



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

QUEENSTOWN LAKES DISTRICT COUNCIL

PLAN CHANGE HEARING COMMITTEE

PLANNER'S SECTION 42A REPORT FOR

**PLAN CHANGE 46: BALLANTYNE ROAD INDUSTRIAL AND RESIDENTIAL
EXTENSION**

FOR HEARING COMMENCING: 18th August 2015

REPORT DATED: 4th August 2015

**SUBMITTED BY: Nigel Bryce
Consultant Planner**

FOR AND ON BEHALF OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

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ABBREVIATIONS

General Terms	
Operative Queenstown Lakes District Plan 2009	'District Plan'
Resource Management Act 1991	'the Act' or 'the RMA'
Plan Change 46	'the Plan Change'
Hectare	'ha'
Orchard Road Holdings Limited	'ORHL' or 'the Requestor'
Assessment of environmental Effects	'AEE'
Submitter Abbreviations	
PD Gordon Family Trust	Gordon Family Trust
Orchard Road Holdings Limited	ORHL

APPENDICES

A	Submissions
B	Further submissions
C	Summary of Decisions Requested
D	An Assessment of Plan Change 46 Against Higher Order Objectives and Policies under Operative District Plan
E	Amendments to Existing and Proposed Provisions Recommended by Nigel Bryce
F	Independent Transport Review undertaken by Traffic Design Group of PC46 Transportation Issues Undertaken on Behalf of Queenstown Lakes District Council

1.0 INTRODUCTION

This report has been written in accordance with Section 42A of the Resource Management Act 1991. It discusses the various issues raised by submitters and makes recommendations in relation to the issues raised, in order to assist the Commissioners their decision.

2.0 EXECUTIVE SUMMARY

Having considered the various issues raised in submissions, in summary it is recommended that subject to (i) amendments that are recommended in this report, and (ii) further justification by the Requestor as to why Community Housing (delivered by way of a voluntary retention mechanism) should not be applied to this Plan Change, that the area of land contained within the plan change be rezoned in accordance with the outcomes expressed within Plan Change 46: Ballantyne Road Industrial and Residential Extension. This conditional support for rezoning is subject to:

- The Requestor demonstrates how Community Housing (delivered by way of a voluntary retention mechanism) can be delivered as part of this Plan Change.

The following amendments be adopted as part of the Plan Change and include:

Industrial B Zone Provisions

- That the Ballantyne Road Precinct Structure Plan be amended to include reference to Stage 1 (as per the existing Industrial B Zone – Ballantyne Road Precinct Structure Plan) and Stage 2 (to include both the existing and proposed Industrial B Zone);
- That the staging method under 11.5.6 Performance Standards ref 22ii be retained, however be amended to refer specifically to the amended structure plan;
- Add new method under 11.5.6 Performance Standards ref 22 iii requiring completion of planting in combination with mounding to be implemented within the Open Space Area shown on the amended Ballantyne Road Precinct Structure Plan before any building can be erected on land identified as Stage 2 within the structure plan;
- Add new method under Part 15 - *Subdivision, Development and Financial Contributions* of the District Plan be included at Rule 15.2.3.4 Non-Complying Subdivision Activities (xvii) that any subdivision of the open space areas shown on the Ballantyne Road Precinct Structure Plan prior to 100 per cent of the planting in combination with the mounding having been implemented.

Low Density Residential Zone Provisions

- That a new Ballantyne Road Low Density Residential Zone Structure Plan be provided for within Part 15 - *Subdivision, Development and Financial Contributions* of the District Plan that provides for the following key matters:
 - (a) An Open Space and Landscape Area identifying a minimum width of 20 metres along the southern and south western boundaries of the Low Density Residential Zone be identified;
 - (b) The Open Space and Landscape Area shall be identified as a Building Restriction Area within the new Ballantyne Road Low Density Residential Zone Structure Plan;
- Amend Planning Map 23 as follows:
 - (c) That Planning Map 23 be amended to identify a 'Building Restriction Area' over that part of the Low Density Residential Zone that underlies the 'Open Space and Landscape Area' identified within the Ballantyne Road Low Density Residential Zone Structure Plan (set out above).

- Add new method under Section 15 - *Subdivision, Development and Financial Contributions* of the District Plan be included at Rule 15.2.3.4 (Non-Complying Subdivision Activities (xix)) that any subdivision of the open space areas shown on the Ballantyne Road Low Density Residential Zone Structure Plan prior to 100 per cent of the southern and south western boundary planting in combination with the mounding having been implemented.
- Inclusion of an additional objective, policy and rule within Part 15 - *Subdivision, Development and Financial Contributions* of the District Plan to govern landscape outcomes for the Low Density Residential Zone component of the Plan Change Site.

I note that the above is a summary of my high-level recommendations only. I believe that it is also important for me to stress that my recommendations have been made without the benefit of hearing the evidence that, I understand, will be presented at the hearing. With the leave of the Committee, I propose to revisit my conclusions following the presentation of the evidence, but before the Requestor's right of reply.

3.0 THE PROPOSED PLAN CHANGE

Plan Change 46 is a private initiated plan change advanced by ORHL which seeks to re-zone approximately 19ha of land from Rural General to Low Density Residential and Industrial B. The land subject to Plan Change 46 is legally described as Lot 99 DP445766 and part of Lot 3 DP374697 and is located to the south and west of the existing Ballantyne Road industrial area, Wanaka.

Of this land, 13.3ha is proposed to be rezoned Low Density Residential, and 2.5ha is to be rezoned Industrial B (forming an 'industrial extension' to the Industrial B Zone, promoted through the now partly operative Plan Change 36). A structure plan specifies areas of open space of 3.3ha to provide a buffer between the industrial and residential areas proposed under the Plan Change. The Plan Change seeks introduce a new structure plan supporting the Industrial B Zone is attached as **Figure 2** below.

The section 32 evaluation supporting the Plan Change, identifies and seeks to address the following three resource management issues relating to the Ballantyne Road industrial and future residential areas:

- *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.*

In relation to the existing Industrial B Zone provisions of the District Plan, Plan Change 46 seeks to delete the existing '*Ballantyne Road Precinct Structure Plan*' contained in section 11.6 and to replace this with a new Structure Plan that, in addition to the existing areas, incorporates the full extent of the industrial extension, the open space area, and the indicative road layout being advanced under the Plan Change.

Plan Change 46 also seeks to delete rule 22(ii), relating to the staging of building within the '*Industrial B Zone - Ballantyne Road Precinct*' Structure Plan, within the Performance

Standards table at 11.5.6 of the District Plan. The Requestor seeks that this staging mechanism be deleted outright.

A change to District Plan Map 23 will also be required under the Plan Change to show the land zoned as Industrial (B) Zone and Low Density Residential and replaces the existing Rural General Zone currently shown.

For the 13.3ha of land proposed to be rezoned Low Density Residential, the Plan Change proposes to apply the existing rules for the Low Density Residential Zone, contained in section 7 – *Residential Areas* of the District Plan.

A detailed explanation of the Plan Change is set out in the section 32 evaluation attached to the Plan Change documents.¹ In accordance with section 42A(1B)(b), I have adopted much of that detail for the purposes of this report. Importantly, in my opinion, the section 32 evaluation is also supported by a number of technical assessment reports, which are also referred to extensively in this report.

The general location and the extent of the requested plan change is shown in **Figure 1** below:

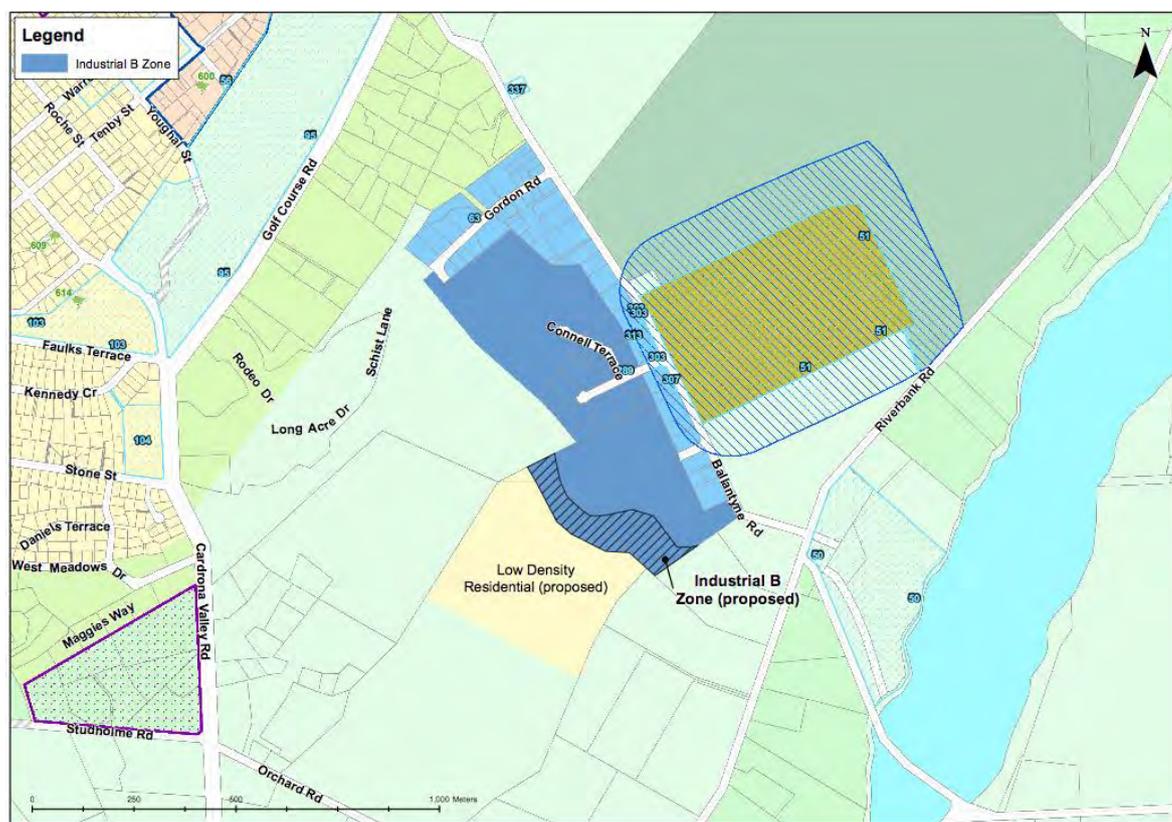


Figure 1 – Plan Change boundary (with Industrial B Zone extension shown hatched and proposed Low Density Residential Zone shown in yellow).

¹ at section 3.2 of the section 32 report.

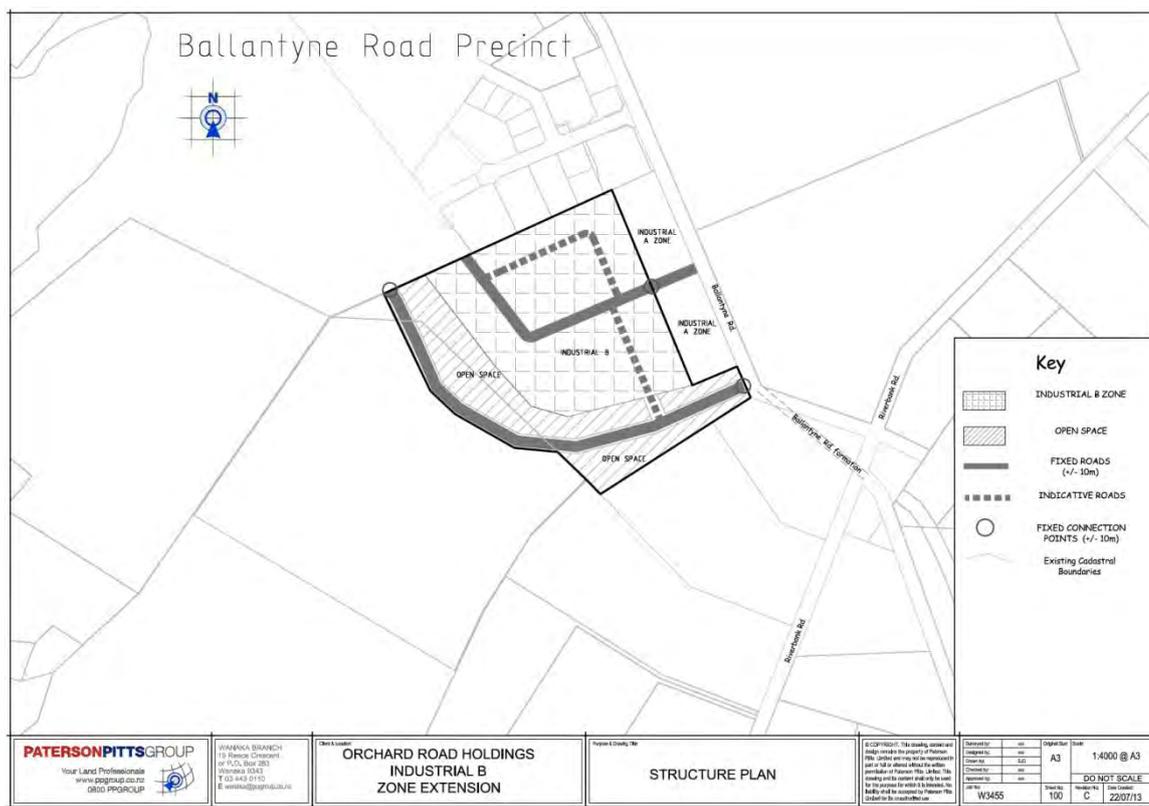


Figure 2 – Proposed Ballantyne Road Precinct Structure Plan

I note, for completeness, that the section 32 Report and supporting documents (including the AEE) are available on the Council’s website: <http://www.qldc.govt.nz/planning/district-plan/district-plan-changes/plan-change-46-ballantyne-road/plan-change-as-notified/>

