

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL  
AT WANAKA**

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the Publicly Notified Plan Change  
46

**AND**

**IN THE MATTER** of Submissions and Further  
Submissions by ORCHARD ROAD  
HOLDINGS LIMITED

**The Submitter**

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**LEGAL SUBMISSIONS FROM COUNSEL FOR THE SUBMITTER  
18 August 2015**

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## MAY IT PLEASE THE COMMISSIONER

### Plan Change 46

1. Proposed to rezone land owned by Orchard Road Holdings Limited ("ORHL") located off Ballantyne Road.
2. The land is currently zoned Rural and proposed to be rezoned Industrial B and Low Density Residential.
3. The land is within the Wanaka Growth Boundary.
4. ORHL have filed primary submissions and further submissions.
5. Evidence in support of the submissions and further submission of ORHL will be given by:
  - a. Mr Allan Dippie, a director and shareholder of ORHL; and
  - b. Mr Paddy Baxter, Landscape Architect of Baxter Design Group; and
  - c. Ms Alison Devlin, a Resource Management Planner employed by ORHL.
6. Plan Change 46 has arisen as a consequence of the outcome of Plan Change 36 ("PC36") which zoned other land off Ballantyne Road as Industrial B.
7. Other than for issues specifically addressed in evidence, ORHL accepts the findings and recommendations as contained in Mr Bryce's report.
8. There are some changes to the proposal which will be addressed by Mr Baxter and Ms Devlin:
  - a. New rules will be suggested to address landscape amenity issues, and interface issues between the land to be rezoned and the neighbouring land zoned Rural and Rural Residential to the south on Orchard and Riverside Roads.
  - b. ORHL is also now suggesting that Road 2 should be deleted.
9. Other issues raised in the s42 report and to be addressed include:
  - a. demand for industrial land;
  - b. timing of the hearing and determination of the Plan Change in relation to the forthcoming Review of the District Plan and whether the same should be postponed to be heard at the same time;
  - c. the fact that the Plan Change does not address the issue of Affordable Housing;
  - d. the need for the Plan Change
  - e. staging; and
  - f. achieving the Purposes of the Act.

## Section 32

10. The Act provides that the section 32 analysis for a Plan Change is effectively not completed until a decision on the Plan Change is completed.
11. If any changes are made to the notified Plan Change, a further evaluation may be required.
12. s32AA requires that all changes to a proposal since the original evaluation must be justified and supported by sound information

## Plan Change v District Plan Review

13. It is suggested by the submitter that the Plan Change should be withdrawn and the rezonings contemplated by the Plan Change considered as part of the Review of the District Plan due to be released next week
14. Plan Change 46 was first notified in 2013.
15. It can be dealt with in isolation to the District Plan Review.
16. One can assume no further issues would arise if it was heard as part of the Review.
17. No legal authority to suggest it must be heard as part of the Review.
18. Last review took a number of years (9) to resolve the majority of issues and be made operative in part.
19. As Mr Dippie will advise, there is continuing demand for industrial land and it is desirable for there to be a good supply of residential land available to help keep prices reasonable.
20. No difference in proceeding with Plan Change and carrying out development by Resource Consent which would be another option.

## Conclusion

21. The Plan Change can, and should, proceed at this time.
22. Changes can be made to the Plan Change as notified to deal with interface issues between the land to be rezoned and Rural and Rural Residential land to the South. With such, the amenity of neighbouring properties will be maintained.
23. Neighbouring land owners who claim they will be affected by future development contemplated by the Plan Change would have been aware for some time, given the Wanaka Growth Boundary, that the land would, at some time, be developed.
24. The section 32 analysis, submissions and further submissions, Mr Bryce's report and evidence, confirms the Plan Change achieves the purposes of the Act and is consistent with the relevant provisions of the District Plan.

  
G M Todd

Counsel for Orchard Road Holdings Limited