

Section 32 Report

Rural Land Rezoning:  
Residential Land and Wanaka Industrial  
Zone Extension,  
Ballantyne Road Precinct

Revised July 2013



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## **1.0 INTRODUCTION AND BACKGROUND**

### **1.1 Introduction**

- 1.1.1 This report forms a private plan change request by Orchard Road Holdings Limited (ORHL) to Queenstown Lakes District Council (QLDC or the Council) for a change to the Queenstown Lakes District Plan under section 73(2) and Schedule 1 of the Resource Management Act 1991.
- 1.1.2 A change is required to rezone land currently zoned Rural General to Industrial (B) Zone and Low Density Residential Zone at Enterprise Drive/Ballantyne Road, Wanaka.

### **1.2 Site Location and Description**

- 1.2.1 The site subject to the plan change comprises approximately 19ha of land to the south and west of the existing Ballantyne Road industrial area, Wanaka. The land is legally described as Lot 99 DP445766 and part of Lot 3 DP374697. A copy of the relevant Certificate of Title is contained as **Appendix A** to this report.
- 1.2.2 The site is flat land currently used for casual sheep grazing and pastoral grass production. It has a cover of pastoral grasses with a small group of trees in the northern corner. The open cover of pastoral grass continues to the south and west. The southeast boundary of the site is bordered by an established shelter belt.

### **1.3 Existing Environment**

- 1.3.1 The site is located adjacent to the Ballantyne Road industrial area of Wanaka.
- 1.3.2 Ballantyne Road has become one of the main focuses of business and industrial development in Wanaka. The eastern side of the road is now a well-established industrial and business hub containing a range of activities. On the opposite side of the road recent Plan Changes (Three Parks Special Zone and Ballantyne Road Mixed Use Zone) will enable further business and industrial activity to occur, although part of the Ballantyne Road Mixed Use Zone is deferred. Ballantyne Road is therefore likely to remain the most significant business and industrial area for the town.
- 1.3.3 The existing industrial area comprises a mix of industrial and business activities including a concrete plant, vehicle servicing, storage activity, manufacturing activity, business units and service activity.
- 1.3.4 To the north east of the site ORHL has recently undertake an 8-lot industrial subdivision. As part of this subdivision an access, Enterprise Drive, capable of servicing the industrial extension proposed by the plan change area, has been formed.

- 1.3.5 The proposed residential land is currently an unused paddock with rural residential blocks on the lower terrace to the south.

## 2.1 PURPOSE AND OVERVIEW OF THE PLAN CHANGE

- 2.1.1 Three resource management issues relating to the Ballantyne road industrial and future residential area have been identified and seek to be addressed through this plan change:

*The Ballantyne Road industrial area is a focal point for industrial activity in Wanaka. A sufficient supply of land needs to be available to meet the demands of industrial activities at this location.*

*The surrounding land is identified for future residential activity in the Wanaka Structure Plan. This needs to be implemented into the District Plan.*

*The interface of industrial and residential activity has the potential to create reverse-sensitivity effects.*

- 2.1.2 The purpose of the plan change is to address these resource management issues by rezoning land currently zoned Rural General in the Queenstown Lakes District Plan (the District Plan) as Industrial (B) Zone and Low Density Residential Zone in order to create a comprehensive and self-contained industrial area in the Ballantyne Road area of Wanaka; to provide sufficient industrial and business land to meet the future needs of the town; to provide residential land; and to ensure the interface between the industrial and residential land is managed to avoid reverse sensitivity effects arising in the future. The extent of the plan change and proposed zoning is shown in **Appendix B**.

### *Industrial Zone*

- 2.1.3 The plan change proposes to apply the provisions of the Industrial B Zone, which was promoted through the recent Plan Change 36 (PC36), to the 2.5 ha of land subject to this plan change identified as 'industrial extension' on **Appendix B**. The existing 'Ballantyne Road Precinct' Structure Plan contained at section 11.6 of the District Plan will be deleted and replaced with a new Ballantyne Road Precinct Structure Plan showing the full extent of the industrial extension and the landscape reserve area. The proposed new Structure Plan is contained at **Appendix C**.
- 2.1.4 A change to the Performance Standards table at 11.5.6 ref 22ii is also required to delete the standard relating to staging.
- 2.1.5 A change to District Plan Map 23 will also be required to show the land zoned as Industrial (B) Zone rather than Rural General Zone. An updated copy of the Industrial B Zone provisions and District Plan Map are contained at **Appendix D**.

### *Residential Zone*

- 2.1.5 It is proposed to apply the existing rules for the Low Density Residential Zone, contained in section 7 of the District Plan, to the 13.3 ha of land to be rezoned residential.
- 2.1.6 A change to District Plan Map 23 will also be required to show the land zoned as Low Density Residential Zone rather than Rural General Zone.
- 2.1.7 A copy of the Residential Zone provisions that will apply to the plan change area is contained at **Appendix E**.

### *Open Space*

- 2.1.8 The plan change proposes an extensive area of open space (3.3ha) to provide an effective buffer between the industrial and residential land. This will protect the amenity of the residential land and allow the effects of the industrial area to be contained within the zone. This will be shown on the Ballantyne Road Precinct Structure Plan, which will also show the indicative road layout for accessing the industrial and residential areas.

## **3.0 REASONS FOR THE PLAN CHANGE**

### **3.1 Resource Management Act**

- 3.1.1 The plan change has been prepared as a means of achieving the purpose of the Resource Management Act (the Act), which is to promote the sustainable management of natural and physical resources. Section 5(2) of the Act sets out that sustainable management means:

*...managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 3.1.2 The plan change supports the purpose of the Act by:

- providing industrial and business land, which is important to enable the community to provide for their economic well-being;
- providing land for residential activity to meet the social welfare needs of the community;
- creating a substantial open space buffer between the industrial and residential land to avoid adverse effects on residential amenity;

- consolidating industrial activity in the same area to avoid adverse effects of industrial activities in other areas of Wanaka.

3.1.3 Section 6 of the Act sets out matters of national importance which all persons exercising functions and powers under the Act shall recognise and provide for. There are no matters of national importance relevant to this plan change.