In summary, the relevant provisions² of the Queenstown Lakes District Plan,² which are affected by Plan Change 46 are:

- Volume 1 - Section 7 – *Residential Areas*
- Volume 1 - Section 11 – *Business and Industrial Areas*
- Volume 3 - Planning Map 23 – *Wanaka Rural*

4.0 RELATIONSHIP TO OTHER DOCUMENTS

4.1 COUNCIL STRATEGIES AND PLANS

Wanaka 2020 (2002)

The Wanaka 2020 document identifies the following Community Outcomes for Wanaka:

- Managing growth in a way that protects the landscape and the environment;
- A vital town centre servicing the daily needs of Wanaka;
- A connected settlement that is easy to get around on by foot and cycle;
- Growing the strength of our economy;
- Providing infrastructure for a growing population; and
- Protecting rural character.

The Wanaka 2020 is a non-statutory document, which provides the direction for the Wanaka Structure Plan and, with other plans, formed the basis of the Community Outcomes listed in

² Hereafter referred to as ‘the District Plan’.

the Long Term Council Community Plan. Of particular relevance to the Plan Change, in my opinion, are those outcomes relating to enabling a diverse community, efficient use of infrastructure, and a strong and diverse economy.

Wanaka Structure Plan (2007)

The final Wanaka Structure Plan adopted in 2007 (see **Figure 3** below) identifies the Plan Change area within the Structure Plan 'Inner Growth Boundary'.

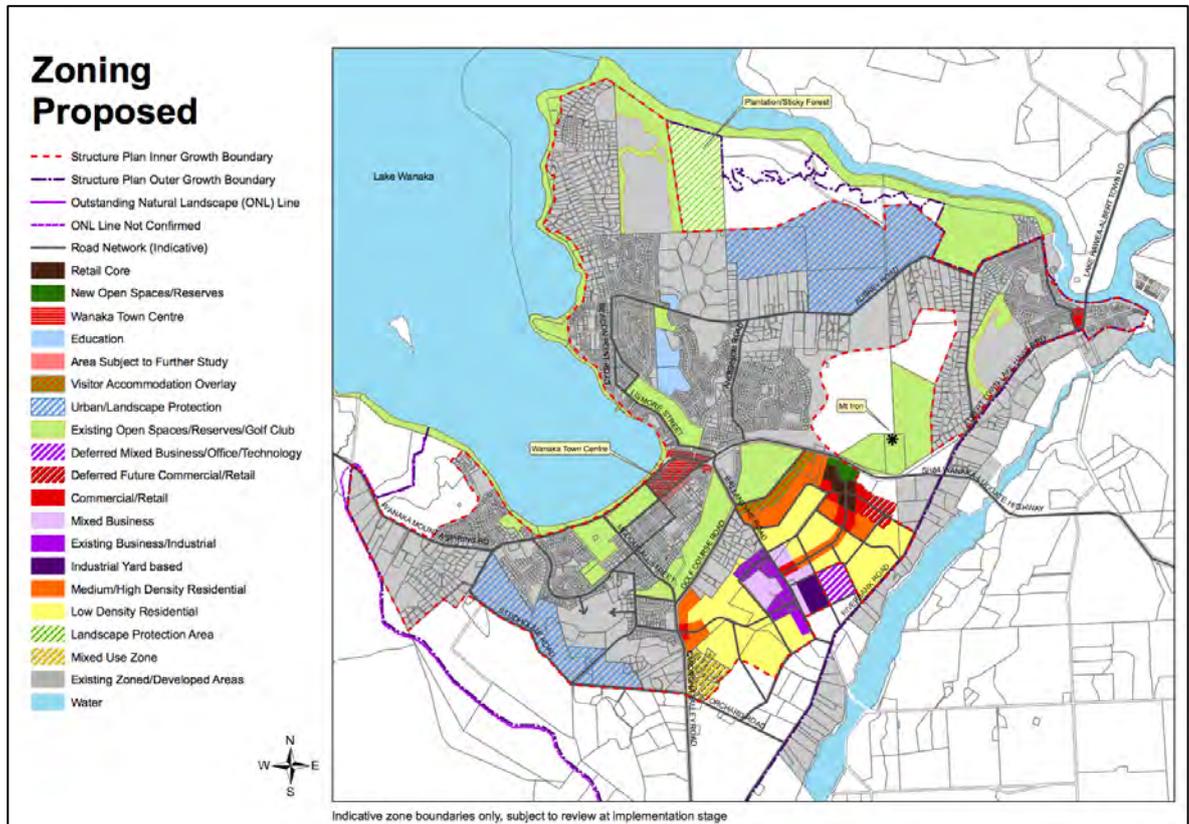


Figure 3 – Wanaka Structure Plan 2007

The section 32 evaluation supporting the Plan Change sets out the following overview and relevance of the WSP³.

- 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. 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.*
- 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*

³ At pages 7 and 8.

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.

The plan change is therefore reflective of the WSP as a broad level strategic development document.

As I set out in section 6.6 of this report, I agree with the Requestor that the Plan Change is reflective of the Wanaka Structure Plan.

A Growth Management Strategy for the Queenstown Lakes District April 2007

The Growth Management Strategy is a non-statutory planning document that was prepared to help guide the District Council and the community in planning for the future growth and development of the District. Its main purposes are to:

- Guide Council's detailed planning for the urban settlements in the District:
- Provide a context for transportation planning and investment in infrastructure:
- Provide a context for land owners and developers, stating what type of growth is wanted and where:
- Help inform the community of likely changes to the District over the next 20 or so years and the steps Council will take to manage this growth; and
- Alert other infrastructure providers to the location and scale of growth to assist with their planning (for example, New Zealand Transport Agency, District Health Boards, and central government agencies such as Ministry of Education and Police).

In the Wanaka area the Growth Management Strategy identified that the number of permanent residents will grow from 6,600 in 2006 to over 14,500 by 2026.

The Growth Management Strategy identifies a number of relevant Growth Management Principles including:

Principle 1: Growth is located in the right places

This principle refers to the need to direct where growth should be located so that the natural environment is protected, and growth supports the economic and social wellbeing of the District and its settlements.

- 1a All settlements are to be compact with distinct urban edges and defined urban growth boundaries.*
- 1b Growth is to be accommodated mainly in the two urban centres (Queenstown/ Frankton and Wanaka), and existing special zones outside of these centres.*
- 1f Greenfields development within the defined growth boundaries of the two main urban settlements (Queenstown and Wanaka), such as at Frankton Flats, is to be carefully managed to ensure that land is used to effectively promote the full range of desired community outcomes, and that a mix of activities can be accommodated.*

Principle 2: The type and mix of growth meets current and future needs

Getting the right mix of growth is critical to the long run economic and social wellbeing of the District.

- 2c Affordable housing is to be actively pursued through regulatory and non regulatory means.*
- 2f The diverse land needs of the business sector are to be understood and appropriate*

areas set aside for business uses, with more certainty about what types of activities can locate in the different business areas. In both Wanaka and Queenstown more space is to be provided for industrial and service activities, in separate areas...”

In Wanaka:

- 2n The expansion of the new commercial area proposed by the Wanaka Structure Plan is to be carefully managed so that the viability and vitality of the existing centre is not undermined.*
- 2o Land within the structure plan area is to be released for development in a staged manner, to help ensure efficient use of land, as well as to ensure infrastructure (particularly more land for business and community activities) is provided in-step with growth and the ensuring demand for goods and services.”*

I note, for completeness, to achieve Principle 1b, set out above, the Growth Management Strategy identifies that 85 per cent of the expected District-wide growth between 2006 and 2026 is to be accommodated in the Wanaka and Queenstown Growth Boundaries.

Importantly, in my opinion, the Growth Management Strategy established policy on how the Council would manage anticipated ongoing growth in the District. Notably, it reaffirmed the need for structure planning (such as the Wanaka Structure Plan) and the importance of containing growth within the boundaries identified by Wanaka Structure Plan.

While I understand that the Council is currently in the process of formalising growth boundaries for Queenstown and Wanaka as part of the District Plan Review, I have had regard and provided weight to the growth boundaries established as part of the Wanaka Structure Plan. I have done so as this is consistent with the growth management approach advanced by the Council, with input from the community. In reaching this conclusion, however, the Plan Change must ultimately be determined against the District Wide Objectives under Part 4 of the District Plan.

Commercial Land Needs Study (August 2006)

The Council produced a report entitled ‘*Commercial Land Needs – Queenstown Lakes District*’ in 2006. The report summarises the likely needs of Wanaka in terms of business, industrial and retail uses and was used to inform the Wanaka Structure Plan in terms of the location and types of land.

Wanaka Transportation and Parking Strategy (2008)

The Wanaka Transportation and Parking Strategy was developed alongside the Wanaka Structure Plan. The Strategy concludes that, whilst Wanaka is a relatively compact township and is well suited to cycling and walking, it faces considerable challenges due to the fact that it is not well connected and does not have a comprehensive public transport system.

The Strategy also identifies that it is likely, due to Wanaka’s size, to be a considerable period of time before these challenges are overcome. As such, the Strategy highlights the critical importance of travel demand management and compact growth.

The Strategy emphasises the need, over a 20 year timeframe, to introduce measures that will result in a wider range of transport modes being used (such as cycling, walking and public transport), on improving awareness of, and conditions for, cyclists. The Strategy sets targets in terms of increasing the proportion of people cycling and travelling to work.

The section 32 evaluation provided with the Plan Change sets out⁴ that 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.

The Wanaka Transportation and Parking 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; and
- plan for appropriate parking provisions, particularly within and around the town centre.

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); and a tertiary road network (collector roads).

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.

The Transportation Strategy has been taken into consideration in formulating this plan change. In my opinion, and as I set out in section 6.11 of this report, the Plan Change is broadly consistent with the Transportation Strategy.

5.0 A SUMMARY OF THE SUBMISSIONS RECEIVED AND THE ISSUES RAISED

A total of nine original submissions and four further submissions were received to the Plan Change. The submitters are listed in **Appendix A** and **B** to this report and the full summary of decisions requested are attached as **Appendix C** to this report.

I note that four further submissions were made by original submitters.⁵ Two additional further submissions were received by new submitters and include:

1. Stuart and Melanie Pinfold; and
2. Orchard Road Holdings Limited (being the plan change proponent).

5.1 LATE SUBMISSIONS

The following further submission was received after the closing date specified in the public notice:

- Further Submission of Stuart and Melanie Pinfold (received on the 15th of June 2015, and the further submission period closed on the 28th of May 2015).

⁴ At page 8.

⁵ Daphne and Jim Ledgerwood, Ian Percy and Fiona Aitkin, PD Gordon Family Trust.

The Council is able to waive timeframes under Section 37(1)(b) of the RMA. The commissioners need to take into account the following requirements of Section 37A to determine whether these late submissions should be accepted;

- (a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver;*
- (b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) *its duty to avoid unreasonable delay.*

The further submission received by Stuart and Melanie Pinfold was received two weeks late, however, this party has confirmed, in my opinion, that they have an interest greater than the public generally. I hold this opinion on the basis that the submission by the Gordon Family Trust, which seeks to extend the zoning of the land beyond the plan change boundary, has the potential to adversely affect the Stuart and Melanie Pinfold's properties and that no consultation has been undertaken with the submitter. I recommend acceptance of this late further submission.

5.2 SCOPE OF SUBMISSIONS

The scope of the submissions lodged to Plan Change 46 range from requests to withdraw the entire Plan Change through to providing support for the Plan Change.

Subject to the resolution of a number of matters relating to the maintenance of landscape, visual amenity values and rural amenity values of adjoining rural lifestyle properties along Riverbank Road, in my opinion, the Plan Change is the most appropriate means of achieving the purpose of the Act.

The submissions seeking the withdrawal of Plan Change 46 should not, in my opinion, be entertained given that retaining the 'status quo' would not address the key resource management issues that Plan Change 46 seeks to address, including that (i) the Ballantyne Road industrial area is a focal point for industrial activity in Wanaka and a sufficient supply of land needs to be available to meet the demands of industrial activities at this location, (ii) the surrounding land is identified for future residential activity in the Wanaka Structure Plan and needs to be implemented by way of the District Plan and (iii) the interface of industrial and residential activity has the potential to create reverse-sensitivity effects.

It follows then, that I recommend that the relief sought in each of these submissions be rejected.

I note, for completeness, that the submissions⁶ have also identified that there is a the need for the Plan Change Site, particularly the proposed Low Density Residential Zone, to more appropriately integrate with the adjoining Rural General Zone. I recommend amendments to directly respond to this issue.

5.3 THE ISSUES AND REPORT FORMAT

The RMA, as amended in December 2013, no longer requires this report or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions. As such, this report considers the various decisions requested by submitters, grouped under the following issues:

⁶ By Ian Percy and Fiona Aitkin (46/5) and Peter and Raelene Shanks (46/6)

- Consistency with objectives and policies of the District Plan;
- Consistency with Part II of the Act;
- Weight to be Applied to the Wanaka Structure Plan;
- Adequacy of the Section 32 Evaluation and Consideration of Alternatives;
- Expansion of Plan Change Boundary;
- Consideration of Plan Change as part of the District Plan Review;
- Need for Plan Change;
- Effects on Landscape and Visual Amenity Values;
- Effects on Amenity Values;
- Reverse Sensitivity Effects;
- Transportation Effects;
- Infrastructure Effects;

Some submissions highlight or seek to address more than one issue. I address such submissions, where they are relevant, under the issue topic headings set out above.

For each issue the report is generally structured as follows:

- The issues raised and decision requested, and my opinion regarding the same; and then
- My specific recommendations in terms of the issue.

Please note that my proposed additions are set out with red, underlined text. For completeness I have also included these proposed provisions as **Appendix E** to this report.

Please also note that I refer to those that lodged submissions prior to the 21st of April 2015 as the '**Original Submitters**', and to those that lodged further submissions as the '**Further Submitters**' throughout the remainder of this report.

6.0 DISCUSSION OF THE ISSUES RAISED BY SUBMITTERS

6.1 ISSUE: CONSISTENCY WITH OBJECTIVES AND POLICIES OF DISTRICT PLAN

The Issues and Decisions Requested

One Original submitter raises matters relating to the consistency of Plan Change 46 with the RMA and states that:

- The Plan Change is inconsistent with the objectives and policies of the Operative District Plan and does not achieve the purpose of the Act.⁷

The submitter seeks the Plan Change be rejected.

Discussion

Section 74 of the RMA provides the basis for the discussion of whether the Plan Change is consistent with the District Plan. In summary, section 74 requires that District Plan and changes thereto; (i) must be in accordance with Part 2 of the RMA; (ii) be accompanied by a Section 32 report; (iii) have regard to regional policies and plans and the extent to which it needs to be consistent with the plans or proposed plans of adjacent territorial authorities; and (iv) must take into account any planning documents recognised by iwi authorities and lodged with the territorial authority.

⁷ 46/5/01

Sections 6.3⁸ and 6.4⁹ of the section 32 evaluation sets and addresses the relevant policies and plans and other regulations as set out in section 74 of the RMA.¹⁰

I am satisfied, through the assessment undertaken within this report and the recommendations within the same that the Plan Change accords with the majority of objectives and policies of the District Plan. In reaching this conclusion I have undertaken a separate assessment of the relevant provisions, which I have appended to this report as **Appendix D**.

In relation to Part 10.4 (affordable and community housing) under Part 4 of the District Plan, and which was implemented through Plan Change 24, I note that this is not addressed within the section 32 evaluation. In broad terms, I understand the Plan Change does not seek to deliver community housing (as defined), but rather seeks to promote outcomes, whereby the needs of the community are recognised through a broader range of housing stock provided by the proposed Low Density Residential Zone. As I have set out within Appendix D, I consider that the Requestor should provide an analysis setting how Community Housing (delivered by way of a voluntary retention mechanism) can be delivered in this instance. Certainly, given the Plan Change's location in close proximity to employment land, there is merit in complementing the residential component of this Plan Change with community housing or by promoting other methods in support of the Low Density Residential Zone that could provide for tailored outcomes for housing affordability within the Plan Change Site. Should the Requestor submit more detailed evidence on this point, I request the leave of the Committee to revisit this matter, and my conclusions regarding the same, prior to the hearing being closed.

In terms of those matters relating to the need for the Plan Change to more effectively respond to zone interface issues in order to maintain amenity values of adjoining rural property owners, I have made recommendations in section 6.8 of this report in relation to the adoption of an appropriate buffer and landscape response along the southern and southern western boundary. In my opinion, the recommendations I have made to the Commissioners suitably address these matters, such that they accord with the policy direction of the District Plan.

Recommendations

In order to ensure that affordable and community housing issues identified under the District Plan are adequately responded to as part of this Plan Change process, it is recommended that:

- The Requestor provide further justification setting out how Community Housing (delivered by way of a voluntary retention mechanism) can be applied in this instance.

6.2 ISSUE: ACHIEVING PURPOSE OF RMA

The Issues and Decisions Requested

One Original submitter raises matters relating to the consistency of Plan Change 46 with the RMA and states that:

⁸ At page 24.

⁹ At pages 25 and 26.

¹⁰ Section 74 of the RMA requires consideration to be given to whether the plan change is consistent with the District Plan and whether the changes accord with Part 2 of the RMA, having regard to regional policies and plans and the extent to which it needs to be consistent with the plans or proposed plans of adjacent territorial authorities; and must take into account any planning documents recognised by iwi authorities and lodged with the territorial authority.

- The Plan Change is inconsistent with the objectives and policies of the Operative District Plan and does not achieve the purpose of the Act;¹¹
- The Plan Change is not the most appropriate way of achieving the purpose of the RMA and that the Plan Change fails to consider the alternative option of extending the Plan Change boundary to include the Submitter's land which would better achieve the purpose of the RMA.
- The Plan Change is not the most appropriate way of achieving the purpose of the RMA;¹²

Discussion

In considering the proposed plan change, I have had regard to whether it seeks to achieve the purpose of the RMA, set out in section 5, and informed by relevant matters set out under Part 2 of the Act.

Having considered the substantive issues raised within the section 32 evaluation and those identified through this submission processes, in my opinion, the purpose of this plan change is not contrary to the purpose of the Act.

In my opinion, the Plan Change would greatly benefit from offering affordable housing outcomes that provide for the social wellbeing and housing needs of the Wanaka community. Subject to the amendments that are recommended in this report, and the Requestor responding to the issues raised above relating to community housing, I am satisfied that a change to the zoning to Industrial B Zone and Low Density Residential Zone and associated supporting provisions, including as amended as a consequence of this report, that the land contained within the Plan Change boundary will provide for the sustainable management of natural and physical resources within this part of the Queenstown District.

While the efficient use of this land resource is sought to be enabled, the amendments set out within the recommendations of this report provide for the maintenance and enhancement of those landscape, visual amenity, and amenity considerations raised within submissions and which are relevant to inform Part 2 considerations.

Recommendations

It is recommended that the plan change be amended in accordance with recommendations contained within this report in order to ensure that it is consistent with and will contribute to the purpose and principles of the Act and to ensure that the Plan Change better achieves the operative objectives and policies of the District Plan.

6.3 ISSUE: WEIGHT TO BE APPLIED TO THE WANAKA STRUCTURE PLAN

The Issues and Decisions Requested

A number of Original submitters raise matters of relevance to the Wanaka Structure Plan and state that:

- The proposed residential development is consistent with the Wanaka Structure Plan and will provide for future housing needs of the community.¹³
- The Plan Change places excessive weight upon the Wanaka Structure Plan, which (i) is a non-RMA document that has been prepared without the rigour of a section 32 analysis; and (ii) has not been fully incorporated into the Operative District Plan;¹⁴

¹¹ 46/5/01

¹² 46/7/01

¹³ 46/1/1, 46/4/1

- The urban growth boundary (inner and outer), identified through the WSP process, has not been incorporated into the Operative District Plan.¹⁵

Discussion

The Wanaka Structure Plan is currently a policy document consistent with the purpose of the Local Government Act 2002. The Structure Plan is intended to provide a framework in order to guide future growth in Wanaka.

The Wanaka Structure Plan is an expression of the strategic intent of Council and the Council is currently in the process of translating the actions identified in the Structure Plan and other growth management processes (such as the Growth Management Strategy (2007)) into the District Plan through the District Plan Review (with a new Chapter identifying the Urban Growth Boundaries for Queenstown and Wanaka).

While I acknowledge Ian Percy and Fiona Aitkin's Original Submission (46/5/3) that reinforces that the Structure Plan is a non-statutory document, and has not been subject to the same level of public scrutiny that statutory planning instruments are subjected to under the Act, the Wanaka Structure Plan, nonetheless, is an expression of the Wanaka community's aspirations and direction for future growth. The Structure Plan was widely circulated for community input in August/September 2007. Approximately 70 submissions were received and appropriate amendments made to the structure plan in response to submissions received. All of the land subject to Plan Change 46 is within the Inner Growth Boundary as identified on the Wanaka Structure Plan, meaning that it forms part of the Wanaka urban growth area for which re-zoning has been identified for.

Ian Percy and Fiona Aitkin's Original Submission (46/5/3) highlights that the Wanaka Structure Plan does not consider the characteristics of specific sites within the strategic growth boundaries for Wanaka. The submitter's reinforce that a section 32 analysis is necessary to determine the appropriateness of the zoning. I agree with statement, however, reinforce that this does not take away from the importance of establishing growth boundaries, within which site-specific considerations can be considered on a case-by-case basis (via plan change processes).

The Wanaka Structure Plan provides well-founded principles in terms of a sustainable settlement pattern for Wanaka and is an important consideration in shaping the development of Wanaka. It is a document regularly recognised by Council in assessing and determining resource consents and Plan Changes.

Daphne and Jim Ledgerwood (46/4/1), Grandview Developments Limited (46/1/1), and Wanaka Hardware and Building Supplies Limited (46/2/4) support elements of the Plan Change on the basis that it is consistent with the Wanaka Structure Plan.

Notwithstanding the relevance of the Wanaka Structure Plan, this Plan Change must be considered primarily in terms of the objectives stated in Part 4 of the District Plan, which I have discussed in section 6.1 above (and within Appendix D). While I have had regard to the Wanaka Structure Plan and the identification of the Inner and Outer Growth Boundaries linked with the same, I have considered the merits of this Plan Change against the relevant objectives stated in Part 4 of the District Plan.

¹⁴ 46/5/3

¹⁵ 46/5/3

Recommendations

Reject – Submission by Ian Percy and Fiona Aitkin (46/5/3) be rejected on the basis that weight has been placed upon the Wanaka Structure Plan in determining the broader growth aspirations for Wanaka, however, the site specific issues raised by this Plan Change and identified within this report have been addressed in accordance with the relevant Part 4 District Wide Objectives of the District Plan.

6.4 ISSUE: ADEQUACY OF THE SECTION 32 EVALUATION & CONSIDERATION OF ALTERNATIVES

The Issues and Decisions Requested

One Original submitter seeks that the Plan Change boundary be expanded to include the land shown on their attached plan. The submitter seeks to rezone this land from Rural General to Low Density Residential and to provide the associated road network and raises the following matters:

- The Plan Change fails to consider the alternative option of extending the Plan Change boundary to include the submitter's land, which would better achieve the purpose of the RMA;¹⁶ and
- The section 32 evaluation must consider the extent to which policies, rules or other methods proposed in a plan change are the most appropriate means to meet the objectives of the District Plan. The submitter considers that the proposed extension of the Low Density Residential Zone to incorporate their property is a more appropriate extent than that proposed under Plan Change 46.¹⁷

In the alternative, the submitter seeks that the Plan Change be rejected in its entirety on the grounds that it is not the most appropriate way to achieve the purpose of the RMA.

Discussion

The Gordon Family Trust (submitter 46/7) considers that the Plan Change fails to consider the alternative option of extending the Plan Change boundary to include the Trust's land, which the submitter considers would better achieve the purpose of the RMA.

The submitter seeks that the boundary of the Plan Change be expanded to include their land (refer Figure 3 on the following page), that the land be zoned Low Density Residential and that the associated road network over the submitters land be provided for.

¹⁶ 46/7/01

¹⁷ 46/7/05

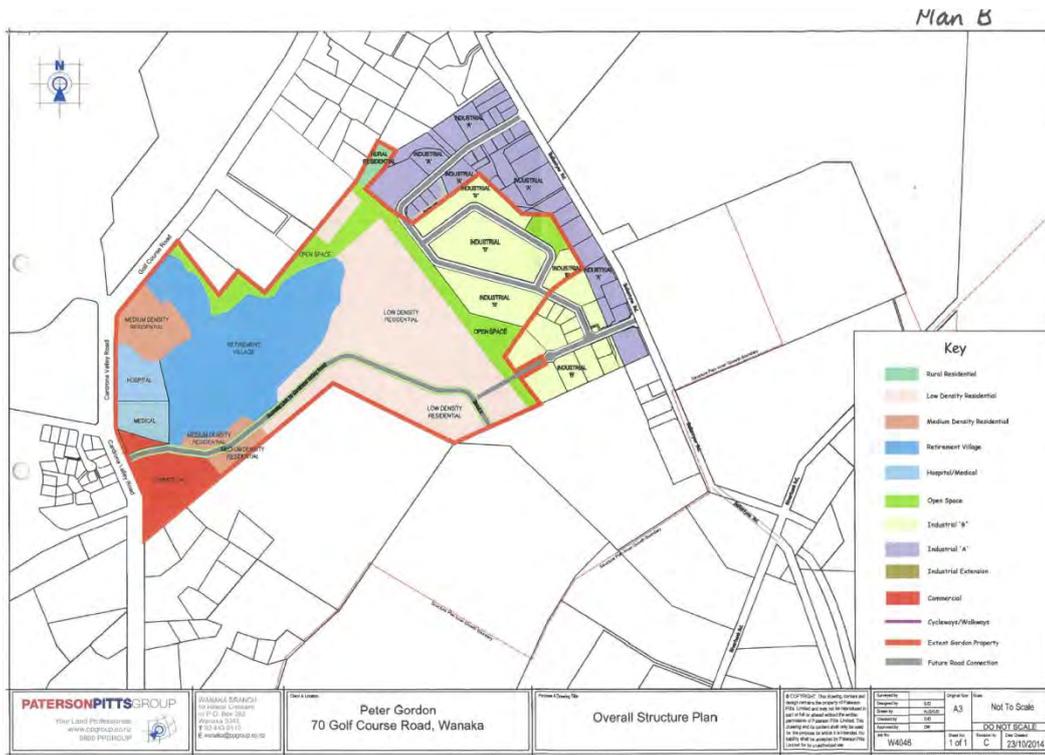


Figure 3 – Plan B lodged with Gordon Family Trust Primary Submission

ORHL through further submission (F46/10/09) supported the submission to include the Gordon Family Trust land within the Plan Change, subject to the amendments to the structure plan to complement the Structure Plan already advanced by the Plan Change.

The Gordon Family Trust, through their further submission (F46/07/02), subsequently amended their proposed plan such that it aligned with the contiguous areas of low density, green space and industrial land being proposed by both the Gordon Family Trust and ORHL (refer Figure 4 below).

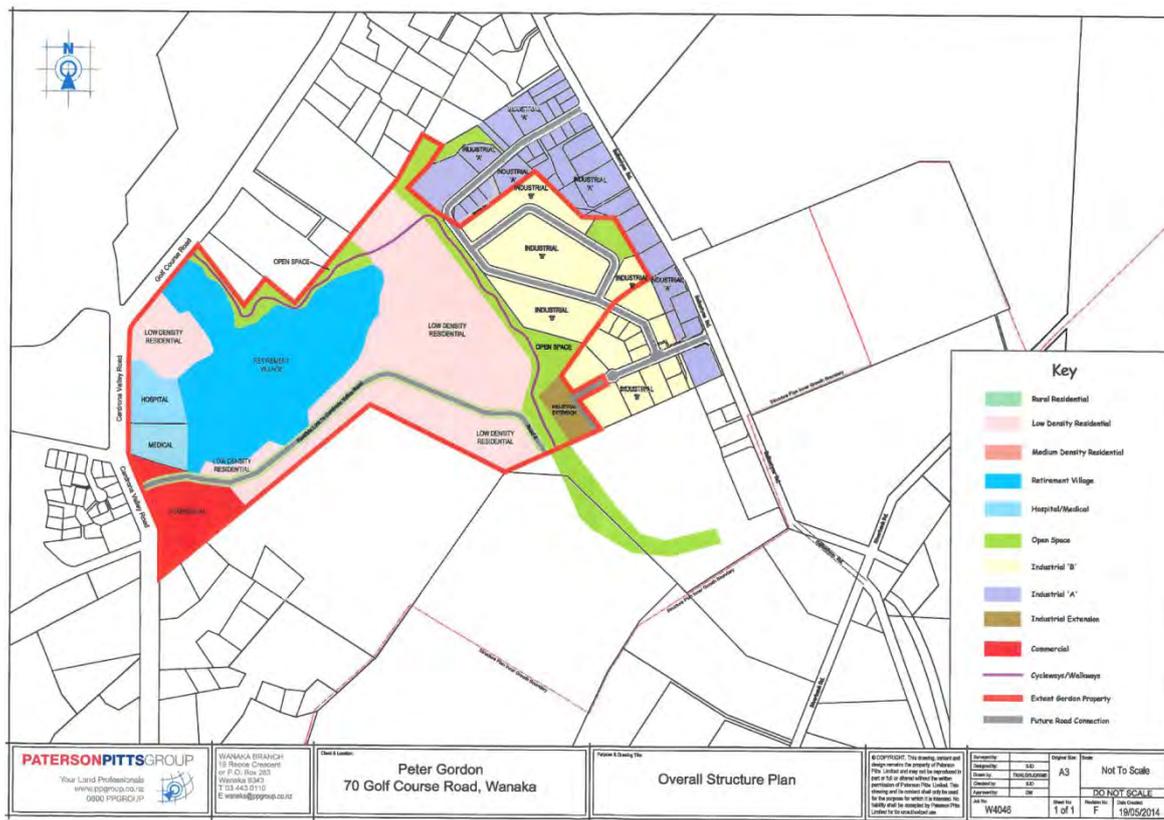


Figure 4 – Plan lodged with Gordon Family Trust Further Submission

The Gordon Family Trust primary submission raises two distinct issues. Firstly, the submission questions the appropriateness of the section 32 evaluation, and in particular the consideration of alternatives. Secondly, the primary submission raises the question of scope and whether the submission is ‘on plan change’. I address the first of these issues here, and the issue of scope under section 6.5 of this report.

In addressing the contention that alternative zoning options need to be assessed, as raised in the submission of Gordon Family Trust (46/7/2), I note that the Resource Management Amendment Act 2013 changes the requirements for, and implications of, section 32 evaluations.

Section 32(1)(b)(i), in particular, introduces a new requirement that, in examining whether the provisions are the most appropriate way to achieve the objectives, an evaluation report must identify reasonably practicable options for achieving those objectives. All that is required is that the other reasonably practicable options are identified. There is no corresponding explicit requirement that the efficiency and effectiveness of those other options be examined and compared.

The Ministry for the Environment (‘MfE’) has published interim guidance to evaluations undertaken in accordance with section 32. It states *“There is no statutory requirement to fully assess the benefits and costs of all practicable options for provisions”*.¹⁸ The guidance goes on to state that:

“Good practice, however, requires that evaluation is undertaken for a sufficient selection of options that cover the possible domain of alternatives. These will include the preferred or

¹⁸ Ministry for the Environment, 2013, *A guide to s 32 of the RMA 1991; Incorporating changes as a result of the Resource Management Amendment Act 2013, Interim Guidance*, Wellington, p33.

favoured option or options. They should also include distinctive alternatives (where they exist) to ensure that meaningful comparisons are made.

An approach that explores the extremes (including the option of 'no change') is likely to reveal more insights and reach more convincing conclusions than one, which simply examines a variation on a theme. It should also increase the transparency of analysis. It may be achieved through a preliminary pro forma assessment to eliminate the non-starters but subsequently require distinctly different options to be assessed in some detail."

The section 32 evaluation supporting Plan Change 46 addresses Section 32 of the Act at section 4.2 and addresses the consideration of alternative zoning options for achieving the objectives as part of the Plan Change. The alternative options considered under the section 32 evaluation are listed at section 4.2.4 as:

- *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; or*
- *rezone land as Industrial (B) and Low Density Residential.*

The section 32 evaluation considers an alternative option involving land available along Ballantyne Road and, in particular, considers the merits of rezoning land on the opposite side of Ballantyne Road from the land subject to the Plan Change (and south of the Three Parks/Ponds area). The evaluation discounts this option on the basis of its costs given that it would bring forward land outside the Inner Growth Boundary where more suitable land exists within the Inner Growth Boundary for this type of development. No other alternative locations were considered.

In my opinion, due to the location of the Gordon Land within the Inner Growth Boundary, and its ability to provide an efficient linkage with the Low Density Residential zoning advanced by Plan Change 46, there are clear efficiencies with advancing the re-zoning of land as sought by Gordon Family Trust. However, as I set out in section 6.5 below, there are procedural issues with expanding the Plan Change outside of the notified plan change boundary to the extent sought by the submitter.

Overall, in relation to the consideration of the section 32 evaluation, in my opinion, this adequately addresses the requirement under section 32 of the RMA for the consideration of all *reasonably practicable* or alternative options.

Recommendations

Reject – Submission by Gordon Family Trust 46/7/2 and further submission F46/10/09 be rejected as the section 32 evaluation adequately addresses the requirement under section 32(i) for the consideration of all *reasonably practicable* or alternative options.

6.5 EXPANSION OF THE PLAN CHANGE BOUNDARY

Issues and discussion

One submission has been received seeking to include their respective land within the plan change boundary and the issues in relation to this submission are:

- Whether this submission is within the scope of the plan change; and

- If it is within the scope / “on” the Plan Change, then whether such rezoning is appropriate.

Discussion

As discussed in section 6.4 of this report, the Gordon Family Trust seeks to extend the Plan Change boundary to include their land to be re-zoned Low Density Residential Zone.

The submitter (46/7/2) considers that clause 6 of Schedule 1 of the RMA provides jurisdiction to seek that a portion of their land be included in the Plan Change as they consider that the extension of the boundary of a plan change is "on" plan change.

The submitter considers that providing for additional land to be included within the Plan Change is a logical response and is anticipated given the recent history of development of the surrounding Gordon land, the surrounding land and its changed zoning. The submitter considers that it is unlikely that there will be any additional persons who are not already affected by the Plan Change who would become involved as a consequence of extending the boundary of the Plan Change as proposed.¹⁹

Further submission by Percy & Aitkin (F46/05/06) raised a neutral submission to submission 46/7/2 and highlights the need for further expansion of residential zoning to be advanced as part of the District Plan Review.

ORHL through its further submission F46/10/09 (support (in part)/oppose (in part)) Gordon Family Trust submissions (46/07/01 to 46/07/06) and considers that the inclusion of the Gordon land will enable the comprehensive development of the area in terms of land use, road network and open space network, subject to an appropriate layout being shown on the structure plan. ORHL seeks that the Gordon Submission be allowed subject to the structure plan being revised to better integrate with the PC46 structure plan. ORHL seeks that the rezoning of the Gordon land takes the form of the structure plan attached to their further submission.

Further, Stuart and Melanie Pinfold through further submission (F46/11/01) (support (in part)) submission 46/07/04 and 46/07/05. The Pinfold's have an interest in land at Heritage Park and have raised concerns regarding the extent of the zoning significantly beyond the area originally identified in Plan Change 46 as notified. They consider that the extension of the zoning promoted in the Gordon Family Trust submission has the potential to adversely affect their properties and raise concerns that no consultation has been undertaken with them.

It would appear that the further submitter's concerns relate to the area of land identified as 'commercial' on the plan supporting the Gordon Family Trust submission. The further submitter requests that consultation be undertaken with the regarding the proposed extension of the zoning so that they can better understand the potential effects to their properties.

In my opinion, the relief requested by the submission by Gordon Family Trust raises issues of scope. I note that the Gordon Land, while immediately adjoining the Plan Change Site, did not form part of the Plan Change as notified, nor has the requested re-zoning been addressed within the section 32 evaluation supporting the Plan Change, or additional re-evaluation submitted in support of the Gordon Family Trust's submission.

¹⁹ 46/7/2

Also, while a letter highlighting that Council had prepared a summary of submissions was sent to all adjoining landowners bordering the Plan Change Site, this consultation process did not extend to cover properties further to the north west located closer to the Gordon Family Land. As a consequence, I cannot rule out that additional landowners may still feel aggrieved and challenge this process should the Council accept the outcome of this submission. Reinforcing, this point the further submission lodged by Stuart and Melanie Pinfold (F46/11/01) raised specific concern about the extension proposed to the Plan Change and the need for further consultation.

In respect of the jurisdictional matter, there is extensive caselaw relating to this issue. I draw the Commissioners attention to a High Court case '*Palmerston North City Council v Motor Machinists Ltd*' (HC, 31/05/13). In summary, I understand that this decision endorsed the bipartite approach taken by William Young J in *Clearwater v Christchurch City Council*; namely whether the submission addresses the change to the status quo advanced by the proposed plan change and, secondly, whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.

In addressing each of these matters, I note the following points:

- The Plan Change, as notified, does not address the re-zoning of the Gordon Land and, as a consequence, the submission may not be categorised as being 'on' plan change.
- The submission raises matters that should have been considered in the Section 32 analysis, and no further assessment has been undertaken. The extension requested by submission significantly increases the extent of the Low Density Residential rezoning proposed under the Plan Change. No further detailed assessment has been provided as to any additional transportation or infrastructure related issues that may be generated by the extension. In particular, Road 4 identified within the submitter's revised plan (appended to further submission (F46/07/02)) identifies this connecting with proposed Road 3, however, there is no supporting technical assessments reflecting the likely increase in traffic flows and whether the proposed T-intersection on Ballantyne Road is still appropriate to cater for this additional traffic.
- There is a risk that persons directly or potentially affected could be denied the opportunity to submit on the proposed change. At paragraph 4.6 of their submission the Gordon Family Trust highlights that *"it is unlikely that there will be any additional persons who are not already affected by the Plan Change who would become involved as a consequence of solely extending the boundary of the Plan Change as proposed."* Further, the submitter considers that those affected (if any) will have an opportunity to participate, with an opportunity for further submissions and appearance at the Hearing.
- The further submission by Stuart and Melanie Pinfold (F46/11/01) requests that more detailed consultation is undertaken with them to address their concerns. The receipt of this further submission reinforces the potential for persons directly or potentially affected by changes to a plan change proposed by way of submission, to be denied an effective response to those changes. Advancing the changes proposed through these submissions could, therefore, prejudice other parties who may be disadvantaged by the council accepting a submission that enables a markedly different form of urban development from the notified Plan Change.

Given the issues raised above, it is my opinion, the Gordon Family Trust submission falls well beyond the scope of Plan Change 46. It would significantly increase the nature of Low Density Residential zoning being advanced under Plan Change 46, is not backed by a full

assessment of the potential effects and has not been properly evaluated in terms of section 32. Additionally, the extension is not underpinned by a process that has provided for an appropriate opportunity for public participation. This later point raises, in my opinion, issues of natural justice.

I understand that the Gordon Family Trust has been in discussions with Council staff regarding advancing the re-zoning of the Gordon Land as part of the District Plan Review that is to be notified in August 2015. Given the issues of scope raised above, the District Plan Review may be a more appropriate pathway for the submitter to advance the re-zoning of their land rather than through this current plan change.

In my opinion, the Gordon Family Trust submission is not 'on' Plan Change. The submitter may wish to contest my view and explain to the hearing Commissioners why they consider their submissions to be within scope. Should this occur, I request the leave of the Committee to revisit this matter, and my conclusions regarding the same, prior to the hearing being closed.

Recommendation

Reject – The Gordon Family Trust submissions 46/7/1 to 46/7/6 and further submission F46/10/09 are not 'on scope' and to accept these submissions could raise natural justice issues.

Accept – Further submission by Percy & Aitkin (F46/05/06) be accepted on the basis that the re-zoning extension sought by the Gordon Family Trust is more appropriately considered as part of the District Plan Review.

6.6 ISSUE: CONSIDERATION OF PLAN CHANGE AS PART OF THE DISTRICT PLAN REVIEW

The Issues and Decisions Requested

Whether the Plan Change should be considered as part of the District Plan Review is an issue raised in submissions and includes the following point:

- The submitter considers that it is inappropriate for the Council to be considering the Plan Change when it is close to notifying its proposed District Plan review. The submitter considers that the effects of any rezoning of this land must be considered in the wider District Plan review, which will consider all development for Wanaka in the whole, including the location of the Wanaka urban boundary, all zoning, whether residential, industrial or otherwise, infrastructure and roading.²⁰

Discussion

The Original submission by Ian Percy & Fiona Aitkin (46/5/2) sets out that it is inappropriate for the Council to be considering Plan Change 46 when it is close to notifying its proposed District Plan review. The submitter considers that the Plan Change in its present form has the potential to create an island of Low Density Residential land sitting within an area of Rural, Industrial and Large Lot Urban Zones. As a consequence, the submitter considers that this does not represent sustainable management, or a logical zoning approach, to this land or the development of this part of Wanaka.

ORHL through its further submission F46/10/06 opposed Original submission 46/5/2 and contended that waiting for the District Plan review to finally become operative may take a

²⁰ 46/5/2

number of years and will not provide for short-term demand for industrial land at this location. ORHL submitted that there is no provision in the RMA that suggests parties promoting Private Plan changes should await notification of a review of a plan to seek a zone change for their land.

In considering this issue, in my opinion, it is important to reinforce that the Plan Change request was originally applied for in April 2013, well in advance of the Council's current District Plan Review. The Council's Strategy Committee formally resolved in August 2013 to accept the Plan Change for processing, subject to further information in relation to traffic impacts being provided to Council's satisfaction.

Issues relating to the Ballantyne Road intersection design were only resolved to Council's satisfaction following the receipt of the Bartlett Consulting T-intersection design and further discussion by Council's technical advisors in February 2015 (this is discussed in more detail in section 6.11 of this report). The Plan Change was formally notified on the 18th of March 2015, almost two years following the request being lodged with the Council.

Whilst I agree that advancing the proposed plan change into the District Plan Review is a logical approach in terms of promoting an integrated approach to the management of natural and physical resources involved, the Council has accepted this privately-initiated plan change for processing and, as a consequence, it should be determined on its merits as part of this private initiated Plan Change process.

I note that the Plan Change is supported with a Scheme Plan (attached as Appendix B to the section 32 evaluation) and Structure Plan (attached as Appendix C to the section 32 evaluation) that identify how the proposed Low Density Residential and Industrial B Zones and associated road connections advanced under this plan change can be appropriately integrated with broader zone outcomes that the Council is considering as part of the current District Plan Review. In my opinion, this provides sufficient certainty that this Plan Change is not being considered in isolation of broader zoning outcomes that are to be advanced as part of the District Plan Review.

From an administration perspective, the Plan Change utilises the operative Industrial B Zone and Low Density Residential Zone provisions, and should the Plan Change be adopted, then it should be relatively easy to integrate this with any future outcomes advanced as a consequence of the District Plan Review.

Overall, I consider that it is acceptable for the proposed Plan Change to be advanced independently of the Council's District Plan Review and that it is appropriate for the Plan Change to be considered on its merits under the operative District Plan.

Recommendations and Reasons

Reject – Submission by Ian Percy & Fiona Aitkin (46/5/2) be rejected as it is considered acceptable for the Plan Change to be advanced independently of the Council's District Plan Review process.

6.7 ISSUE: NEED FOR PLAN CHANGE

The Issues and Decisions Requested

Whether the additional Low Density Residential and Industrial B zoning is 'needed' in Wanaka is one of the issues raised in submissions with one submission specifically addressing

this matter,²¹ while two other submissions reinforce the merits of the Industrial B Zone extension.²² The points raised include:

- In order to perform its functions under section 31 in a way that achieves the purpose of the Act, Council must consider whether there is a present need to apply a particular method (in this case a new special zone) to land;²³
- The section 32 report lodged with Plan Change 46 seeks to justify the plan change on the basis of the need to meet the demands of industrial and residential activities. There is no demonstrated demand for industrially-zoned land or residentially-zoned land identified in the section 32 report, either now or in the foreseeable future;²⁴ and
- The submitter seeks that the re-zoning of the land through the Plan Change be deferred until existing industrial and low-density residential land is utilised for zoned and other use. The submitter requests that the District Plan incorporate performance standards to assess the uptake of that land. Until performance standards are met, the current rural zoning should be retained;²⁵
- The industrial rezoning will consolidate an existing industrial area and provide for and encourage new businesses, which will benefit the local economy;²⁶
- In addition to meeting existing demand, the creation of new industrial space will encourage new businesses to locate in Wanaka, which will result in positive economic benefits for the local community;²⁷

The relief sought by these submitters range from the rejection of the plan change through to it being approved subject to revisions to address the concerns raised by submitters.

Discussion

With regard to this issue, I note that it is no longer a requirement of the RMA for a plan change to be necessary. Notwithstanding this, it is appropriate to ensure that the re-zoning of the land forming part of the Plan Change does not advance too much land for development that subsequently results in inefficiencies in servicing and fragmented communities.

The Original submission by Ian Percy & Fiona Aitkin (46/5/4) raises specific concerns that the section 32 report lodged with Plan Change 46 seeks to justify the plan change on the basis of the need to meet the demands of industrial and residential activities. The submitter considers that there is no demonstrated demand for industrially or residentially zoned land identified in the section 32 report, either now or in the foreseeable future. The submitter also highlights that the lack of need for such land was also noted by senior Council officers reporting to the Council's Strategy Committee in August 2013 in relation to the merits of the accepting the private plan change.

The Original submitter sets out that the section 32 analysis fails to identify and assess whether the content of the plan change is the most appropriate way of achieving the settled objectives and policies of the Operative District Plan and, in turn, the purpose of the Act. The submitter considers that this analysis must be undertaken with particular reference to relevant sections of the Operative District Plan - for example, in the case of urban growth,

²¹ 45/5/4

²² 46/1/3

²³ 45/5/4

²⁴ 45/5/4

²⁵ 45/5/4

²⁶ 46/1/3, 46/3/1, 46/9/1

²⁷ 46/2/1

PC46 must establish: (i) an urban growth boundary, then (ii) demonstrate how much new urban land was sufficient (but no more than sufficient) to meet the identified needs. The submitter considers that Plan Change 46 fails to establish either of these points.

Existing Supply of Industrial B Zoned Land

In responding to the proposed Industrial B Zone extension, the Original submission by Ian Percy & Fiona Aitkin (46/5/4) identifies that the nearby industrially zoned land on Ballantyne Road provides for around 40 years of demand for industrial land at the current rate of uptake. This land includes around five hectares of land owned by the Requestor, rezoned as Industrial B by Plan Change 36.

The Original submission by Ian Percy & Fiona Aitkin (46/5/4) also seeks that the re-zoning of the land through the Plan Change be deferred until existing industrial and low-density residential land is utilised for zoned and other uses. The submitter requests that the District Plan incorporate performance standards to assess the uptake of that land. Until performance standards are met, the submitter considers that the current rural zoning should be retained.

In relation to the deferral of the re-zoning of the Industrial B Zoned land advanced as part of this Plan Change, I note that the existing Industrial B Zone provisions already contains a staging mechanism within table at 11.5.6 Performance Standards ref 22ii. The existing provision reads as follows:

“i Within the Structure Plan entitled “Industrial B Zone - Ballantyne Road Precinct” there shall be no building on Stage 2 until 75% of stage 1 has been subdivided, the titles issued, and the sites sold.”

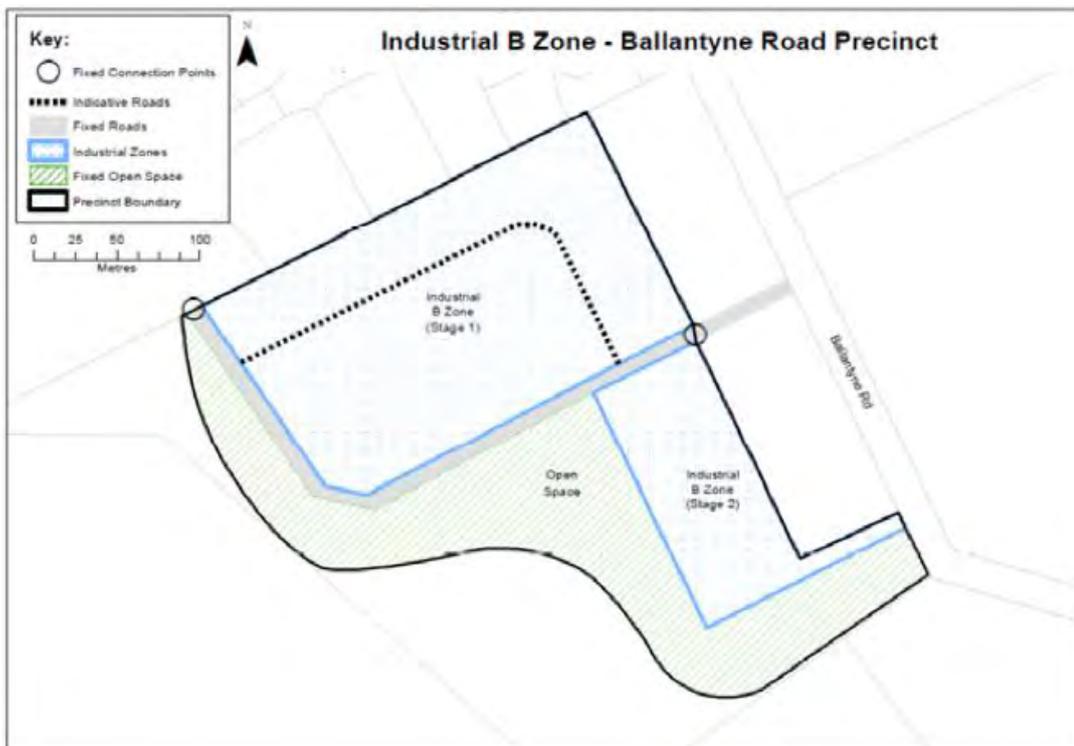


Figure 5 – Existing Industrial B Zone Ballantyne Road Precinct Plan, showing Stage 1 and 2.

The staging mechanism introduced under Rule 11.5.6 ref 22ii and which was included as part of Plan Change 36 was a method adopted that sought to ensure that the ORHL land is developed in an orderly and logical manner and that the first stage (being that area closest to Frederick Street) is largely established before moving onto the second stage. Advancing

development within Stage 2 before 75% of Stage 1 has been subdivided, the titles issued, and the sites sold would trigger the need for a resource consent for a non-complying activity.

Importantly, the Requestor, through this Plan Change seeks the deletion of this staging method.

In responding to the issues raised within Original submission (46/5/4), in my opinion, sufficient weight can be placed on the Inner Growth Boundary identified within the Wanaka Structure Plan. This approach is consistent with earlier plan changes that are now fully operative within the vicinity of the Plan Change Site, including Plan Change 16, Plan Change 32, and Plan Change 36 that were all advanced on the basis of the anticipated urban growth boundary promulgated as part of the Wanaka Structure Plan.

In relation to establishing need or demand for land being advanced as part of this Plan Change, the extension to the existing Industrial B Zone advanced as part of the Plan Change provides for approximately eight to 12 industrial lots (approximately 1,250m² to 1,500m²). ORHL in its further submission (F46/10/06) set out that it has sold all existing lots on its Ballantyne Ridge/Enterprise Drive development and has significant interest from businesses wishing to purchase land in this location. As a consequence, ORHL contends that their additional industrially zoned land resulting from Plan Change 36 will not provide a medium or long-term supply of industrial land.

Linked to the above comments relating to existing demand for Industrial B zoned land, Morgan Engineering Ltd (46/9), Grandview Developments Limited (46/1), Wanaka Hardware and Building Supplies Limited (46/2), Claas Harvest Centre – Otago (46/3) have all reinforced that the consolidation of an existing industrial area will encourage business growth and will have direct benefit for the local economy.

Given this apparent demand, it is likely that the additional Industrial B zoned land advanced under this plan change will accommodate the supply of additional land to meet the growing market demand in this locality.

As already noted above, Ian Percy & Fiona Aitkin (46/5/4) seek that the re-zoning of the land through the Plan Change be deferred until existing industrial and low-density residential land is utilised for zoned and other uses.

In relation to the Requestor request to delete 11.5.6 Performance Standards ref 22ii, I note that there no justification for this within section 32 evaluation. While the Requestor, as part of its further submission, has identified that a large proportion of Ballantyne Ridge/Enterprise Drive development has been sold, I note that the staging mechanism relates to the subdivision, titling and sales of land being 75% complete within Stage 1 before Stage 2 can commence. I consider that the rationale for the staging mechanism is sound from a resource management perspective and I do not support its deletion.

To ensure that the Industrial B Zone is developed in a similar orderly and logical manner, as that envisaged as part of Plan Change 36, I recommend that the Industrial B Zone extension proposed under this Plan Change should also be subject to the same staging mechanism. This will require further amendments to be made to the new Ballantyne Road Precinct Structure Plan to reinsert the staging references for Stage 1 and 2 (with stage 2 covering the existing and proposed Industrial B Zoned land) and amendment made to 11.5.6 Performance Standards ref 22ii to refer to the new Ballantyne Road Precinct Structure Plan.

In my opinion, it is logical to enable this additional area of land to be re-zoned for Industrial B

land uses and reflects the existing pattern of development provided for under Plan Change 36. Additionally, it is consistent with the broader growth objectives of the Wanaka Structure Plan (encouraging gradual outward expansion in a manner which encourages cost effective servicing and results in sensible land use patterns). I recommend, however, that additional methods are put in place to appropriately respond to this increased Industrial B Zone.

I recommend, therefore, the following amendments be provided in support of the proposed Industrial B Zone extension:

- That the Ballantyne Road Precinct Structure Plan be amended to include reference to Stage 1 (as per the existing Industrial B Zone – Ballantyne Road Precinct Structure Plan) and Stage 2 (to include both the existing and proposed Industrial B Zone); and
- That the staging method under 11.5.6 Performance Standards ref 22ii be amended to refer specifically to the amended structure plan.

The Requestor may wish to contest my conclusion on the retention of the existing staging method and explain to the hearing Commissioners why ORHL considers it is appropriate to remove this staging performance standard. This will require more information to be submitted at the hearing than that which was submitted in support of the section 32 evaluation. Should this occur, I request the leave of the Committee to revisit this matter, and my conclusions regarding the same, prior to the hearing being closed.

Existing Supply of Low Density Residential Land

The Wanaka Structure Plan sets out that current urban zones (that is within the existing Wanaka high and low density residential areas) allows for approximately 2,530 dwelling units. However, since this figure was estimated it is likely that a further 200 units are likely to have been consented to, reducing the remaining capacity to around 2,330 units.

Further, the Wanaka Structure Plan highlights that additional opportunities to be provided by recent Plan Changes include the notified Kirimoko Block Plan Change (now operative) which will add capacity for a further 350 sections (approximately) and the operative Riverside Stage 6 subzone which will add capacity for around another 250 sections. The Wanaka Structure Plan sets out that if it is assumed that 80 per cent of this land is released for development over the next 20 years, this will provide an additional 480 sections. This means that available urban capacity is estimated to be in the order of 2,340 units.

The Wanaka Structure Plan recommends that growth will be provided for through a mix of infill and greenfield development at slightly higher residential densities than currently exist in Wanaka's urban zones. That is, whereas in 2007, approximately 83 per cent of all dwellings in Wanaka were conventional detached houses on sections of about 800m², the Wanaka Structure Plan assumes that in the future conventional housing will make up only 75 per cent of all housing stock.

I note that the Wanaka Structure Plan was updated in 2007 so these figures are now out of date given other plan changes that have been advanced since 2007 in Wanaka providing additional land for residential development.

The Council's Dwelling Capacity Model provides a useful overview of the supply of land for housing in Wanaka and has been updated since the development of the Wanaka Structure Plan. The April 2012 results of the Dwelling Capacity Model for Wanaka are shown below.

	Existing Dwellings (including 'approved not yet built')	Residual Capacity (i.e. dwellings that can still be built)	Total dwelling capacity	Dwellings per ha
North Wanaka	1,674	1,346	3,028	11.3
South Wanaka	1,039	844	1,896	11.2
Peninsula Bay	52	328	400	9.2
Penrith Park	60	70	130	3.9
Albert Town	417	285	707	8.7
Three Parks	0	750	750	
North Three Parks	0	810	810	
Totals	3,450	5,049	8,545	

The Plan Change documents, in my opinion, provide limited justification for advancing the Low Density Residential zoned element of the Plan Change, other than reinforcing that (i) the surrounding land is identified for future residential activity in the Wanaka Structure Plan, (ii) is appropriately located within the Inner Growth Boundary identified by the Wanaka Structure Plan and (iii) the re-zoning needs to be implemented into the District Plan.

While it is evident that there is an extensive supply of low density residentially zoned land that is already available to meet current and future demand, because of the Plan Change Site's location within the Inner Growth Boundary and its proximate location to existing employment areas, I consider that the re-zoning does have merit, especially given that it promotes a pattern of land use that establishes a close relationship and a good access between living and working environments. Such an outcome is, in my experience, seldom achieved, however in this case I consider that the proposed structure plan advanced as part of the Industrial B Zone component of the Plan Change offers an appropriate and effective response.

I also note that it is likely that the Requestor will bring land to the market over time on a rational basis, where efficiencies are introduced through future redevelopment of both zones and where there is an acceptable level of market demand. I note that the structure plan approach advanced for the Industrial B Zone, and which I have also recommended be introduced for the Low Density Residential Zone responds to landscape and visual amenity related concerns raised by submitters, and offers the opportunity for both zones to be implemented in a comprehensive manner.

The key risk related to advancing an over supply of residentially zoned land is that it may result in inefficiencies in infrastructure. Given the proximity of the existing Ballantyne Road Industrial Zone this is not considered to be raised given the existing level of servicing and infrastructure that is readily available (refer discussion in service infrastructure under section 6.12 of this report).

The Plan Change Site, in my opinion, forms a natural extension to the Wanaka urban area (being immediately sited to the Ballantyne Industrial Area and is within close proximity to wider plan change areas such as Three Parks) and, as a consequence, there are efficiencies that can be delivered by this Plan Change. However, given the different zoning outcomes promoted under this Plan Change, it is logical that the Industrial B Zone (and associated mitigation responses proposed within Industrial B Zone - Ballantyne Road Precinct Structure Plan) are implemented before the Low Density Residential Zone subdivision is completed and titles are issued.

While I agree that there is merit in deferring the Low Density Residential zoning until there is more pressure on land supply (given that this enables Council to utilise existing capacity in the infrastructure ahead of developing more infrastructure), doing so would likely generate significant inefficiencies, in a resource management sense, associated with the development of services and infrastructure. As a consequence, in my opinion, any deferral of the Low Density Residential Zone should only be linked to the completion of landscaping and mounding within the Open Space Area identified within the Industrial B Zone - Ballantyne Road Precinct Structure Plan. To encourage this outcome, I have recommended that any subdivision of the Open Space Area before planting and mounding is implemented within this area requires a non-complying activity resource consent.

The section 32 evaluation sets out that the Plan Change will enable the creation of approximately 90 to 100 residential lots (of approximately 750 to 800m² in size). Although it is noted here that the Low Density Residential Zone allows residential density down to 450m² under certain circumstances.²⁸ In my opinion, while the plan change is likely to introduce further residential lots to a market that already appears to have adequate capacity, this additional supply may potentially stimulate more competition, housing choice and affordability (as well as providing for greater choice for prospective buyers given the Site's location close to existing employment areas). As set out in section 6.1, I have recommended that the Requestor demonstrate how community housing can also be delivered as part of this Plan Change.

Overall, I support the merits of advancing this plan change and consider that it represents an efficient and effective response to the re-zoning of the land resource involved.

I recommend, however, the following amendments be provided that seeks to ensure that planting and mounding within the open space areas within the Ballantyne Road Precinct Structure Plan are fully implemented before subdivision of the open space area can occur, including access roads servicing the Low Density Residential Zone. This directs that the open space areas that form part of the new Ballantyne Road Precinct Structure Plan are completed before access to the Low Density Residential Zone can be secured.

- Add new method under Part 15 **15.2.3.4 Non-Complying Subdivision Activities (xvii)**
Any subdivision of the open space areas, including for the creation of Road 3, shown on the Ballantyne Road Precinct Structure Plan prior to 100 per cent of the planting in combination with the mounding having been implemented.

Recommendations

Reject – submission by Ian Percy & Fiona Aitkin (46/5/4) be rejected on the basis that while there is an extensive supply of low density residentially zoned land that is already available to meet current and future demand, the Plan Change Site's location within the Inner Growth Boundary and its proximate location to existing employment areas, promotes a pattern of land use that establishes a close relationship and a good access between living and working environments. The Requestor has identified that in this locality there is also a strong demand for Industrial B Zoned land and that the existing Industrial B zoned land is unlikely to meet medium or long term demand.

²⁸ Under **7.5.5.3 Zone Standards** in the Low Density Residential Zone, the minimum net area for any site shall be 450m² for each residential unit contained within the site, **except** that where:

(a)(i) a site is shown as being located in the Medium Density Residential Sub-Zone; and
(ii) the site was contained in a separate Certificate of Title as at 10 October 1995; and
(iii) no residential unit has been built on the site; and
(iv) the site has an area between 625m² and 900m²

then two residential units may be erected on the site.

6.8 ISSUE: EFFECTS ON LANDSCAPE AND VISUAL AMENITY VALUES

The Issues and Decisions Requested

Two Original Submitters²⁹ have raised concerns about the effects on landscape and visual amenity values and include:

- The land that is subject to the Plan Change forms part of a ‘Visual Amenity Landscape’ and the Plan Change fails to have particular regard to the amenity values associated with the landscape;
- The land that is subject to the Plan Change is located at the top of a ridgeline making the land easily visible from the surrounding Rural General and Rural Lifestyle Zones, along with Riverbank Road. The change in elevation increases the prominence of built form on the skyline in this environment and exacerbates adverse effects; and
- The establishment of Industrial activities allowing buildings as high as seven metres on the land that is already more than four metres higher than the Submitter’s property will completely obliterate the view our site presently enjoys of the mountains and surrounds beyond Wanaka. Visual Impact and the loss of rural amenity associated with the establishment of more Industrial zoning. This will significantly affect the amenity value of our present rural outlook within the Rural General Zone;³⁰

The submitters seek a range of relief including rejection of the plan change through to additional mitigation to respond to their concerns.

Discussion

The Section 32 evaluation sets out that the Site is within a Visual Amenity Landscape.³¹

The Section 32 evaluation is supported by a landscape assessment prepared by Baxter Design Group which addresses the landscape and visual amenity effects of Plan Change 46 (attached as Appendix I to the section 32 evaluation) and associated addendum report (attached as Appendix J to the section 32 evaluation)).

The Baxter Design Group Report states:

The site and its context to the Cardrona range and Cardrona River, demonstrate landscape characteristics inherent in a Visual Amenity Landscape for the following reasons:

- *It is located on the district’s flats and terraces.*
- *It has clear and distinct topographical ‘edges’ being the toe of the mountains and the river edge.*
- *It wears an obvious cloak of human activity - comprising houses and trees and greener (introduced) grasses, demonstrating amenity and functional uses.*

The greater terrace landform system the site is part of, is adjacent to an ONF or ONL (Cardrona Mountain Range and Criffel Range)

However, the site itself and its immediate surrounds display a character potentially more akin to that of an ORL³² due to the proximity to existing industrial land, the sites lack of distinguishable topography or natural elements and lack of houses and amenity planting. It is a landscape in transition and is developing more towards an urban character.” [My emphasis].

The section 32 evaluation assesses the Plan Change Site as forming part of a Visual Amenity

²⁹ 46/5/6 and 46/6/1

³⁰ 46/6/1

³¹ At paragraph 6.4.3 of the section 32 evaluation.

³² Other Rural Landscape.

Landscape. This is consistent with the conclusions reached within the historical landscape assessments in support of Plan Change 32 (Ballantyne Road Mixed Use Zone) and Plan Change 36 (Industrial Zone Extension), which identified that both of these plan change sites formed part of a Visual Amenity Landscape. Both Plan Change 32 and Plan Change 36 are located within close proximity to the Plan Change Site.

The landscape report prepared in support of Plan Change 36 stated:

“[a]lthough the Ballantyne Road industrial area and rural residential development along Riverbank Road and Orchard Road has altered the rural and pastoral character of the surrounding landscape, it retains a high level of openness and a strong visual connection with the surrounding mountains, hills and rural land. The landscape is appropriately classified as a visual amenity landscape. While future development on the QLDC oxidation ponds site and in the proposed Three Parks Zone will create an urban landscape east of Ballantyne Road, Rural General-zoned land south-west of the road would remain part of a visual amenity landscape until any future rezoning.”³³

As a consequence, I conclude that the Plan Change Site forms part a Visual Amenity Landscape.

I note, that the submission by Ian Percy and Fiona Aitkin (46/5/6) sets out that the Plan Change Site forms part of a Visual Amenity Landscape, although no technical justification is given for reaching this conclusion.

Both Ian Percy and Fiona Aitkin (46/5) and Peter and Raelene Shanks (46/6) raise concerns relating to the loss of visual amenity and landscape values as a consequence of both the Industrial and Low Density Residential Zones proposed.

Ian Percy and Fiona Aitkin (46/5/6) contend that Plan Change 46 fails to have particular regard to the amenity values associated with the landscape and that Plan Change Site is located at the top of a ridgeline, making the land easily visible from the surrounding Rural General and Rural Lifestyle Zones, along with Riverbank Road. The submitter considers that the change in elevation notably increases the prominence of built form on the skyline in this environment and exacerbates adverse effects on the Submitters. Ian Percy and Fiona Aitkin also note that some of the top edge of the terrace is currently screened by a plantation of trees located on the northern boundary of the Submitters' property. The submitter considers that the Requestor cannot rely on those trees as providing any form of mitigation on the basis that (i) it is likely that they will be removed in due course; and (ii) the trees are not under the Requestor's control.

Peter and Raelene Shanks (46/6/1) raise specific concerns relating to the visual impact and the loss of rural amenity associated with the establishment of more Industrial zoning. They consider that this will significantly affect the amenity value of their present rural outlook within the Rural General Zone and that the establishment of industrial activities (including buildings as high as seven metres on the land that is already more than four metres higher than the submitters property at 234 Riverbank Road) will have significant adverse effects on the view from their property (to the mountains and surrounds beyond Wanaka).

In addressing the proposed residential extension, Peter and Raelene Shanks (46/6/2) note that the Rural General Zone allows people to have lifestyles of their choice, with enjoyment of living on a larger area of land where one may have sheep, horses, chickens or a vineyard and so on. The submitter considers that, to design low density residential right to those

³³ Proposed Wanaka Industrial Zone Extension – Landscape Assessment, prepared for Queenstown Lakes District council by Lakes Environmental Limited, October 2009, page 1.

boundaries does not appear to be a good plan [verbatim], as building platforms on Riverbank Road properties are located close to the land proposed for Plan Change 46. Peter and Raelene Shanks (46/6/2) consider that a buffer with plantings from the boundary, and possibly creation of lots as large as one acre closer to rural general should be considered.

ORHL opposed the original submission of Peter and Raelene Shanks (46/6/1 and 46/6/2) via further submission F46/10/07. ORHL set out that there is a significant buffer between the submitter's property and the industrial area of between 80 and 100 metres. ORHL identify that this buffer will include landscaping and, as such, will safeguard amenity of the submitter's property and provide some mitigation of the visual effects of the industrial area. ORHL, via further submission, also note that Road 3 will pass between the submitter's property and the industrial area but the noise and visual effects of the road can be mitigated through planting and mounding of the open space. ORHL contends that Road 2 within the industrial area will be an access road to a small number of industrial allotments and will not cause significant traffic effects on the submitter's property.

In responding to the concerns raised by Ian Percy and Fiona Aitkin, ORHL sets out in further submission (F46/10/06) that the Plan Change is for 'urban edge' land which is no longer predominantly rural in character and that any effects on the neighbouring properties or zones can be avoided, remedied or mitigated through design, landscaping and conditions at the time resource consent is sought for subdivision and/or development. ORHL considers that the provision of the Plan Change does, to the extent necessary, manage the interface, relationship and transition with the Percy/Aitken land.

In broad terms the critical issues raised by submitters relate specifically to the interface between the proposed Industrial/Low Density Residential Zones and the Rural General Zone.

In addressing the landscape and visual amenity value effects raised by Plan Change 46, Baxter Design Group notes that the structure plan for the proposed Plan Change Site has been developed and recommends land use and landscape management for the land to be re-zoned.

Key aspects of the structure plan are:

- Residential and industrial development is located in areas with the most potential to absorb change as noted in the Wanaka Structure Plan (Growth Study 2007);
- Industrial development is located adjacent to, and is an extension of, existing industrial activity;
- Extended industrial development and green reserve boundary emulate the adjacent proposed industrial zone (Plan Change 36);
- Acknowledgement of the immediate landscape characteristics and the ability of the site to absorb change without compromising the wider landscape values of the Wanaka area;
- Extension of public access through the residential area of the site and to future linkages;
- Green spaces, woodland and shrub areas are proposed between land uses and bounding Roads 3 and 4 as a physical and visual buffer to development. Trees will provide a visual continuum from Ballantyne Road, of the existing trees to the north of the site; and
- Public access to open green, shrubbed and woodland areas is provided via pathways through these areas.

In mitigating the visual effects of the Plan Change, an important distinction to be made here is that the new Ballantyne Road Precinct Structure Plan only relates to the Industrial B Zone

component of the Plan Change and not the proposed Residential component. While the structure plan seeks to provide both an open space and landscape buffer between the proposed Industrial Zone extension and the Low Density Residential Zone, it does not offer or respond to open space or landscaping measures that can be applied within the Low Density Residential Zone itself.

The Baxter Design Group report identifies that the development area identified within the structure plan supporting Plan Change 46 has the potential to accommodate approximately 90 to 100 residential lots (of approximately 750m² to 800m² in size), and approximately eight to 12 industrial lots (approximately 1,250m² to 1,500m²). The densities proposed for the Low Density Residential Zone are consistent with minimum lot size provided for within this zone (that is, 700m² in area).

I note that the Baxter Design Group report and associated addendum report address the visual effects of the Plan Change from Riverbank Road and other public places.



Figure 6 - Attachment B –Figure 1 showing Photo Location Plan from the Baxter Design Group Addendum report.

The Baxter Design Group report highlights that the proposed Plan Change site is ‘contained’ within distinct landforms, principally the river terraces to the north and south. The Report concludes that the Site is relatively well screened from wider views.

In terms of visual effects from Riverbank Road, the Baxter Design Group addendum report notes that, to the south, approaching from Riverbank Road, the river terrace achieves the same visual outcome, with the site not becoming visible until one approaches the site in the vicinity of the entrance into the site from Ballantyne Road. The Baxter Design Group addendum report concludes that the proposed open green and treed space will provide significant screening from this locality.

The Baxter Design Group addendum report, in responding to the visibility of the Plan Change Site from Riverbank Road, highlights the following key points:

1. That open pasture occupies the area between this portion of Riverbank Road and the subject site. From approximately 500m away (**view point A**) views of the site would be filtered through a row of existing poplar trees. The Baxter Design Group addendum report identifies that a large portion of the subject site's southern boundary contains a row of mature douglas fir trees and that these trees would completely screen the subject site as seen from **view point A**.
2. Farther north, the poplar trees are not present along the road boundary but the distant row of douglas firs will continue to provide a significant level of screening (**view point B**). A river terrace becomes more topographically prominent from the south to north along the subject sites south- eastern boundary. This topographic relief combined with the existing douglas fir belt provides a significant level of screening the subject site from **view point C**.
3. Farther north along Riverbank Road the screening effect of the existing belt of fir trees is lessened and the subject site would be partially visible from a distance of approximately 350m (**view point D**). This level of visibility will remain reasonably consistent for approximately 15m until near the junction of Ballantyne Road and Riverbank Road (**view point E**).

The Baxter Design Group assessment concludes that the southeastern boundary of the proposed Structure Plan is adjacent to rural residential development along Riverbank Road. A buffer is provided between these two activities by means of the historic river terrace and existing Fir planting southeast of the proposed Structure Plan boundary and a buffer is also provided by the proposed Open Green Space.

In my opinion, it is evident within the Landscape Assessment undertaken by Baxter Design Group that there has been a heavy reliance placed on both (i) the screening effects offered by the existing Douglas Fir trees located on the northern boundary of number 248 Riverbank Road and the Percy and Aitkin property located at number 246 Riverbank Road; and (ii) the proposed Open Space Area and associated planting set out in the new structure plan proposed to screen the Industrial B Zone.

While I accept that the proposed structure plan (and associated landscaping and mounding once implemented) will likely be effective in screening the Industrial B Zone in the south eastern part of the Plan Change Site, I am less convinced that reliance can be placed on the existing Douglas Fir trees located on the northern boundary of number 248 and 246 Riverbank Road. As noted by Original submitter Ian Percy and Fiona Aitkin, the screening benefits provided by this existing shelter planting can be removed at any time.

In my opinion, the Plan Change should be underpinned with its own response to integrating the visual effects of the rezoning, without relying on screen planting that could be removed as of right by adjoining landowners. In my opinion, this reinforces the need for the Plan Change to be supported by a more effective landscape response, which, in particular, responds to the interface issues raised between the Low Density Residential Zone and the Rural General Zone.

Low Density Residential Zone Issues

For that part of the Low Density Residential Zone that immediately adjoins the Rural General Zone, the Requestor is wholly reliant upon the existing Low Density Residential Zone policy and rule frameworks, as well as the subdivision standards within Section 15 – *Subdivision, Development and Financial Contributions* of the District Plan to manage landscape effects. In this regard, the following objectives and policies are relevant to the Low Density Residential Zone, in guiding and responding to interface issues:

7.1.2 District Wide Residential Objectives and Policies

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.

Policies

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

Objective 2 - Residential Form

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

Policies:

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

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

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

Section 15 – Subdivision, Development and Financial Contributions

"Objective 5 - Amenity Protection

The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.

Policies:

5.1 To ensure lot sizes and dimensions to provide for the efficient and pleasant functioning of their anticipated land uses, and reflect the levels of open space and density of built development anticipated in each area.

5.2 To ensure subdivision patterns and the location, size and dimensions of lots in rural areas will not lead to a pattern of land uses, which will adversely affect landscape, visual, cultural and other amenity values.

5.3 To encourage innovative subdivision design, consistent with the maintenance of amenity values, safe, efficient operation of the subdivision and its services."

In my opinion, neither the Low Density Residential Zone nor the Subdivision Section of the District Plan offers explicit policy and rule support to directly respond to the landscape and visual amenity related issues raised by submitters. By way of example, if rezoned, those future low density residential lots located along the southern boundary on the Plan Change Site will likely reflect the 700m² minimum allotment size. In this respect, there is no explicit rule framework that would require the establishment of an open space or landscape buffer to be created. Future land use activities could include the erection of two metre high fences along the southern boundary and buildings potentially sited within two metres of the rear boundaries with the adjoining Rural Zoned properties. This would, in my opinion, contrast markedly with the adjoining Rural General Zone and offer no effective transitioning with the adjoining Rural General Zone. In essence, it could result in a 'hard urban edge' being created on this Rural General Zone boundary, which in the context of the landscape and visual amenity values presently enjoyed by the adjacent rural lifestyle properties to the south should be more effectively addressed.

While the Requestor has set out in further submission (F46/10/06) that any effects on the neighbouring properties or zones can be avoided, remedied or mitigated through design, landscaping and conditions at the time resource consent is sought for subdivision and/or development, I am not persuaded that an appropriate and effective response will be

achieved without a comprehensive array of controls placed on those residential lots running along the southern boundary of the Plan Change Site.

Promoting the siting of a Low Density Residential Zone hard up against the adjoining Rural General Zone, without a comprehensive detailed landscape and urban design response that addresses the interface between these two zones would not, in my opinion, achieve a good resource management outcome.

Submitters seek that the Plan Change be rejected or alternatively that the residential element be amended to provide for:

- A buffer with plantings from the Rural General boundary, and possibly the creation of lots as large as one acre closer to rural general zone;
- The extension of the open space area along the southern boundary of Plan Change 46 to provide a transition from the proposed Low Density Residential zone to the Rural General zone. This extended open space area should be a minimum of 50 metres in width, measured from the southern boundary of the Plan Change 46 land in a north-westerly direction.

In my opinion, extending the Open Space Area set out within the new Ballantyne Road Precinct Structure Plan along the southern and south western boundaries of the Plan Change Site could be effective in providing both an open space buffer, while promoting an appropriate landscape response within the Plan Change Site itself. It may also offer an appropriate response to addressing reverse sensitivity effects if the Open Space Area was supported with an appropriate level of separation between the two zones and also promoted naturalised mounding upon which planting could be established.

The direct cost of this approach would be that it would require the Low Density Residential Zone methods to be amended to integrate a new Ballantyne Road Precinct Structure Plan that specifically addresses the Low Density Residential Zone. This response would also reduce the area of land that could be developed for Low Density Residential purposes. That said, while this approach would make the District Plan marginally more complex, it would, in my opinion, offer a more appropriate and effective response to addressing the resource management issues raised by submitters. I also consider that there is merit in including any new methods that seek to mitigate the landscape and visual effects of future subdivision and development of the Low Density Residential Zone within Chapter 15 Subdivision, Development and Financial Contributions of the District Plan. Most of the issues that I identified above relate to mitigation responses that will need to be advanced before future development of the Low Density Residential Zone, so is more effective being integrated within the Subdivision Chapter, in my opinion.

In responding to the relief sought by Ian Percy and Fiona Aitkin (46/5/8), I do not support an open space area comprising a minimum of 50 metres in width on the basis that this width is not required in order to achieve an effective landscape screening response for this Plan Change. Reinforcing this, I note that the existing landscape buffer identified under Rule 11.6.2 requires the western buffer shown on the Connell Terrace Precinct Structure Plan to be between 15 to 20 metres in width (as reflected within Figure 1 below). This was considered to be effective as part of the landscape evidence supporting Plan Change 36. As a consequence, in my opinion, a minimum 20 metre width to support a landscape screening response is considered appropriate and aligns with the landscape screening responses identified as part of Plan Change 36. I also note that a 50 metre landscape width would significantly reduce the amount of land available for future development within the proposed

Low Density Residential Zone and would, in my opinion, constitute an inefficient use of this land resource.

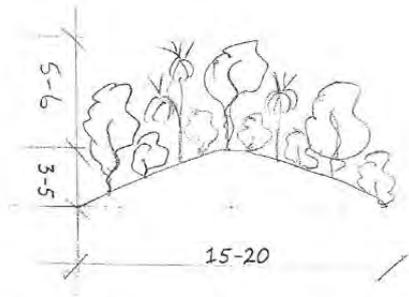


Fig 1: 15-20m buffer with 3-5m mound and dense planting to 5 or 6m.

Overall, I support the relief of Raelene and Peter Shanks (46/6/2) for the establishment of a buffer with plantings from boundary with the Rural General Zone. However, in my opinion, in order for the buffer to be effective, it must also restrict buildings. This is a matter raised within the submission by Ian Percy and Fiona Aitkin (46/5/8) who reinforce the need for the open space land to remain free of all buildings and vehicle access. For this reason, I also recommend that Planning Map 23 be amended to establish a 'building restriction area' over that part of the Low Density Residential Zone identified as providing for an 'Open Space and Landscape Area' within a new Low Density Residential Zone Structure Plan. I am less convinced that vehicle access needs to be restricted because it is unlikely that vehicle access will be required through the Open Space and Landscape Area (set out below).

I recommend the following amendments be provided in support of the proposed Low Density Residential Zone:

- That a new Ballantyne Road Low Density Residential Zone Structure Plan be provided for that provides for the following key matters:
 - (a) An Open Space and Landscape Area of a minimum width of 20 metres along the southern and south western boundaries of the Low Density Residential Zone be identified;
 - (b) This Open Space and Landscape Area shall be identified as a Building Restriction Area within the new Ballantyne Road Low Density Residential Zone Structure Plan;
- Amend Planning Map 23 as follows:
 - (c) That Planning Map 23 be amended to identify a 'Building Restriction Area' over that part of the Low Density Residential Zone that underlies the 'Open Space and Landscape Area' identified within the Ballantyne Road Low Density Residential Zone Structure Plan.
- The following rules shall be introduced into Section 15 - *Subdivision, Development and Financial Contributions* of the District Plan:

15.2.3.4 (Non-Complying Subdivision Activities (xix))

Any subdivision of the open space areas shown on the Ballantyne Road Low Density Residential Zone Structure Plan prior to 100 per cent of the southern and south western boundary planting in combination with the mounding having been implemented.

- The following Objective, Policy and rule shall be introduced into Section 15 - *Subdivision, Development and Financial Contributions* of the District Plan:

Add new objective to 21 Chapter 15 Subdivision, Development and Financial Contributions

Objective 22 Ballantyne Road Low Density Residential Zone
Effectively mitigate the adverse visual effects of the Ballantyne Road Low Density Residential Development, when viewed from wider public and private places.

Policy 22.1 To ensure that the Open Space and Landscape Area shown on the Ballantyne Road Low Density Residential Zone Structure Plan is provided in order to separate and partially screen the zone from adjacent rural areas and in order to minimise the visual effects of the future subdivision and development from both public and private places.

Add new Rule 15.2.3.3 Discretionary Subdivision Activities

(ix) Landscaping and earthworks within areas shown as 'Open Space and Landscape Area' on the Ballantyne Road Low Density Residential Zone Structure Plan, with Council's control reserved with respect to the following matters:

- a. Clarify the use of the space and for this to be designed/ planted accordingly;
- b. Identify the range of plant species proposed, including evergreen species where year-round screening of the development is required;
- c. Outline the long term ownership, management, and maintenance regime for the open spaces;
- d. Integration of the proposed future development from views from public and private places, particularly when viewed from Riverbank Road and Orchard Road;
- e. In respect of the 'Open Space and Landscape Area' the Council expects the mounding and planting to provide effective mitigation in respect of visual amenity. To achieve this the Council expects either:
 - a combination of naturalistic mounding and predominantly evergreen planting or, in the absence of any mounding;
 - a minimum 20 metre strip of dense predominantly evergreen planting is required in order to provide effective mitigation.
- f. Whether and to what extent the earthworks on the open space areas will, together with landscaping, contribute to effective screening of the future subdivision and development when viewed from public and private places, particularly when viewed from Riverbank Road and Orchard Road.

- Add new Ballantyne Road Low Density Residential Zone Structure Plan to the last page of Chapter 15 Subdivision, Development and Financial Contributions.

Industrial B Zone Issues

As I have already discussed previously, while the Structure Plan supporting the Plan Change focuses on the transition between (i) the Industrial Zone and the Low Density Residential Zone and (ii) the Open Space Area adjoining the Rural General Zone (immediately adjoining the Shanks property), there is no commensurate response between the Low Density Residential Zone and the adjoining Rural General Zone. Reinforcing this point, I note that the existing Business and Industrial Area policy and rule framework under Section 11 – *Business and Industrial Areas* of the District Plan is specifically tailored to achieve an appropriate level of landscaping and screening of the existing Industrial A and B Zones from wider areas.

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.

Policies

- 2.3 *To ensure that the fixed open spaces shown on the relevant Structure Plan are provided in order to separate and partially screen the zone from adjacent existing or future residential zones in order to minimise the visual, noise, dust, and odour effects of development from both public and private places.*
- 2.4 *To avoid industrial activities that create objectionable and unreasonable odour.*
- 2.6 *To require high quality planting and mounding of the open spaces where this is specifically identified as required in the provisions in order to mitigate the visual effects of development within the zone.”*

Supporting Rule 11.5.5 - *Activity Table* to these policies, at reference 13 provides for landscaping within the Open Space Area as a Restricted Discretionary Activity and provides for landscaping outcomes within the fixed open spaces shown on the Structure Plan. I note, for completeness, that Section 15 – *Subdivision, Development and Financial Contributions* also includes similar outcomes under Objective 19 (Industrial B Zone) and supporting Policy 19.1.

While I am broadly satisfied that the existing Industrial and Business Zone provisions will be effective in managing the visual effects of the proposed Industrial B Zone under the Plan Change, including associated roading and light spill effects, there does not appear to be any requirement for landscaping and mounding to be implemented before building commences. