectivity and promotes better efficiency of the network be **accepted**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F91 be **accepted**; that the partly supporting further submission by **Willowridge Developments Limited** PC4-F92 be **accepted**; and that the opposing further submission by **RS Moseby and MF Gordon** PC4-F93 be **rejected**.
4. That the submission by **RS Moseby and MF Gordon** PC4-18 that Plan Change 4 is supported provided that the main access for 124 State Highway 84 be shown as being directly off SH 84 in the Urban Design Plan for North Three Parks be **rejected**; that the supporting further submissions by **Susan Robertson for Robertson Family Trust** PC4-F48 and **RS Moseby and MF Gordon** PC4-F52 be **rejected**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F49 be **accepted**; and that the opposing further submissions by **NZ Transport Agency** PC4-F50 and **Willowridge Developments Limited** PC4-F51 be **accepted**.
5. That the submission by **RS Moseby and MF Gordon** PC4-19 which supports the plan change provided that access is provided from Three Parks to their property at

124 State Highway 84 be **rejected**; that the supporting further submission from **Ballantyne Investments Limited** PC4-F53 be **accepted**; that the supporting submission by **RS Moseby and MF Gordon** PC4-F55 be **rejected**; and that the opposing further submission from **Willowridge Developments Limited** PC4-F54 be **accepted**.

6. That the submission by **Susan Robertson for Robertson Family Trust** PC4-22 that expresses support for PC 4 provided that the property at 110 State Highway 84 is provided access from the State highway or access from the neighbouring Three Parks development be **rejected**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F63 be **accepted**; that the supporting further submission from **RS Moseby and MF Gordon** PC4-F66 be **rejected**; and that the opposing further submissions by **NZ Transport Agency** PC4-F64 and **Willowridge Developments Limited** PC4-F65 be **accepted**.
7. That the submission by **Susan Robertson for Robertson Family Trust** PC4-23 that supports the plan change provided that the road is taken off the proposed roundabout for access into this northern part of North Three Parks when development of this area occurs be **rejected**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F67 be **accepted**; that the supporting further submission by **RS Moseby and MF Gordon** PC4-F70 be **rejected**; and that the opposing further submissions by **NZ Transport Agency** PC4-F68 and **Willowridge Developments Limited** PC4-F69 be **accepted**.

8.4 - Reverse sensitivity effects

8.4.1 Reverse Sensitivity – Golf Course

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of reverse sensitivity effects relating to the Golf Course:

- **NJ Harris**
- **Loris King**
- **Simon Spencer-Bower**
- **Wanaka Golf Club**
- **RS Moseby and MF Gordon**
- **Ballantyne Investments Ltd**
- **Susan Robertson for Robertson Family Trust**
- **Willowridge Developments Ltd**

The matters raised are:

- Shading of new development by golf course trees
- Ball strike of new development from the golf club
- Other possible conflicts
- Fear of pressure to remove the trees as a result of complaints from owners of new development adjacent to the linear reserve/park.

Discussion & Reasons

The Urban Design Framework and Structure Plan for PC 4 recognises that development close to the Wanaka Golf Course may result in adverse effects on the proposed residential/visitor accommodation development. These effects have been identified as possible ball strike from wayward golf balls and shading from the double row of Douglas fir trees just inside the golf course boundary. The Urban Design Framework and PC 4 provisions address these potential reverse sensitivity issues by:

- Identifying a linear reserve for a walking and cycling track along the boundary of the Wanaka Golf Course on the Structure Plan and Open Space Plan.
- Including a rule requiring buildings on properties adjacent to this linear reserve to be set back 10 metres from the boundary with the linear reserve.

Submitters suggest the following to address the reverse sensitivity issue:

- Set the residential zoning back further than proposed from the Wanaka Golf Course boundary.
- Put a “no complaints covenant” on the residential properties regarding shading from the golf course trees.
- Put a “no complaints covenant” on the residential properties regarding ball strike.
- Construct a road along the full length of the golf course boundary to partially alleviate shading of residential dwellings and protect the Wanaka Golf Club from litigation from property owners who have damage from stray golf balls.
- Set a maximum tree height for the golf course trees to mitigate shading effects.
- Retain the proposed linear park and set back of development rule.

Two parallel rows of Douglas fir trees are located on the golf course along the full length of the boundary with the land subject to PC 4. These trees are about 20 metres in height.

The combination of the 15-20 metre linear reserve and the 10 metre set back rule means that there is between 25 and 30 metres separation between future residential development and the Wanaka Golf Course boundary. Ms O’Shea advised us that this separation distance is sufficient to mitigate the risk of ball strike, based on experience elsewhere including Gulf Harbour.

As a result of the height of these trees and their orientation the greatest shading effects will be felt in winter. This was confirmed by the evidence by Ms O’Shea and Mr Harris.

Two remedies have been suggested for this potential effect. Firstly to increase the setback of development from the Wanaka Golf Course by increasing the width of the linear reserve. The second remedy would be to set a maximum tree height for the golf course trees or to remove them altogether.

The Urban Design Framework establishes some urban design principles about the use of the reserve and how residential development relates to it. The linear park “*provides an activated edge to the golf course consisting of a pedestrian walkway and a designated cycle path. The linear form capitalises on the north-westerly aspect, while offering greater perimeter edge to the higher intensity built form thereby maximising overlooking*”.

Mr Williams, the Council’s Urban Designer, disagrees with increasing the setback of the residential zoning from the boundary. Mr Williams emphasised to us that any increase to the width of the linear park has the potential to degrade the positive relationship that the future built form can present to the park by providing passive surveillance, providing a strong edge to the park and ensuring that the park is integrated into the overall development as opposed to simply providing a setback from the golf course. In essence Mr Williams considered that the existing setback is necessary to successfully integrate built form and the linear park into the overall development.

The Commission considers that it would be inappropriate to increase the width of the linear park, having regard to Mr Williams’ evidence. The Commission also notes that any widening of the park would simply increase the amount of land to be administered in future by the Council, with little benefit resulting from the associated costs of maintenance.

Controlling the height of the Douglas fir trees within the Wanaka Golf Course is outside the scope of the Commission's jurisdiction in the context of PC 4. The Wanaka Golf Course is designated for Recreation Reserve Purposes D95 in the DP and the reserve is managed in terms of a Management Plan prepared under the Reserves Act 1977. Controlling the height of the Douglas fir trees or removing them is a matter to be addressed by the Council as the administering authority for the reserve and by the lessee, being the Wanaka Golf Club.

The Commission records that it has sympathy for the concerns expressed by neighbours with respect to the effects associated with the Douglas fir trees that are located at the boundary of the golf course. As time goes on these trees will increase further in height and this will exacerbate adverse effects on neighbouring property owners. The issue of controlling the height of the trees and/or the replacement of them is a matter which must be addressed through consultation between the parties. Mrs Robertson's evidence was to the effect that tree topping had occurred in 1994; and that it has subsequently been agreed to top trees adjacent to her property in 2009 (albeit that such action has not occurred).

The Douglas firs have been established at least in part to protect golfers from the wind. The Commission acknowledges in this context that Mr Spencer-Bower advised us that the prevailing wind is from the north-west; and that the Douglas fir trees would therefore provide little benefit in terms of screening from the prevailing wind for golfers.

The Commission's responsibility is to address the matter of appropriate zoning for the land subject to PC 4. The Commission is satisfied that this land should be subject to the TPZ provisions but acknowledges that the success of development on land immediately adjacent to the Wanaka Golf Course may well be dependent upon the removal of the Douglas fir trees. In essence the on-going presence of the trees may act as a constraint to development on this part of the PC 4 land; and this may need to be recognised in the future CDP/ODP processes.

PC 4 contains an indicative layout for residential land use abutting the linear park that is to be inserted after Assessment Matter 12.26.4.5ii(p). This indicative layout is also presented as Figure 19 to Ms O'Shea's evidence. The Commission simply notes that realisation of the amenity shown in the indicative layout will depend on co-operation between the PC 4 landowners and the Wanaka Golf Club; as the indicative layout does not show the Douglas fir trees as being retained on the boundary.

The section 42A report drew our attention to Assessment Matter 12.26.4.5ii(w) which confirms that conflicts are expected to be minimised through methods such as setbacks, noise insulation, covenants and the location of multi-unit developments.

The Commission encourages the parties being the PC 4 developers and the Wanaka Golf Club to give further consideration to the interface of the PC 4 land and the golf course. The Commission anticipates that such further consultation may result in a beneficial outcome in terms of the management or replacement of the trees; the orientation of tees on the golf course; the potential for screens to be constructed to protect residents (as Ms Badger informed us had been constructed elsewhere); and the potential for a covenant to be entered into with respect to land adjacent to the golf course, being a private covenant between the Wanaka Golf Club and the developers and their successors, being the future owners of residential units adjacent to the golf course boundary. The Commission also notes that such a covenant could alert those involved in the design of residential units if the need to protect them against damage from golf ball strike.

The Commission emphasises that the covenant referred to in the preceding paragraph cannot be imposed by the Commission in the context of PC 4. Such a covenant is a private

matter between the parties albeit that Assessment Matter 12.26.4.5ii(w) anticipates that covenants may be utilised to address reserve sensitivity issues.

Commission's Recommendations

In the context of the reserve sensitivity issue relating to the Wanaka Golf Course the Commission **recommends**:

1. That the submission by **NJ Harris** PC4-12 that is to provide a large setback for development from the golf course boundary and attach a covenant to restrict residents from complaining about shading and other club activities be **rejected**; and that the opposing further submissions by **Susan Robertson for Robertson Family Trust** PC4-F38, **Ballantyne Investments Limited** PC4-F39 and **RS Moseby and MF Gordon** PC4-F40 be **accepted**.
2. That the submission by **Loris King** PC4-13 that housing should be set back sufficiently from the golf course boundary to ensure that houses are not shaded by the trees be **rejected**; and that the opposing further submissions by **Susan Robertson for Robertson Family Trust** PC4-F41 and **Ballantyne Investments Limited** PC4-F42 be **accepted**.
3. That the submission by **Loris King** PC4-14 that residential zoning needs to be set back from the golf course boundary as stray golf balls and housing do not mix be **rejected**; and that the opposing submissions by **Susan Robertson for Robertson Family Trust** PC4-F43 and **Ballantyne Investments Limited** PC4-F44 be **accepted**.
4. That the submission by **Simon Spencer-Bower** PC4-28 that promotes discussion about trees in particular golf course boundary trees, protection of outlook, size of boundary trees and existing trees be **rejected**; that the supporting further submission by **Susan Robertson for Robertson Family Trust** PC4-F77 be **rejected**; that the partly supporting further submission from **NJ Harris** PC4-F79 be **rejected**; and that the supporting further submission by **Ballantyne Investments Limited** PC4-F78 be **accepted**.
5. That the submission by the **Wanaka Golf Club** PC4-36 which states that the golf club does not wish to ever remove the trees from the boundary with North Three Parks as they are needed for safety from flying golf balls especially if development goes ahead be **accepted**; that the further submission which neither supports nor opposes from **Ballantyne Investments Limited** PC4-F99 be **accepted**; and that the opposing further submissions from **Susan Robertson for Robertson Family Trust** PC4-F98 and **RS Moseby and MF Gordon** PC4-F100 be **rejected**.

8.4.2 Reverse sensitivity – State Highway 84

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of reverse sensitivity effects in relation to State Highway 84:

- **NZTA**
- **RS Moseby and MF Gordon**
- **Ballantyne Investments Ltd**
- **Susan Robertson for Robertson Family Trust**
- **Willowridge Developments Ltd**

The matter raised is:

- Reverse sensitivity between sensitive uses (residential, visitor accommodation and retirement villages) and traffic noise from the State highway.

Discussion & Reasons

NZTA are concerned about the potential reverse sensitivity effects of State highway noise on the future residential development in the PC 4 area. NZTA proposed in its submission:

- Increasing the width of the open space land adjacent to the SH 84 road reserve to 80 metres or
- Requiring all residential dwellings, visitor accommodation and retirement villages within 80 metres of the seal edge of SH 84 to be designed and constructed to meet noise performance standards for noise from traffic on SH 84 that will not exceed 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standards AS/NZ2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.

Other submitters consider that both the increased setback and a sound attenuation rule for new buildings are unnecessary as when the roundabout is constructed on the State highway the speed is likely to be lowered so the depth of reserve required will reduce.

PC 4 proposes a landscape buffer reserve of 20 metres between the Medium Density Residential Sub-zone and SH 84. This is to buffer development from the State highway and to provide an attractive entrance to Wanaka when travelling along the State highway.

Mr Williams, Council's Urban Designer, advised us that it is important to consider the context of this environment when a new roundabout on the State Highway will present a signal to people entering Wanaka. The roundabout will represent a 'gateway' element from which point people will begin to enter Wanaka. Mr Williams therefore considered it appropriate that built form provides a presence to the highway from this point to strengthen this gateway and entry experience.

Mr Williams was concerned that the 80 metre setback promoted in the NZTA submission would push development significantly further back from SH 84, creating a large area of land that would need to be landscaped to ensure an appropriate treatment that contributed positively to the entry experience. Mr Williams considered that given the urban nature of this environment that the limited setback as promoted in PC 4 should be retained to ensure that development contributes positively to the entry experience into Wanaka.

The Commission's conclusion is that it would be inefficient and undesirable from an amenity and urban design perspective to require an 80 metre setback from the State highway.

The effects of noise from traffic on the State highway may become an issue for residential development in close proximity to SH 84 in the North Three Parks Area. The Commission therefore considers it prudent to plan for this possible reverse sensitivity effect by inserting a rule into the Three Parks Special Zone regarding acoustic insulation of residential buildings within a specified distance of the State highway. Such a rule will not affect residential development in the existing TPZ as the Medium and Low Density Residential Sub-zones in the existing TPZ are further than 80 metres from the State highway.

Given Mr MacColl's evidence that as a general rule NZTA does not normally consider reducing the speed limit of a State highway unless there are potential safety benefits in doing so; the acoustic insulation rule should relate to all residential dwellings, visitor accommodation and retirement villages within 80 metres of the seal edge of SH 84. Non-compliance with this rule will result in non-complying activity status.

Commission's Recommendations

In the context of reverse sensitivity and SH 84 the Commission **recommends**:

That the submission by the **NZ Transport Agency** PC4-35 that PC 4 be amended to address potential reverse sensitivity effects on North Three Parks be **accepted** on the basis that a reverse sensitivity rule is to relate to new residential buildings, visitor accommodation and retirement villages located within 80 metres of the seal edge of the State highway; that the opposing/supporting further submission by **Susan Robertson for Robertson Family Trust** PC4-F94 be **accepted**; that the partly supporting further submission by **Willowridge Developments Limited** PC4-F96 be **accepted**; that the opposing further submission by **Ballantyne Investments Limited** PC4-F95 be **accepted in part**; and that the opposing further submission by **RS Moseby and MF Gordon** PC4-F97 be **accepted**.

As a consequence of this recommendation PC 4 is to be modified to insert the following rule as Rule 12.26.4.3.22:

Ref	Standard - Three Parks Low Density Residential, Medium Density Residential, and Medium Density Residential (mixed use) Subzones	Resource consent status if standard not met – All residential subzones, including deferred mixed use		
		LDR	MDR	Deferred MDR (mixed use)
22	<p>Noise – Residential activities in the MDR subzone within 80 metres of State Highway 84</p> <p>Buildings for residential activities, visitor accommodation and retirement villages within 80 metres of the seal edge of State Highway 84 shall be designed and constructed to ensure that noise from traffic on State Highway 84 will not exceed 35dBA Leq(24hr) in bedrooms and 40dBA Leq(24hr) for other habitable rooms in accordance with the Australian and New Zealand Standard AS/NZ2107:2000 Acoustics-Recommended design sound levels and reverberation times for building interiors.</p>	N/A	N-C	N/A

8.5 - Location and size of open space areas.

8.5.1 Buffer reserve between the Three Parks Commercial Core and Medium Density Residential Sub-zone on North Three Parks

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of the buffer reserve between the Three Parks Commercial Core and Medium Density Residential Sub-zone on North Three Parks

- **Ballantyne Investments Ltd**
- **Willowridge Developments Ltd**
- **RS Moseby and MF Gordon**
- **Susan Robertson for the Robertson Family Trust**

The matters raised in submissions were generally that the Open Space Plan is inconsistent with the Urban Design Framework. The buffer area between the Three Parks commercial area and the medium density housing on North Three Parks is in the Urban Design Framework but is not on the Open Space Plan and some submitters consider that this buffer is necessary.

Discussion & Reasons

This open space area is shown in the Urban Design Framework presented by Ms O'Shea as a stormwater treatment area incorporating public open space (see also O'Shea – Figure 22).

The Commission notes that the Structure Plan and Open Space Plan only show the open spaces that relate to key landscape features and the indicative key open space areas. The detailed location of and type of open spaces is to be provided in the ODP/CDP. Only the indicative key stormwater management open spaces are shown on the Structure Plan with the detailed location and type of stormwater management open spaces to be shown on the ODP/CDP.

The Commission notes that some stormwater soakage and attenuation/storage areas and stormwater treatment areas are shown on the Structure Plan and Open Space Plan as open space. The section 42A report informed us that this is because it is proposed that they will have dual use for stormwater treatment and disposal as well as for reserve purposes. These include the landscape buffer adjacent to the State highway (14 on the Open Space Plan); the reserve over the terminal moraine on the Spencer-Bower property (15 on the Open Space Plan); and a possible additional stormwater attenuation area over the recreation reserve (16 on the Open Space Plan).

At the time that PC 4 was prepared Ballantyne Investments Ltd requested that the stormwater treatment area and soakage area adjacent to the Commercial Core in the existing TPZ not be included on the Structure Plan or Open Space Plan. The Commission accepts that this level of detail can be provided at the ODP/CDP phase for Stage 1 of the development of land subject to PC 4.

The Commission has given consideration to the evidence of Mr Dippie to the effect that a 10 metre no build area and landscaping strip should be provided as part of PC 4 where land in the Medium Density Residential Sub-zone abuts the Commercial Core Sub-zone in the existing TPZ. The Commission does not support such a provision and again considers that this is a matter which can be addressed at the ODP/CDP stage when Policy 12.25.2.4.4 of the TPZ can be applied. This states:

4.4 To ensure that issues relating to potentially incompatible land uses are taken into account as part of the Outline Development Plan or Comprehensive Development Plan application.

The section 42A report has also drawn our attention to the assessment matters for an ODP in the Residential Sub-zones (Assessment Matter 12.26.4.5ii(w)) and Commercial Core Sub-zone (Assessment Matter 12.26.7.4ii(a)) that require Council to consider whether and to what extent reverse sensitivity issues and issues arising from potentially incompatible uses have been minimised. The Commission also notes that Rule 12.26.7.3.5 that applies within the Commercial Core Sub-zone requires that buildings be set back at least 4.5m where the site adjoins a Residential Sub-zone. These requirements will ensure that any reverse sensitivity issues between commercial activities and residential activities will be addressed at the ODP stage.

The Commission also notes that no rule in the existing TPZ requires a set back for the Medium Density Residential Sub-zone where this abuts the Commercial Core Sub-zone. The Commission acknowledges that refraining from imposing such a buffer rule is consistent with the existing TPZ provisions.

Commission's Recommendations

In the context of a buffer reserve between the Three Parks Commercial Core and the Medium Density Residential Sub-zone in North Three Parks the Commission **recommends:**

That the submission by **Ballantyne Investments Limited** PC4-02 that the proposed areas for Business, Low Density Residential and High Density Residential Sub-zones identified on the North Three Parks Structure Plan be **accepted in part**; that the supporting further submissions from **Susan Robertson for Robertson Family Trust** PC4-F05, **Ballantyne Investments Limited** PC4-F06 and **RS Moseby and MF Gordon** PC4-F08 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F07 as this relates to an open space buffer between the TPZ Commercial Core and the PC 4 Medium Density Residential Sub-zone be **rejected**.

8.5.2 Size of Kame and Kettle Mound reserve

The issue and submission points

The following individuals/organisations submitted and further submitted on the issue of the size of the Kame and Kettle Mound reserve.

- **Ballantyne Investments Ltd**
- **Willowridge Developments Ltd**
- **RS Moseby and MF Gordon**

The matters raised in submissions were generally that the Open Space Plan is inconsistent with Urban Design Framework. The Kame and Kettle reserve is smaller in the Urban Design Framework than on the Structure Plan and Open Space Plan. The landowner wants certainty about the minimum area for the park.

Discussion & Reasons

The landscape assessment identifies much of the area of land owned by Ballantyne Investments Ltd as being a Kame and Kettle landform. (See Figure 4. Existing Landform in the North Three Parks Assessment of Landscape Character and Values – Appendix 3 to the Section 32 Analysis). The Assessment of Landscape Character and Values notes that a particularly prominent steep sided and higher hump lies on the west side at the northern end of this type of terrain, adjacent to the golf course.

PC 4 seeks to protect this prominent Kame and Kettle landform by putting a reserve around it. It is important that the size of the reserve is sufficient to protect the integrity of the landform.

The area of this reserve as shown on the notified Structure Plan and Open Space Plan is approximately 90 metres by 100 metres. However it is shown as approximately 75 metres by 90 metres in the Indicative Lot Plan on page 51 of the Urban Design Framework.

The Commission has given consideration to the plan prepared by Mr Botting which accurately shows contours in the vicinity of the Kame and Kettle reserve. This plan is attached to Mr Botting's evidence as Appendix A. The Commission considers that the Kame and Kettle reserve should be extended by 5 metres in an easterly direction and by 10 metres in a southerly direction beyond the boundaries as shown on Mr Botting's Appendix A plan to provide better context for the Kame and Kettle feature. This would result in the

reserve area extending 100 metres from the boundary with the Wanaka Golf Course (including the linear reserve) and for 80 metres at the boundary parallel to the golf course boundary. Such a configuration will result in the Kame and Kettle reserve having an area of 6400m². This area excludes the linear reserve.

The Commission accepts Mr Williams' opinion that it is better for the extent of the proposed reserve to be shown on the Structure Plan from the outset to provide certainty for all concerned. The Commission considers that such an approach is preferable to relying simply on the CPD/ODP processes to establish the full extent of the Kame and Kettle reserve.

Commission's Recommendations

In the context of the size of the Kame and Kettle Mound reserve it is **recommended**:

That the submission by **Ballantyne Investments Limited** PC4-03 to adopt the North Three Parks Structure Plan and the Open Space Plan but to amend the neighbourhood reserve (as identified as 11 on the Open Space Plan) be **accepted in part**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F09 be **accepted in part**; that the partly supporting further submission by **RS Moseby and MF Gordon** PC4-F11 be **rejected**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F10 be **rejected**.

As a consequence of the above recommendations PC 4 is to be modified so that the size of the Open Space (Overlay)/Neighbourhood Reserve around Kame and Kettle Mound (11) as shown on the Structure Plan and Open Space Plan shall be reduced to be consistent with the reserve shown at Appendix A as attached to Mr Botting's evidence, subject to that reserve being extended by 5 metres generally to the east and by 10 metres generally to the south. The Kame and Kettle Mound reserve (exclusive of the linear reserve) will have an area of 6400m².

8.6 - Urban design

The issue and submission points

The following individuals/organisations submitted and further submitted generally on urban design matters:

- **Ted (CE) Lloyd**
- **Ballantyne Investments Ltd**

The matter raised in the Lloyd submission was that it was important that the North Three Parks development creates a good entrance to Wanaka. Also that the inclusion of wide verges and tree plantings are required to break up the ridgelines of building roofs. The Ballantyne Investments submission stated that both the Structure Plan and the Urban Design Framework recognise the significance of the SH 84 entrance into Wanaka by providing for additional open space adjacent to the State highway to protect views and provide sufficient space for planting.

Discussion & Reasons

PC 4 provides (through the Structure Plan, Open Space Plan and Urban Design Framework) for a landscaped buffer adjacent to the State highway to ensure that development is buffered from the highway. The Urban Design Framework has indicative cross sections to illustrate the intent of the street environment. These illustrate how the proposed street network can positively contribute to the public domain and to the identity of

the development. The proposed roading hierarchy will ensure a legible network of streets that will be reflective of their context.

The objectives and policies in the TPZ seek to ensure that:

- *A green network including parks, areas for community facilities, cycleways, and pedestrian linkages that permeate all parts of the zone and links seamlessly into the more urbanised public realm in the Commercial Core is established.*
- *A high quality urban area containing a network of open spaces and a mix of compatible uses is established*
- *High quality landscape design of the Open Space areas is required.*
- *High quality and well-designed buildings that reflect and contribute to the evolving character for the area are established.*

The assessment matters for an ODP/CDP for the North Three Parks Area require an assessment of whether the development is in accordance with the principles in the Urban Design Framework. This will ensure that the proposed street hierarchy and associated design is translated through into the development of the North Three Parks Area. Mr Williams, the Council's Urban Designer, advises that it is not considered that any additional provision is necessary for the specific treatment of the street network.

Trees and grass verges can be used to improve the design and appearance of an urban development. The objectives, policies, Urban Design Framework and provisions seek to ensure that the North Three Parks Area is developed based on good urban design principles and creates a successful urban environment.

Commission's Recommendations

In the context of Urban Design it is **recommended**:

1. That the submission by **Ted (CE) Lloyd** PC4-16 that promotes that the development design incorporates wide verges and tree plantings to break up the ridgelines of building roofs etc so the development at the entrance to Wanaka is a "flag bearer" for the town be **accepted** on the basis that sound urban design principles are embodied in the provisions for the TPZ including provisions that relate specifically to the North Three Parks Area; and that the supporting further submission by **Ballantyne Investments Limited** PC4-F46 be **accepted**.
2. That the submission by **Ballantyne Investments Limited** PC4-06 that promotes the adoption of the new assessment matter to provide that the North Three Parks Area is developed in accordance with the principles of the North Three Parks Urban Design Framework be **accepted**; and that the supporting further submissions by **Ballantyne Investments Limited** PC4-F18 and **RS Moseby and MF Gordon** PC4-F20 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F19 be **rejected**.

8.7 - Impact of rezoning on rates and timing of services

The issue and submission points

The following individuals/organisations submitted and further submitted on the impact of rezoning on rates and timing of services.

- **Susan Robertson for Robertson Family Trust**
- **RS Moseby and MF Gordon**
- **Willowridge Developments Ltd**

The matter raised in submissions was that two landowners in the northern area of the plan change are concerned that their rates will increase as a result of rezoning before they have services provided to their boundary.

Discussion & Reasons

This is not a resource management issue that can be addressed by the Commission in the context of PC 4. The powers for local authorities to set, assess, and collect rates to fund local government activities are governed by the Local Government (Rating) Act 2002. Currently these properties are in the rating category of country dwellings. Once these properties are zoned TPZ (in the event that PC 4 is made operative) this rating category will change to residential. The section 42A report informed us that these properties will not be charged the Wanaka water and sewage charges until these services are at or in close proximity to their boundary.

Commission's Recommendations

In the context of impact of rezoning on rates and timing of services it is **recommended**:

1. That the submission by **Susan Robertson for Robertson Family Trust** PC4-24 that supports the plan change provided that there is no increase in rates until services are in place to the boundary of the property be **accepted in part**; that the supporting further submission by **RS Moseby and MF Gordon** PC4-F72 be **accepted in part**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F71 be **accepted**.
2. That the submission by **RS Moseby and MF Gordon** PC4-20 that supports PC 4 provided that no change in rates due to the zone change occurs until the first stages of development have begun be **rejected**; that the supporting further submission from **RS Moseby and MF Gordon** PC4-F58 be **rejected**; that the supporting submission by **Susan Robertson for Robertson Family Trust** PC4-F56 be **accepted in part**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F57 be **accepted**.

8.8 - Appropriateness and details of the Spencer-Bowers' land.

The issue and submission points

The following individuals/organisations have submitted and further submitted generally on the appropriateness and details of the Spencer-Bower's land:

- **Simon Spencer-Bower**
- **Ballantyne Investments Ltd**
- **NJ Harris**
- **Susan Robertson for Robertson Family Trust**

The landowner (Simon Spencer – Bower) seeks through his submission discussion on the following matters:

- Whether the property needs to be incorporated in the development
- Should the property be zoned as open space, stormwater treatment and soakage and the linear park?
 - What is the intended utilization?
 - Is the site suitable?

- Is the ground composition suitable?
- Are there alternative sites for this?
- Roading
 - Use of paper road along golf course (vehicles, bikes, pedestrians)
 - Driveway entrances and exits
 - Joining up of planned roads
- Retention of natural contours rather the modification.
- Sewer mains hook up
- Maintenance of existing user rights
- Maintenance of outlook

Further submitters have raised the following matters:

- The submitter's site should be included in the plan change to enable comprehensive and integrated planning of all the area
- The stormwater analysis identifies the submitter's property as the location for the treatment and disposal of this stormwater, as this is the only location that this can occur without pumping.
- The paper road referred to is not a paper road and will be used for a linear park along the edge of the golf course.
- Due to safety issues no additional access points onto Ballantyne Road into the submitter's site are identified.
- The Urban Design Framework shows two proposed roads entering the site (from the south and the east) and a further road runs along the boundary.
- A road should be constructed for the full length of the Golf Course boundary to partially alleviate shading of residential dwellings and protect the Golf Club from litigation from property owners who have damage from stray golf balls.
- The linear reserve along the golf club boundary and the building setback requirement from the boundary of the linear reserve will ensure that there is adequate separation between the golf club and development to avoid ball strike and to allow access to sunlight for future development.
- Oppose a covenant on shading.
- Some modification to the land will be needed.
- The submitter's site will be serviced by a wastewater pump station to be constructed at the time of future development.

Discussion & Reasons

Whether the property needs to be incorporated in the development

This property is currently zoned Rural General. The Commission is satisfied that for coordinated planning to occur this property needs to be in PC 4. It is not sensible or integrated planning to have a property zoned Rural General adjacent to urban zoning to the east, especially this close to the Wanaka Town Centre. Such a situation will result in poor resource management and urban design outcomes. The Commission notes that the Spencer-Bower property has been included in the plan change since its inception and that Mr Spencer-Bower supported the application of PC 4 to his land at the hearing.

Should property be open space, stormwater treatment and soakage and the linear park?

The Urban Design Framework shows this area as currently an overland flow path and an existing drainage soakage area. (pg. 14). The stormwater analysis contained in the Infrastructure Report (Appendix 2 to the Section 32 Analysis) identifies the submitter's property as the suitable location for the treatment and disposal of stormwater and that this is the only location that treatment and disposal can occur without pumping. The report also shows that the stormwater to be treated is mainly from the property concerned and not from the wider PC 4 development. As this site is likely to be developed at a later stage than much of the rest of the North Three Parks area it is sensible to ensure that the treatment and disposal of stormwater from the development on this property occurs on the site. The

Commission also notes in this context that Mr Botting's evidence confirmed that stormwater from the Ballantyne Investments Limited land can be disposed of within that owner's property.

The Commission notes that the reserve identified on the Spencer-Bower land is described on the Open Space Plan as "Reserve over terminal moraine". The Commission understands that this reserve has been identified to preserve the feature on that land, as well as for future stormwater disposal. The Commission is therefore satisfied that no change is required to the Structure Plan or to the Open Space Plan in this respect.

The linear reserve along the golf course boundary is intended to be between 15-20 metres in width. The Commission notes that an access strip forming part of the Ballantyne Investments Limited property is located between the golf course boundary and the Spencer-Bower boundary. The section 42A report advised us that the Spencer-Bower property boundary is approximately 15-17 metres from the golf course boundary. As a consequence only a small part of the linear reserve will be located on the Spencer-Bower property.

Roading

The Commission notes that there is no paper road on the North Three Parks Area. As noted above there is a narrow strip of land that forms part of the Ballantyne Investments Ltd property. PC 4 identifies this strip as an important walking and cycling link along the edge of the golf course and as such has proposed a linear park with a walking /cycling track. No legal road is proposed.

Mr Spencer-Bower described the access to his existing property and sought that this remain. Mr Spencer-Bower's existing rights to utilise his driveway and entrance would be unaffected by PC 4. The Commission notes in this context that Ballantyne Road is not a Limited Access Road and is not under the jurisdiction of the NZTA, being a Council road.

Mr Spencer-Bower raised the potential for future access being achieved into his property. The Commission notes that no considered expert evidence was made available to us with respect to such an alternate access and in these circumstances no change is to be made to the Structure Plan with respect to this matter.

At the hearing Mr Spencer-Bower drew our attention to the roading pattern shown on Mr Botting's Appendix C that will pass through his dwelling. The Commission acknowledges that at the ODP/CDP phase for the development adjacent to this property, discussions will need to occur between the Spencer-Bower's and the neighbouring developer to determine the appropriate layout of roads around and into the Spencer-Bower property. The indicative layout in the Urban Design Framework and Mr Botting's Appendix C illustrates just one way that development can occur and comply with the objective, policies, and other provisions of the TPZ and the principles in the Urban Design Framework. It does not follow that the final development will be exactly in accordance with this indicative lot pattern.

Retention of natural contours rather the modification.

The Spencer-Bower property is described in the Landscape Assessment (Appendix 3 of the Section 32 Analysis) as terminal moraine. This is steeper hummocky terrain with deeper hollows which is part of the terminal moraine of the Hawea advance. The Landscape Assessment recommends retaining the more exaggerated moraine terrain and suggests that open space or larger residential sections are the best uses for this area. The Structure Plan, Open Space Plan and Urban Design Framework have identified some of this area as a stormwater treatment area and as open space. This would protect some of the natural landform. Whilst it would be preferable to retain the current landform some modification of the natural landform will be required across the rest of the property (that part

which is not open space or stormwater reserve) to cater for Medium Density Residential development.

Sewer mains hook up.

Mr Spencer-Bower confirmed that his property has a septic tank wastewater treatment and disposal system. It is anticipated that the Spencer-Bower site will be able to link up to the new wastewater system when it is adjacent to the Spencer-Bower property albeit that this is a matter to be addressed at the detailed engineering design level. The Commission notes that the installation of sewer reticulation in this area will enhance the prospects of Mr Spencer-Bower achieving a connection albeit that Mr Botting indicated that a pumped main connection will be required due to topographical constraints.

Maintenance of existing user rights.

At the hearing Mr Spencer-Bower referred to his use of a helicopter at his property. As previously noted in this report this is a matter which falls outside the scope of PC 4. The Commission is not in a position to confirm whether any existing use rights apply to such helipad activity.

Maintenance of outlook.

Until development occurs the outlook from the Spencer-Bower property will not change. The outlook across towards the golf course will change when the linear park is developed to the north of the property. This is proposed as the third stage of development in PC 4 so is unlikely to occur for some time. As development occurs around the property, particularly to the south which is indicated as Stage 2 of the development, the outlook across these areas will alter and this is an inevitable consequence of the subdivision and development that is to be facilitated by PC 4.

Commission's Recommendations

In the context of the appropriateness and details of the Spencer-Bower's land it is **recommended**:

1. That the submission by **Simon Spencer-Bower** PC4-25 that sought discussion of the incorporation of 27 Ballantyne Road into the development be **accepted**; and that the further supporting submission by **Ballantyne Investments Limited** PC4-F73 be **accepted**.
2. That the submission by **Simon Spencer-Bower** PC4-26 that sought discussion about the stormwater treatment/soakage and attenuation/storage, public open space, neighbourhood/linear park and landscape screening be **accepted in part**; and that the supporting further submission by **Ballantyne Investments Limited** PC4-F74 be **accepted**.
3. That the submission by **Simon Spencer-Bower** PC4-27 that sought discussion about roading in particular usage of paper road, driveway entrances/exits and joining up of planned roads be **accepted in part**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F75 be **accepted**; and that the partly supporting further submission by **NJ Harris** PC4-F76 be **accepted in part** to the extent that the linear reserve is to be established.
4. That the submission by **Simon Spencer-Bower** PC4-29 that sought discussion about land contours in particular natural contours to be retained rather than being subject to modification be **accepted in part**; that the partly supporting further submission by **Susan Robertson for Robertson Family Trust** PC4-F80 be **accepted**; and the partly supporting further submission by **NJ Harris** PC4-F80A be **accepted in part** to the extent that the linear reserve is to be provided.

5. That the submission by **Simon Spencer-Bower** PC4-30 that sought discussion about the septic tank in particular sewer mains hook-up be **accepted**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F81 be **accepted**; and that the partly supporting further submission by **NJ Harris** PC4-F82 be **accepted in part** to the extent that the linear reserve is to be provided.
6. That the submission by **Simon Spencer-Bower** PC4-31 that sought discussion about existing usage in particular maintenance of existing user rights be **rejected**; and that the partly supporting further submission by **NJ Harris** PC4-F83 be **accepted in part** to the extent that the linear reserve is to be provided.

8.9 - Policy 12.25.2.4.6 – Education facilities

The issue and submission points

The following individuals/organisations have submitted and further submitted on Policy 12.25.2.4.6:

- **The Ministry of Education**
- **Ballantyne Investments Ltd**

The matter raised in submissions was that Policy 4.6 of the TPZ is outdated as it seeks to enable a school to be located within the TPZ. A new primary school has been located elsewhere in Wanaka. The submitter requests that the policy be changed to facilitate the establishment of the current community demand for education facilities which is Early Childhood Education. A further submission stated that this submission was possibly out of scope although the further submitter had no objection to this change.

Discussion & Reasons

PC 4 does not relate to the objectives and policies of the TPZ except for the addition of one policy. PC 4 seeks to add land, one policy relating to that land, rules, assessment matters and a definition relating to that land to the already existing TPZ. The Commission therefore finds that this submission is beyond the scope of PC 4 and must therefore be rejected.

Commission's Recommendations

In the context of Policy 4.6 – Educational Facilities it is **recommended**:

That the submission by the **Ministry of Education** PC4-17 that seeks an amendment to Policy 12.25.2.4.6 be **rejected**; and the neutral further submission by **Ballantyne Investments Limited** PC4-F47 is **accepted**.

8.10 - Support for the plan change

The issue and submission points

The following individuals/organisations submitted and further submitted supporting the plan change.

- **Ballantyne Investments Ltd**
- **RS Moseby and MF Gordon**
- **Queenstown Lakes District Council**
- **Susan Robertson for Robertson Family Trust**
- **NZTA**
- **Willowridge Developments Ltd**

The matters raised are:

- Support the plan change.

- Support the plan change provided it ensures good resource management outcomes are achieved.
- Oppose the parts of the plan change dealing with access to the State Highway for the northern properties in the plan change area.
- Support provided their rates are not increased until services are at the boundary.
- The plan change cannot address the design of the Three Parks roundabout.
- The plan change should be consistent with the Wanaka Structure Plan.
- Deferment mechanisms should be included in the plan change to ensure stages are not developed until a proportion of development has been completed in an earlier stage.
- The buffer reserve between the Three Parks Commercial Core and the North Three Parks Medium Density Residential Sub-zone should be included in the Structure Plan and Open Space Plan.
- The Wanaka Sports Facilities should be zoned within the plan change area.

Discussion & Reasons

All the matters raised in these submissions and further submissions, except whether the plan change ensures good resource management outcomes are achieved, are discussed in Sections 8.1 – 8.8 above. The Commission has given consideration to all the matters raised in submissions and further submissions and the Commission considers that provided changes recommended above as well as minor changes to correct typographical errors and to ensure internal consistency are made to PC 4, that PC 4 will result in good resource management outcomes.

Commission's Recommendations

In the context of support for the plan change it is **recommended**:

1. That the submission by **Ballantyne Investments Limited** PC4-04 to adopt Objective 2.7 in Section 12.25 be **accepted**; that the supporting further submissions by **Ballantyne Investments Limited** PC4-F12 and **RS Moseby and MF Gordon** PC4-F14 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F13 be **rejected**.
2. That the submission by **Ballantyne Investments Limited** PC4-05 to adopt the addition to Rule 12.26.4.3.5v be **accepted**; that the supporting further submissions by **Ballantyne Investments Limited** PC4-F15 and **RS Moseby and MF Gordon** PC4-F17 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F16 be **rejected**.
3. That the submission by **Ballantyne Investments Limited** PC4-08 to adopt the additional diagram to show the relationship between the Medium Density Residential and the linear park along the golf course (to appear after Assessment Matter 12.26.4.5(ii)(p)) be **accepted**; that the supporting further submissions by **Susan Robertson for Robertson Family Trust** PC4-F24, **Ballantyne Investments Limited** PC4-F25 and **RS Moseby and MF Gordon** PC4-F27 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F26 be **rejected**.
4. That the submission by **Ballantyne Investments Limited** PC4-09 to adopt the further assessment matter in Rule 12.26.4.5(viii)(c) relating to building and interface design be **accepted**; that the supporting further submissions by **Ballantyne Investments Limited** PC4-F28 and **RS Moseby and MF Gordon** PC4-F30 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F29 be **rejected**.

5. That the submission by **Ballantyne Investments Limited** PC4-10 to adopt the additional assessment matter in Rule 12.26.4.7(i)(c) be **accepted**; that the supporting further submissions by **Ballantyne Investments Limited** PC4-F31 and **RS Moseby and MF Gordon** PC4-F33 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F32 be **rejected**.
6. That the submission by **Ballantyne Investments Limited** PC4-11 to adopt the definition of North Three Parks be **accepted in part** as the word “Area” is to be added to that definition; that the supporting further submissions by **Susan Robertson for Robertson Family Trust** PC4-F34, **Ballantyne Investments Limited** PC4-F35 and **RS Moseby and MF Gordon** PC4-F37 be **accepted**; and that the opposing further submission by **Willowridge Developments Limited** PC4-F36 be **rejected**.
7. That the submission by **Queenstown Lakes District Council** PC4-21 that the plan change be approved provided it ensures good resource management outcomes are achieved be **accepted**; that the supporting further submission by **Ballantyne Investments Limited** PC4-F60 be **accepted**; that the partly supporting further submission by **RS Moseby and MF Gordon** PC4-F62 be **rejected**; and that the opposing further submissions by **Susan Robertson for Robertson Family Trust** PC4-F59 and **Willowridge Developments Limited** PC4-F61 be **rejected**.
8. That the submission by **Willowridge Developments Limited** PC4-40 that all other necessary consequential changes are made to the objectives, policies, rules and other methods necessary to give effect to the relief sought in the Willowridge submission be **accepted in part**.

As a consequence of the above recommendations PC 4 is to be modified:

1. To amend the definition of “North Three Parks Area” to state:

*“North Three Parks Area
- means that area of land shown on the Three Parks Structure Plan as North Three Parks Area.”*
2. To make consequential amendments to refer to the “North Three Parks Area” as appropriate; and to make other consequential alterations/amendments and minor corrections to the PC 4 provisions, as now presented in **Appendix 1**.

9.0 STATUTORY DOCUMENTS

9.1 Objectives and Policies of the Otago Regional Policy Statement

The Otago Regional Policy Statement became operative on 1 October 1998. The Regional Policy Statement contains objectives and policies relating to the Built Environment including Objective 9.4.1 which states as follows:

“9.4.1 To promote the sustainable management of Otago’s built environment in order to:

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

The Commission is satisfied that PC 4 is consistent with Objective 9.4.1 of the Regional Policy Statement and with its supporting policies. The Commission considers that PC 4, which is primarily concerned with reallocating land from rural to urban zoning and the alteration of DP provisions relating thereto, is consistent with the objectives and policies stated in the Regional Policy Statement. The Commission acknowledges that relevant provisions of the Otago Regional Policy Statement are presented more comprehensively in Section 5.2 of the Section 32 Analysis that accompanied PC 4 at the time of notification.

9.2 Objectives and Policies of the Queenstown Lakes District Plan

The Queenstown Lakes District Plan became fully operative on 10 December 2009.

Section 4 of the Queenstown Lakes District Plan contains higher order objectives and policies that apply throughout the District. The Commission considers that the objectives and policies stated in Section 4.9 Urban Growth are of particular relevance to PC 4. These objectives and policies state as follows:

“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.”***

“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 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 residential areas and small townships.*
- 2.2 *To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.*
- 2.3 *To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these 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.*
- 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.”*

“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 recognise and promote the established commercial character of the Commercial Precinct which contributes to its ability to undertake commercial, health care and community activities without adversely affecting the character and amenity of the surrounding environment.”*

“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 manage visitor accommodation to avoid any adverse effects on the environment.*
- 5.2 *To avoid, remedy or mitigate adverse effects of letting of residential units for short-term accommodation on residential coherence and amenity through a registration process and standards.*
- 5.3 *To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.”*

The Commission considers that PC 4, as amended in accordance with the Commission’s recommendations, is consistent with the above objectives and policies. The Commission notes in this context that the TPZ is already provided for in Section 12 of the Operative District Plan. The extension to the TPZ and other amendments to TPZ provisions provided for in PC 4 are consistent with the District Wide objectives and policies presented above.

PC 4 makes no change to the objectives that relate to the TPZ as stated in Section 12.25 of the Operative District Plan. The Commission finds that the additional policy and amendments to rules, assessment matters and other provisions as provided for in PC 4, as amended in terms of the Commission’s recommendations, better achieve the objectives of the Operative District Plan and the purpose of the Act.

The Commission is satisfied, having regard to their efficiency and effectiveness, that the new policy and amendments to rules, assessment matters and other provisions provided for in PC 4, as amended in terms of the Commission’s recommendations, are the most appropriate for achieving the relevant District Wide objectives and policies presented in Section 4 of the Operative District Plan and the objectives that apply to the RPZ as presented in Section 12.25.

10.0 SECTION 32 RMA

The Commission acknowledges that an evaluation has previously been undertaken under section 32 of the Resource Management Act 1991 with respect to PC 4, as required by section 32(1)(d) of the Act and as presented in the Section 32 Analysis.

The Commission also acknowledges that a further evaluation must also be undertaken by a local authority before making a decision under clause 29(4) of the First Schedule (see section 32(2)(a) of the Act). The Commission has undertaken such an evaluation when considering PC 4. The Commission has evaluated whether, having regard to their efficiency and effectiveness, the policy, rules, assessment matters and other provisions provided for in PC 4 are the most appropriate for achieving the objectives stated in the

Operative District Plan. Section 32(4) of the Act requires that such evaluation must take into account –

- (a) The benefits and costs of policies, rules or other methods; and
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The Commission has assessed each provision to be changed having regard to the contents of submissions and further submissions and to all of the evidence before us. The Commission has determined which submissions and further submissions should be accepted, accepted in part or rejected. The Commission's overall finding is that, following evaluation under section 32, PC 4 as amended in terms of the Commission's recommendations makes the most appropriate provision for achieving the objectives of the TPZ and the District Wide objectives specified in Part 4 of the Operative District Plan.

The Commission considers that PC 4, as amended in terms of our recommendations, best achieves the purpose of the Act.

11.0 PART 2 RMA

Part 2 of the Resource Management Act 1991 contains sections 5-8. We refer to them in reverse order.

Section 8 requires us, in exercising our functions on this plan change, to take into account the principles of the Treaty of Waitangi. No issues were raised with us in reports or evidence in relation to section 8.

Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, the maintenance and enhancement of the quality of the environment and any finite characteristics of natural and physical resources. The Commission is satisfied that PC 4, as amended in terms of the Commission's recommendations, will promote efficient use and development of the resources comprising the land subject to PC 4; will serve to maintain and enhance amenity values; and will serve to maintain and enhance the quality of the environment. The Commission is satisfied that PC 4, as amended, is necessary for enabling the better use and development of this finite land resource. There are no other matters stated in section 7 which are of any particular relevance to PC 4.

Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. No matters of national importance listed in section 6 are relevant in this instance. This is confirmed by the contents of the technical reports which are attached as appendices to the Section 32 Analysis made available when PC 4 was publicly notified.

Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2) the Commission has reached the view that on balance PC 4, as amended in terms of the Commission's recommendations, will achieve the purpose of the Act.

12.0 OUTCOME

Following our consideration of Plan Change 4 and the submissions and further submissions received thereto we have concluded that submissions and further submissions should be accepted, accepted in part or rejected as detailed in Section 8 of this report. The Commission has formulated these recommendations having regard to the matters to be considered in terms of section 74, the provisions of section 32, to Part 2 and in particular to the purpose of the Act as set out in section 5 of the RMA. The outcome of our consideration is that we recommend that Plan Change 4, as amended in terms of our recommendations, should be incorporated into the Queenstown Lakes District Plan.

The Commission has presented detailed recommendations with respect to the acceptance, acceptance in part or rejection of submissions and further submissions that relate to issues relevant to PC 4. The Commission has also provided the provisions of PC 4 as amended by our recommendations in **Appendix 1** to this report.

This report incorporating recommendations on Plan Change 4 is dated **9 August 2012**.

DAVID WHITNEY
CHAIR

For the Commission being Commissioners David Whitney and Leigh Overton