3.1.4 Section 7 sets out other matters that persons exercising functions and powers under the Act shall have regard to. Other matters relevant to this plan change are:

*(a) ...*

*(b) the efficient use and development of natural and physical resources;*

*(c) the maintenance and enhancement of amenity values;*

*(d)...*

*(e)...*

*(f) maintenance and enhancement of the quality of the environment;*

3.1.5 In having regard to these matters, the plan change will:

- enable industrial development adjacent to an existing industrial area, which will be efficient in terms of the containment of industrial effects and the provision of infrastructure and servicing;
- create a high amenity residential area which is sufficiently buffered from the adjacent industrial area;
- create a green corridor, which will link to a wider future green network and provide recreational amenity.

3.1.6 The plan change is consistent with the purpose of the Act.

## **3.2 Wanaka Structure Plan**

3.2.1 The Wanaka Structure Plan (WSP) 2004 is a policy document consistent with the purpose of the Local Government Act 2002, which provides a framework for the future growth of Wanaka. The WSP was produced as a result of community involvement through the Wanaka 2020 community planning exercise and was adopted by Council as a working document. The plan is a high level, indicative document, and is not intended to be a detailed micro zoning tool<sup>1</sup>. The plan is the first step in the zoning process.

3.2.2 The WSP identifies the land subject to the plan change as future residential land within the Inner Growth Boundary. The Inner Growth Boundary is a short-term boundary put in place to prevent sprawl and keep Wanaka contained over the next few years.

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<sup>1</sup> Section 4.4; Wanaka Structure Plan Report; Queenstown Lakes District Council; December 2004

- 3.2.3 It is intended by Council that the WSP will be implemented into appropriate statutory documents such as the District Plan and the Council Community Plan. A number of plan changes have already occurred, which implement the WSP and which are relevant to this plan change. These are described in section 3.4 of this report.
- 3.2.4 The WSP has been taken into consideration in drafting the plan change. Some of the future residential land has been provided for. The plan change seeks to rezone some land for industrial activity where the WSP anticipates residential activity. It was considered that this land would be more appropriately zoned as industrial land given:
- the demand for and suitability of land for industrial activity in this location;
  - the ability of the plan change to create a comprehensive industrial area with discrete road access and connectivity;
  - the ability of the plan change to manage the transition and buffer the reverse-sensitivity effects between residential and industrial land.
- 3.2.5 The plan change is therefore reflective of the WSP as a broad level strategic development document.

### **3.3 Wanaka Transportation and Parking Strategy (2008)**

- 3.3.1 The Wanaka Transportation and Parking Strategy was developed alongside the Wanaka Structure Plan and promotes the development of a transport system that will serve Wanaka well into the future.
- 3.3.2 The transportation strategy seeks to:
- improve the urban environment around Wanaka town centre and lake front;
  - plan an appropriate transport network to cater for future growth, whilst maintaining the character of Wanaka and encouraging the use of sustainable modes;
  - plan for appropriate parking provisions, particularly within and around the town centre.
- 3.3.3 The strategy identifies an overall roading hierarchy for Wanaka based around Special Character Roads (Ardmore Street and Lakeside Road, which are central to Wanaka's vitality as a retail, visitor and recreational destination); a primary road network (major arterial roads); a secondary road network (minor arterial roads); a tertiary road network (collector roads).
- 3.3.4 The strategy identifies a network of future secondary and tertiary roads in the vicinity of the plan change area servicing the industrial and business area as well as providing links through to Cardrona Valley Road and Orchard Road.
- 3.3.5 The Transportation Strategy has been taken into consideration in formulating the plan change.

### **3.4 Plan Change 16: Three Parks**

- 3.4.1 Plan Change 16 sought to rezone 100ha of land between Ballantyne Road, Riverbank Road and State Highway 84 for a mix of uses consistent with the WSP. A Three Parks Special Zone chapter was drafted which identifies a series of sub-zones, each with its own set of rules. The provisions of the Zone require that development is undertaken in compliance with a Structure Plan and subsequent Outline Development Plan(s) or Comprehensive Development Plan(s). The Zone provisions include extensive and prescriptive site and zone standards and assessment matters to guide the scale and nature of activity in each subzone.
- 3.4.2 This approach seeks to achieve a high quality urban area, which is consistent with the vision set out in the WSP and within which the effects of each subzone are appropriately managed. The Zone provisions give the Council and the community confidence in the outcome of the Zone.
- 3.4.3 The Three Parks Special Zone has been operative since December 2010.

### **3.5 Plan Change 36**

- 3.5.1 Plan Change 36 (PC36) sought to rezone land between Frederick Street and Gordon Road (to the west of Ballantyne Road) from Rural General Zone to Industrial (B) Zone. The purpose of PC36 was to ensure the underlying zoning matched the industrial use of land on Frederick Street and to provide for additional business and industrial activity between Frederick Street and Gordon Road. New provisions were proposed for the Industrial (B) Zone, which sits within the Industrial Zone chapter of the District Plan.
- 3.5.2 The Industrial (B) Zone provisions include a Structure Plan for the PC36 land and the requirement to lodge Outline or Comprehensive Developments Plans, as per the provisions of the Three Parks Zone.
- 3.5.3 PC36 was notified on the 13<sup>th</sup> October 2010. Orchard Road Holdings Limited made submissions to have part of Lot 99 DP445766 rezoned as Industrial Zone through PC36. The concept plan included with the ORHL submission on PC36 is included as **Appendix F**. An aerial plan is also included at **Appendix F**.
- 3.5.4 The reason for the submissions were to ensure sufficient land was provided in the Ballantyne Road area in order to ensure the future industrial and business land demands are met without having to establish another industrial/business area in the future. ORHL also considered that the concept proposed in the submission represented a better planning outcome in terms of managing the interface between industrial and residential activity and would create a more functional industrial area than the existing 'strip-zoning' of industrial land.
- 3.5.5 In considering the ORHL submission, Council commissioned an assessment of the proposed road layout (the road layout shown in **Appendix F**) by transportation consultants MWH. A copy of this is attached as **Appendix G**. The comments received by MWH suggested modifications to the ORHL concept plan to improve connectivity and efficiency of the proposed roading.

- 3.5.6 Prior to the PC36 hearing, ORHL undertook a review of the concept plan in light of the MWH comments. A revised and improved scheme was devised which moved the access to the future residential land to the south of the industrial land and enabled the creation of a discrete industrial area with an effective buffer to the residential land beyond. The scheme created an additional 2.5ha of industrial land. The revised scheme plan is contained at **Appendix H**.
- 3.5.7 ORHL presented this option to Council at the PC36 hearing. ORHL acknowledged that the revised concept was beyond the scope of the original ORHL submission, however, offered to enter into a stakeholder's deed to seek to deliver the revised concept in the event the ORHL submission was accepted<sup>2</sup>.
- 3.5.8 The stakeholder's deed set out that if the ORHL land was included in PC36, within 5 years of the decision the developer would progress a plan change for the additional land either as a private plan change, a Council initiated plan change, or as part of the District Plan review.
- 3.5.9 The Council decision on PC36 was notified on the 4<sup>th</sup> April 2012. The decision accepted ORHL's submission and rezoned additional industrial land. A new Structure Plan relating to the ORHL land was included in the PC36 provisions entitled the 'Ballantyne Road Precinct Structure Plan'.
- 3.5.10 PC36 is currently under appeal. Initially, the decision to include the ORHL land was appealed by P and D Gordon and ORHL became a section 274 party to that appeal. Following mediation, all parties agreed to withdraw the parts of the appeal relating to the ORHL land.
- 3.5.11 The outstanding appeal issues are solely on issues relating to the Connel Terrace Precinct. The remaining provisions, including those relating to the Ballantyne Road Precinct were made operative at the Full Council meeting of 26<sup>th</sup> February 2013.
- 3.5.12 Following PC36 ORHL has had a steady uptake of industrial land in the first phase of the industrial area, now known as Enterprise Drive. In light of the demand for industrial land in this area, ORHL has resolved to pursue the industrial extension through a private plan change. It is anticipated this will be a more expeditious approach than pursuing the rezoning through the District Plan review. The plan change is also considered to be straight forward and therefore a private plan change at this time is appropriate.

## **4.0 SECTION 32 EVALUATION**

### **4.1 Introduction**

- 4.1.1 Schedule 1 of the Act requires a request for a plan change to contain an evaluation under section 32 of the Act for any objectives, policies, rules or other methods proposed.

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<sup>2</sup> It was acknowledged in the deed that Council had entered into the deed without predetermining its decision with respect to PC36

- 4.1.2 The plan change does not propose any new objectives or policies. The plan change proposes to amend the Ballantyne Road Precinct Structure Plan contained within section 11.5 of the District Plan relating to the Industrial B Zone and to change the zoning of the land from Rural General to Industrial and Residential in District Plan Map 23. The plan change also proposes to change the Performance Standards table at 11.5.6 ref 22ii to delete the standard relating to staging.

## **4.2 Consideration of Alternatives, Benefits and Costs**

- 4.2.1 Section 32 requires consideration of whether, having regard to their efficiency and effectiveness, proposed policies, rules or other methods are the most appropriate for achieving the objectives. In order to determine whether the proposed method is the 'most appropriate' a review of realistic alternatives should be undertaken.

- 4.2.2 The objectives of the Industrial B Zone that the plan change seeks to achieve are as follows:

### *Objective 1*

*A high quality, functional area that provides for a wide range of business, industrial, service and trade-related activities and avoids residential, office and most retail uses.*

### *Objective 2*

*Effectively mitigate a) the adverse visual effects of business and industrial development, when viewed from public and private places and b) the adverse nuisance effects on the amenity of residential zones within the vicinity of the Industrial B Zone; and*

*Avoid unreasonable and objectionable odour, which will affect amenity in the residential zones in the vicinity of the Industrial B Zone.*

- 4.2.3 The relevant objectives of the Low Density Residential Zone area as follows:

### *Objective 1 – Availability of Land*

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

### *Objective 2 – Residential Form*

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

### *Objective 3 – Residential Amenity*

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

- 4.2.4 Realistic alternatives to the proposed method are:

- retain the status quo i.e. no plan change;
- rezone the industrial portion of the land as Industrial (A) Zone;
- rezone the land as Three Parks Special Zone;
- rezone land at a different location;
- rezone land as Industrial (B) and Low Density Residential.

***Retain the Status Quo***

- 4.2.5 One alternative is to retain the status quo. This would result in the subject land remaining as Rural General Zone. This would eliminate the need for a plan change and future development could instead be advanced through the resource consent process.
- 4.2.6 This would result in uncertainty over whether industrial and residential activity would occur in accordance with the Wanaka Structure Plan. This approach could also result in development of the land on a piecemeal and ad hoc manner rather than a comprehensive industrial and residential development where the overall effects can be managed through appropriate zoning.
- 4.2.7 If residential and industrial activity was consented there may be on-going administration issues associated with carrying out a land use activity which is not anticipated in the Rural General Zone.
- 4.2.8 This approach would not achieve the objectives listed in sections 4.2.3 and 4.2.4. In particular, relying on resource consents for activity on the land is unlikely to achieve a high quality, functional area that provides for a wide range of business, industrial, service and trade-related activities (*Industrial (B) Zone, objective 1*). This approach would also not necessarily contribute to providing sufficient land to provide for residential opportunities in the District (*Low Density Residential Zone, objective 1*).
- 4.2.9 The benefit of this approach is that it would negate the need for a plan change and the time and cost involved in the preparation and processing of a plan change.
- 4.2.10 The costs of this approach are:
- The land will not necessarily be secured into the future for residential and industrial purposes;
  - Loss of the ability to ensure a comprehensive, high-quality and well-functioning industrial area;
  - Potential administrative inefficiencies for activities operating in a zone where they are not anticipated;
  - It will not progress the implementation of the Wanaka Structure Plan.
- 4.2.11 Taking into consideration the costs and benefits, this approach is not considered to be an efficient or effective way to achieve the objectives.

### ***Rezone the land as Industrial (A) Zone***

- 4.2.12 The Industrial (A) Zone enables industrial activity as a permitted activity (although buildings are a controlled activity) subject to compliance with site and zone standards, which relate to matters such as building height and noise.
- 4.2.13 The Industrial (B) Zone was drafted more recently through PC36. The purpose of the Industrial (B) Zone was to develop a new zone that can be applied to provide for future industrial and business activity. The new zone was devised to address a number of issues present in existing industrial and business zoning that may affect their effectiveness and efficiency for their intended purpose.
- 4.2.14 The QLDC Industrial and Business Zone Review December 2009 identified the following deficiencies with the existing Industrial and Business Zone:
- The objectives and policies are weak;
  - The provisions relating to custodial units are difficult to enforce;
  - The allowable height is often too low to enable functional and flexible industrial and business-related buildings;
  - The provisions relating to retail are difficult to enforce;
  - The provisions allow offices to locate in the zone;
  - The provisions for on-site manoeuvring and parking are insufficient for an industrial zone;
  - The ability to subdivide to smaller lot sizes hinders the use of the land as being suitable for industrial lots over time;
  - The policy framework is weak and has in the past enabled non-industrial uses to establish in industrial areas;
  - Reverse sensitivity issues and conflicts between incompatible uses have been experienced within this zone, arising from people living and working in the industrial zone.
- 4.2.15 In light of the deficiencies that have already been identified with the existing zone, it is unlikely that the provisions of the Industrial (A) Zone would meet the objective of creating a high-quality, functional area that provides for a wide range of business, industrial, service and trade-related activities (*Industrial (B) Zone, objective 1*).
- 4.2.16 The benefits of this option are that it would secure the land for future industrial activity and create a consolidated area of industrial activity on Ballantyne Road.
- 4.2.17 The costs of this option are:
- A further plan change/District Plan review will be required to improve the deficiencies of the Zone, in the meantime inappropriate activity may establish in the Zone (such as custodial residential units or retail activity);
  - The zoning will be inconsistent with the adjacent Industrial (B) Zone, which may result in incongruous development across the industrial area and difficulty in applying the rules to any split-zoned sites.

4.2.18 In light of the identified costs, this option is not considered to be the most effective or efficient to achieve the objectives.

***Rezone the land as Three Parks Special Zone***

4.2.19 The Three Parks Special Zone includes provisions for a Low Density Residential Subzone and a Business Subzone.

4.2.20 Drafting the provisions of the Three Parks Special Zone was a lengthy process, which involved master planning the entire plan change area and devising detailed site and zone standards which will guide a high quality urban outcome. Many of the rules refer back to the Three Parks Structure Plan. The zone provisions are therefore tailored to the Three Parks mixed use area.

4.2.21 Notwithstanding the above, the Industrial (B) Zone is based on the Three Parks Business Subzone rules, although drafted in a manner that means it can be applied to industrial land throughout the District. It would be more appropriate to use the Industrial (B) Zone for the plan change and avoid the complexities of the Three Parks Special Zone.

4.2.23 The Residential Subzone rules of the Three Parks Zone are also considered to be complex and remain untested. The existing provisions of the Low Density Residential Zone in the District Plan have resulted in a quality residential environment in Wanaka and it would be more efficient to apply the existing Low Density Residential rules in this instance.

4.2.24 The benefit of applying the Three Parks rules are that they have been drafted to result in a high quality urban design outcome and they try and prevent some of the problems identified with the existing Industrial Zone.

4.2.25 The costs of this approach are:

- may create confusion in application of the rules to land located remotely from Three Parks.

4.2.26 While this approach may be effective in terms of the final activity and design outcome, the application of the Three Parks rules is not considered to be the most efficient way of achieving the objectives

***Rezone land at an alternative location***

4.2.27 This approach considers the suitability of alternative locations to be rezoned industrial rather than the land subject to the plan change.

4.2.28 The Ballantyne Road area is a well-established focus of industrial and business activity in Wanaka. Some industrial and business activity takes place at Anderson Heights but there is no available land for significant expansion in the Anderson Heights area.

4.2.29 There is alternative land available along Ballantyne Road. In particular on the opposite side of Ballantyne Road from the land subject to the plan change and south of the Three Parks/Ponds area. This land is currently green-field land. The land is identified as 'white

land' in the Wanaka Structure Plan and is located outside of the Inner Growth Boundary. This means that the site has not been specifically identified as a location for development in the Wanaka Structure Plan. The land subject to the plan change is within the Inner Growth Boundary and has been identified for development within the life of the Wanaka Structure Plan. It is therefore more appropriate that the land subject to this plan change be rezoned.

- 4.2.30 The benefit of rezoning the alternative land is that it would provide additional industrial and business land, is located around an existing industrial area and is on flat, east to develop land.
- 4.2.31 The cost of this approach is that it will bring forward land outside the Inner Growth Boundary where more suitable land exists within the Inner Growth Boundary for this type of development.
- 4.2.32 This option achieves the objectives of the Industrial Zone but is not the most efficient and effective way of achieving the sustainable development objectives of the District Plan as the land is not identified as being suitable for urban growth in the short term and there is a better alternative.

***Rezone the land as Industrial (B) Zone and Low Density Residential Zone***

- 4.2.26 The proposed approach would apply the existing Industrial (B) Zone and Low Density Residential Zone to the land subject to the plan change.
- 4.2.27 Through this approach the industrial zoning will be consistent with the neighbouring industrial area and reflect the Council's most recently adopted rules to achieve appropriate industrial activity and avoid non-industrial activity occurring in the Zone. This is consistent with the objectives of the Zone.
- 4.2.28 The Low Density Residential Zone rules are well tested and have worked successfully in Wanaka achieving residential areas with a pleasant living environment. Applying these rules will result in a pattern of development consistent with other residential development in the town and will meet the objectives of providing sufficient residential land and a pleasant living environment.
- 4.2.29 The benefits of this approach are:
- It will achieve the objectives in a straightforward manner by applying operative zones to the land subject to the plan change;
  - the plan change will deliver land for industrial and residential purposes;
  - the Industrial (B) Zone provisions are intended to improve upon the Industrial Zone provisions and avoid problems that have arisen in the past;
  - The Industrial (B) Zone provisions have been drafted in a manner that can easily be applied to new land;
  - The Low Density Residential Zone rules have delivered high quality and amenity residential development in other areas of Wanaka;

- 4.2.30 The costs of this approach are:

- the provisions relating to the Low Density Residential Zone may be amended through the District Plan review.

4.2.31 Despite the identified cost it is considered this approach is the most efficient and effective to achieve the objectives. If the Low Density Residential Zone provisions were to be changed through the District Plan review, it is expected that the revised provisions will still be the most appropriate given they will be drafted to apply to extensive areas of residential land District Wide.

### **4.3 Risk of Acting or Not Acting**

4.3.1 Section 32 (4)(b) of the Act requires a section 32 evaluation to take into account 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.

4.3.2 In this instance the risk of not acting is that land which is ideally suited for an industrial extension will not be safeguarded for this purpose and the landscape buffer on the interface between industrial and residential activity may not be achieved to the standard proposed in the plan change.

## **5.0 ENVIRONMENTAL EFFECTS**

### **5.1 Introduction**

5.1.1 The following potential effects on the environment have been considered:

- Economic effects;
- Landscape and visual effects;
- Traffic effects
- Effects on services
- Reverse sensitivity effects from the frost fighting fan at 246 Riverbank Road;

### **5.2 Economic Effects**

5.2.1 In terms of economic effects, the plan change is creating an additional 2.5ha of industrial land in an area where there is a high demand for such land. This will enable business to locate or expand within Wanaka, which will result in positive economic effects.

5.2.2 In considering whether there is a need for more industrial land to be zoned, the Commissioners Recommendation on Plan Change 36 confirmed that there are no apparent disadvantages in zoning more industrial land than will be needed in the medium term. In fact, it was considered that there are long term advantages for future communities if land is zoned industrial in the appropriate place now.

- 5.2.3 In regard to residential zoned land, while there is a good supply of residential zoned land in Wanaka it is considered there is no real disadvantage to further rezoning. A plentiful supply of residential land will mean that there is availability of a range of sections, in a range of locations at affordable prices to suit the needs of all sectors of the community.

*Landscape and Visual Effects*

- 5.2.4 The landscape and visual effects of the plan change have been considered in the Landscape Assessment by Baxter Design Group attached as **Appendix I** to this plan change. An additional report was also produced after a request from Council and is contained at **Appendix J**.
- 5.2.5 The report identifies that the current land use context of the site is mixed and displays a mix of rural, residential and industrial use, which reflects the underlying zoning. The site context can be broadly broken down into four blocks which reflect the use:
1. South western Wanaka residential – this area includes the Rural Residential zoned areas along Golf Course Road. Generally this area has been development for some time and has an established lifestyle character or large house and mature trees and gardens.
  2. Industrial – existing, established industrial development extends from the rural residential area on Golf Course Road along Ballantyne Road to the most recently consented industrial area to the north of the site.
  3. Cardrona River residential – Rural lifestyle type development occurs on both sides of Riverbank Road. The northern side of Riverbank Road is zoned Rural General but tends to display a similar landscape character and density of houses as the Rural Lifestyle zoned land on the southern side of Riverbank Road.
  4. Rural land – The site and surrounding properties to the west, east and south are all rural. The property to the north east has recently been consented industrial. The landuse over the wider landscape is mixed and does not display a contiguous landscape character.
- 5.2.6 In determining the landscape category of the site, the report sets out an assessment against natural science factors (geological, topographical, ecological and dynamic components of the landscape), aesthetic values, transient values, Tangata Whenua and historical associations.
- 5.2.7 When assessed as part of the much larger landform that forms the alluvial plains between the Cardrona Mountain Ranges, Criffel Range, Lake Wanaka and the Clutha River, the site and the surrounding landform demonstrates its glacial formation. The site is a reasonably flat remnant river terrace amongst gently rolling old alluvial landscape formed in the last glacial advance, with river terraces nested within a greater glacially formed basin. However, human modification has affected the legibility to some extent, as it prevents views across the landscape of the smaller scale glacial and fluvial elements and their relationship to each other and the wider landscape formation.
- 5.2.8 The topography of the site and surrounds is that of a series of relatively flat alluvial terraces dropping down to a river in a basin defined by glacially shaped mountains. The topography of the wider enclosing landform is, as a whole, memorable because of the contrast between

its relative flatness and the steep sides of the surrounding mountain range. The topography of the site is not particularly memorable as the grade, and slope of the land is continuous with the landscape surrounding it. It contains no geological features of any scale, is not prominent and does not differ from the surrounds.

- 5.2.9 Ecologically the site and surrounding landform are devoid of indigenous vegetation. The vegetation that does occur is predominantly exotic grasses and planted European tree species such as poplars and mixed conifers.
- 5.2.10 In summary the natural science factors of the site and surrounding landform are prominent and clearly expressed in the larger scale of the geological formation of the u-shaped basin. The geological formation of the site as part of the much larger landscape is clear. The topography of the site is legible but not memorable as it is flat. Ecologically the site has no evidence of its indigenous and original vegetation cover or animal communities.
- 5.2.11 The aesthetic values of the site are derived from the contrast between the relatively flat valley floor and river terraces and the steep mountain sides, and its cloak of human activity in terms of its pastoral or Arcadian character. The aesthetic values of the site are limited as it only contains minor groups of trees. The rest of the site is in pastoral grass.
- 5.2.12 The site demonstrates a little transient value in the leaf colour change of the small line of deciduous trees. The larger and more dominant conifer shelterbelt on the neighbouring property to the south east does not demonstrate any transient value due to its dark, evergreen appearance.
- 5.2.13 There is no evidence of cultural use or significance to the site to tangata whenua. The site has historical farming associates, as has much of the Wanaka area from the 1850's onwards. There are no artefacts indicating settlement of the site or use other than farming.
- 5.2.14 The report goes on to consider the landscape category. The objective of the analysis of the landscape category is to assess whether the site is within the Visual Amenity Landscape (VAL).
- 5.2.15 The existing topography of the site consists of a series of gently sloping alluvial terraces sloping north towards Lakes Wanaka and stepping down southeast towards the Cardrona River. There is a minor remnant of two river terraces to the northwest and northeast of the site, and the remainder of the site does not appear to have any definite changes, or significant geological features that stand out as different from the rest of the landform within the terrace.
- 5.2.16 The vegetation cover is predominantly pasture grasses with minor stands of exotic trees, the pattern of which generally coincides with the pattern of land use i.e. shelterbelts, which in turn is dictated by the district plan zoning.
- 5.2.17 The site is surrounded by existing development at various densities. To the northeast immediately adjacent to the site is industrial development. To the west, north and south is established rural lifestyle development as far as the Cardrona River and toe of the Cardrona Range.

- 5.2.18 The site is 'contained' within distinct landforms, those being principally the river terraces to the north and south. The outcome of these terraces is that the site is relatively well screened from wider views.
- 5.2.19 The assessment concludes that the site and surrounding landscape demonstrate landscape characteristics inherent in a VAL.
- 5.2.20 The assessment considers the visibility of the site from the following viewpoints:
- Ballantyne Road;
  - Riverbank Road;
  - Orchard Road;
  - Golf Course Road;
  - Cardrona Valley Road
  - Enterprise Road;
  - Hillend Station.
- 5.2.21 The visibility of the site was considered from three viewpoints on Ballantyne Road. From southeast of the junction with Riverbank Road the site is behind the historic river terrace and is not visible. Future industrial buildings and dwellings would not be seen from this location.
- 5.2.22 From Ballantyne Road adjacent to the site views are of the established industrial development. Some future industrial buildings within the plan change area would be visible beyond the existing industrial area from this location.
- 5.2.23 From Riverbank Road views into the site are mostly screened by topography, existing buildings and vegetation. The proposed tree planting on the south east corner of the site is visible from outside rapid numbers 185 and 234.
- 5.2.24 The site is visible from a stretch of Orchard Road approximately 530m long at a distance of approximately 550m from the site. Boundary treatment comprising a post and wire fence and the encouragement of shelter planting along the boundary will partially screen this view.
- 5.2.25 Views from Enterprise Drive are of the newly constructed road and footpath. Established industrial buildings are visible on the right and in the mid and background. Views of the proposed development will be of an extension of the current industrial area with a treed background provided by the proposed open green space between the industrial area and the proposed residential area. Both the proposed industrial development and the proposed open green space and trees will provide visual cohesion to the existing landscape. The proposed residential development will be screened by natural landform and by the proposed open green space and trees.

### 5.3 Traffic Effects

- 5.3.1 The traffic effects of the plan change have been considered in the report by Abley transportation consultants (the Traffic Report) attached as **Appendix K** to this plan change. Supplementary information has also been provided by Abley at the request of Council and is contained at **Appendix L**.
- 5.3.2 The Plan Change proposes road reserves of 20m in the industrial area and 18m in the residential area. The Traffic Report confirms that these comply with the Councils Development and Subdivision Engineering Standards.
- 5.3.3 In terms of the proposed road layout, the Traffic Report considers that it strikes an appropriate balance between ensuring there is a suitable separation between the residential and industrial land uses, while also providing appropriate accessibility and permeability. The alignments are such that appropriate sight distances can be provided. The road layout also highlights how the industrial areas can all be serviced effectively and efficiently without the potential for sites to become 'landlocked' or to require accesses that are inappropriately sited.
- 5.3.4 The greenspace provides an opportunity to create off-road walking and cycling routes such that pedestrians and cyclists are able to travel along the northern edge of the residential development separated from motorised vehicles.
- 5.3.5 The Traffic Report identifies that Ballantyne Road is a Collector Road as defined in Appendix 6 of the District Plan. Traffic flows on the northern sections of Ballantyne Road are in the order of 3,800 vehicles per day but significantly lower on the southern section of Ballantyne Road at less than 1,000 vehicles per day. This indicates that peak hour volumes are in the order of 450-500 vehicles on the northern sections and 100-150 vehicles further south.
- 5.3.6 The Traffic Report identifies that vehicle movements on Ballantyne Road will increase as a result of the various plan changes that have been consented in the area resulting in future vehicle movements in the order of 925-1,020 during the peak hours in the northern sections and 575-670 vehicles in the peak hours in the southern sections. The capacity of a single traffic lane is generally considered to be around 1,400 vehicles per hour in one direction. The expected volumes arising from changes in land use in the area are therefore well within the road capacity.
- 5.3.7 The report estimates that the overall traffic generation of the Plan Change area will be:

| Period            | Trip Generation (vehicles) |     |       |
|-------------------|----------------------------|-----|-------|
|                   | In                         | Out | Total |
| Morning Peak Hour | 65                         | 93  | 158   |
| Evening Peak Hour | 91                         | 71  | 162   |
| Daily             | 618                        | 618 | 1,236 |

- 5.3.8 The addition of these vehicle movements to the vehicle movements that can occur on the road as of right will increase overall movements to 1,120-1,215 towards the north and 755-850 towards the south. These remain well within the capacity of the road.

5.3.9 The Traffic Report considers the performance of the proposed new access point identified in the plan change on the roading network. A robust scenario was tested which included:

- All traffic that can occur as of right on Ballantyne Road has been included;
- The intersection accommodating all residential traffic and 20% of the expected industrial traffic;
- The morning peak hour has been modelled as this is the period when the greatest queues are likely to arise due to residents leaving to travel to work;
- No reduction in flows has been made for those living within the residential area and working within the industrial area; and
- A distribution of 67% of traffic travelling to/from Wanaka and 33% travelling to/from the south has been assumed.

5.3.10 The following table shows the performance of the Ballantyne Road/Site Access Intersection using the modelling package Sidra Intersection:

| Movement                      | Average Delay (secs) | Queue (veh) | Level of Service |
|-------------------------------|----------------------|-------------|------------------|
| <b>South: Ballantyne Road</b> |                      |             |                  |
| Left                          | 8.4                  | 0.0         | A                |
| Through                       | 0.0                  | 0.0         | A                |
| <b>North: Ballantyne Road</b> |                      |             |                  |
| Through                       | 3.6                  | 5.5         | A                |
| Right                         | 11.6                 | 5.5         | B                |
| <b>West: Site Access</b>      |                      |             |                  |
| Left                          | 10.3                 | 0.4         | B                |
| Right                         | 54.1                 | 1.4         | F                |

5.3.11 Even under the robust scenario modelled, the table shows that queue lengths are very low. Delays for right-turning vehicles emerging from the plan change area could approach 50 seconds, but in practice this delay is likely to be lower due to a different distribution of movements across the two accesses (and thus fewer right-turn movements than have been modelled). However, it does indicate that there is benefit in having the two accesses to serve the area to facilitate this redistribution of trips.

5.3.12 Overall, the Traffic Report considers that future traffic flows associated with the proposed plan change can easily be accommodated on Ballantyne Road. This has been assessed in the context of full development of the other recent plan change areas in Ballantyne Road.

## 5.4 Effects on Services

5.4.1 The effects on services have been considered by Paterson Pitts Ltd. A copy of the report is attached as **Appendix M** to this plan change.

5.4.2 In terms of water, Council supply is limited in this area of Wanaka. Council has identified this in their Long Term Council Community Plan (LTCCP) and has adopted a policy to identify and implement cost effective and staged projects to these areas. In the Council's own

infrastructure report attached to Plan Change 36, they stated that this process was already underway.

- 5.4.3 When sufficient water supply is available there is an existing 200mm diameter water main in Ballantyne Road and 150mm main in Enterprise Drive to service the plan change area. The extension of the reticulation through the plan change area also provides the opportunity to ring-main the reticulation through to the southwestern part of Wanaka.
- 5.4.4 Wastewater will gravity drain to an existing sewer in Enterprise Drive, which connects with the Project Pure main. There are two small areas near the northern and southern boundaries that may require pumping into the future reticulation.
- 5.4.5 All stormwater in this area of Wanaka is disposed of to ground. There is capacity in the existing system for additional development and there is space available to extend the existing underground disposal pit if required.
- 5.4.6 An additional soakage system will be required for the residential area but ground conditions are expected to be suitable for on-site disposal.
- 5.4.7 There is existing electrical reticulation in Ballantyne Road, Enterprise Drive and Orchard Road. Aurora Energy has confirmed that supply can be made available to the site.
- 5.4.8 There is existing telecom reticulation in Ballantyne Road, Enterprise Drive and Orchard Road and this can be extended into the site to service both the proposed industrial and residential zones.
- 5.4.9 Access to the industrial area will be provided off Enterprise Drive. Enterprise Drive is 21m wide with a 12m carriageway.
- 5.4.10 A separate access off Ballantyne Road will provide an attractive entrance to the residential area.

## **5.5 Reverse Sensitivity Effects**

- 5.5.1 The neighbouring property located at 246 Riverbank Road comprises a vineyard with frost fighting fan. The frost fighting fan is a Defender Frost Fan, which was granted resource consent on the 25<sup>th</sup> May 2011 (RM100294). The key characteristics of the operation of the frost fighting fan relevant to the reverse sensitivity effects are that it is likely to operate when the temperature drops to 2°C or below and is most likely to occur between the hours of 3am and 6am.
- 5.5.2 According to the information by Marshall Day Acoustics that was lodged with the resource consent application for the fan the land subject to the plan change is located in an area that would experience a noise level of between 50 – 55dBA. The applications states that World Health Organisation guidelines suggest a noise level of 30dBA  $L_{eq}$  is appropriate within bedrooms to protect against sleep disturbance. This is relevant as the frost fighting fan is most likely to operate during the night/early morning.

- 5.5.3 The Marshall Day Acoustics state that they have undertaken measurements, which show that existing New Zealand houses reduce aircraft noise by an average of 26dB with closed windows. Marshall Day considered that, while these results relate specifically to the control of aircraft noise, other overseas studies and Marshall Day calculations suggest that the results for frost control fans are likely to be similar. A 30dB indoor criterion, plus an average house performance of 26dB suggests an outdoor limit of 56dB for sleep disturbance.
- 5.5.4 According to the information submitted with RM100294, the land subject to the plan change is subject to a maximum noise level of 55dB. As this is less than the outdoor limit of 56dB for sleep disturbance identified by Marshall Day for the applicant, the frost fighting fan is unlikely to cause sleep disturbance to the future residents of the land subject to the plan change.
- 5.5.5 The reverse-sensitivity effects on the frost fighting fan operation are considered to be no more than minor.

## **6.0 STATUTORY CONSIDERATIONS**

### **6.1 Introduction**

- 6.1.1 Although not a requirement of plan changes, an assessment against the relevant statutory documents is appropriate for a comprehensive consideration of the plan change.
- 6.1.2 Statutory documents include the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Contaminants in Soil), the Otago Regional Policy Statement and the Queenstown Lakes District Plan.

### **6.2 NES Contaminated Land**

- 6.2.1 The objective of the NES is to ensure land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land suitable for human use. The NES regulates 5 specified activities on pieces of land where there is a potential the soil is contaminated in such a way as to be a risk to human health. Changing the land use is a regulated activity.
- 6.2.2 In order for the NES to apply to a piece of land, an activity listed on the Hazardous Activities and Industries List (HAIL) must have been undertaken or was more likely than not to have been undertaken. The HAIL list includes some activities relating to agriculture, such as use as a livestock dip or spray race operations. The plan change site is presently and was historically used for casual livestock grazing. No other activities, including livestock dip or spray race operations were undertaken at this location.
- 6.2.3 The plan change is therefore not subject to the HAIL regulations.

## **6.3 Otago Regional Policy Statement**

- 6.3.1 The Otago Regional Policy Statement (RPS) provides an overview of the resource management issues of the Otago region and the ways of achieving the integrated management of its natural and physical resources. Chapter 5 and 9 of the RPS relate to Land and Built Environment and are of relevance to this plan change.
- 6.3.2 Chapter 5 relates to Land and includes relevant objectives and policies which seek to:
- Promote the sustainable management of Otago's land resources in order to; maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and to meet the present and reasonable foreseeable needs of Otago's people and communities. (Objective 5.4.1)
  - Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource. (Objective 5.4.2)
  - Maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities, which have the potential to reduce the soil's life-supporting capacity; reduce healthy vegetative cover; cause soil loss; contaminate soils; reduce soil productivity; compact soils; reduce soil moisture holding capacity. (Policy 5.5.3)
- 6.3.3 The land subject to the plan change is not highly productive land. It is casual grazing land adjacent to an industrial area and within an area earmarked for future urban development. The rezoning of the land is considered to be the most appropriate use.
- 6.3.4 Chapter 9 relates to the Built Environment and contains the following relevant objectives and policies;
- To promote the sustainable management of Otago's built environment in order to meet the present and reasonably foreseeable needs of Otago's people and communities; and to provide for amenity values; and conserve and enhance environmental and landscape quality; and recognise and protect heritage values. (Objective 9.4.1)
  - To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities. (Objective 9.4.2)
  - To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources. (Objective 9.4.3)
- 6.3.5 The proposed land uses have been identified at this location through the Wanaka Structure Plan as a suitable urban extension for Wanaka. The plan change can therefore efficiently make use of existing town infrastructure as well as further contribute to the overall road network infrastructure. The proposed plan change will contribute to a high amenity urban environment where residential land is adequately separated from industrial land.
- 6.3.6 The plan change is considered to be consistent with the relevant objectives and policies of Chapter 9 of the RPS.

## 6.4 Queenstown Lakes District Plan

- 6.4.1 The relevant objectives and policies of the Industrial (B) Zone and the Low Density Residential Zone of the District Plan have been identified and considered in section 4 of this report.
- 6.4.2 Chapter 4 of the District Plan relates to District Wide issues. Objective 4.2.5 seeks subdivision, use and development to be undertaken in a manner which avoids, remedies or mitigates adverse effects on the environment. Related policies seek to:
- Encourage subdivision/development to occur in those areas of the District with greater potential to absorb change without detracting from visual amenity values ((policy 1(b));
  - To ensure subdivision/development harmonises with local topography as far as possible (policy 1(c));
  - To preserve the visual coherence of visual amenity landscapes by screening from road and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment (policy 9(b));
  - To preserve the open nature of the rural landscape by encouraging the location of roads, car parks and tracks along the edges of existing landforms and vegetation patterns (policy 12).
- 6.4.3 The proposed plan change sits within a Visual Amenity Landscape. The site is within the Inner Growth Boundary for the town as identified in the WSP and is adjacent to existing industrial and residential land uses. The site is also ‘contained’ within various landforms. The site is therefore considered to have the potential to absorb change.
- 6.4.4 The proposed plan change is also well screened from views into the site due to the natural topography. The layout of the proposed road has also been mindful of topography within the site. Overall the plan change is considered to comply with objective 4.2.5 and related policies.
- 6.4.5 Section 4.9 relates to Urban Growth. Objective 2 promotes urban growth which has regard for the built character and amenity values of the existing urban areas and enables people to provide for their social, cultural and economic well-being. This is supported by a policy to ensure growth and development takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas.
- 6.4.6 The plan change provides for the growth of the town by providing industrial land for economic growth and residential land for social well-being. The amenity of the residential area has been protected through the substantial provided between the industrial and residential land.
- 6.4.7 Objective 3 seeks residential growth sufficient to meet the District’s needs. The plan change brings forward residential land identified through the Wanaka Structure Plan to ensure there is a sufficient supply of residential land into the future.

- 6.4.8 Objective 4 encourages a pattern of land use which promotes a close relationship and a good access between living, working and leisure environments. The proposed plan change will enable a high amenity residential area adjacent to an employment area to give people the option to be able to live close to work.

## **7.0 CONSULTATION**

- 7.1 Consultation was undertaken with Queenstown Lakes District Council Policy and Planning to discuss the extent and zone provisions to apply to the Plan Change. The Plan Change was also discussed with Council through the Plan Change 36 process.
- 7.2 Consultation has also been undertaken with neighbouring landowners to inform them of the proposed plan change. Consultation is on-going. ORHL is in the process of marking out the extent of the proposed road and industrial area to enable proper consideration of the plan change by the neighbouring landowners.
- 7.3 The original scheme plan presented at the PC36 hearing showed a road linking through to Frederick Street and a consequential industrial extension of 0.7ha on land owned by Peter Gordon. Following consultation with Mr Gordon this area of his land was removed from the plan change at his request. However, the opportunity still remains for a future road link through to Frederick Street.

## **8.0 CONCLUSION**

- 8.1 The proposed plan change seeks to rezone approximately 2.5 ha of rural land as industrial and approximately 13ha of rural land as residential.
- 8.2 The plan change will facilitate the creation of both employment and residential land to provide for the growth of the Wanaka community. The Plan Change will enable the provision of industrial land in an established industrial area where the effects can be consolidated and managed and propose a substantial open space buffer to provide a high amenity transition between the industrial and residential area. The plan change will also enable separation between industrial and residential traffic.
- 8.3 The plan change is generally in accordance with the Wanaka Structure Plan.
- 8.4 The plan change is considered to be the most appropriate option when considered against the alternatives and the effects on the environment are considered to be minor.

## **APPENDIX A: CERTIFICATE OF TITLE**

## **APPENDIX B: SCHEME PLAN**

**APPENDIX C: BALLANTYNE INDUSTRIAL PRECINCT STRUCTURE PLAN**

**APPENDIX D: INDUSTRIAL B ZONE PROVISIONS**

## **APPENDIX E: RESIDENTIAL ZONE PROVISIONS**

**APPENDIX F: PLAN CHANGE 36 SUBMISSION CONCEPT PLAN**

## **APPENDIX G: MWH ASSESSMENT FOR PLAN CHANGE 36**

## **APPENDIX H: REVISED SCHEME PLAN**

## **APPENDIX I: BAXTER DESIGN GROUP LANDSCAPE ASSESSMENT**

## **APPENDIX J: FURTHER INFORMATION FROM BAXTER DESIGN GROUP**

## **APPENDIX K: ABLEY TRANSPORTATION REPORT**

## **APPENDIX L: ABLEY FURTHER INFORMATION**

## **APPENDIX M: PATERSON PITTS INFRASTRUCTURE REPORT**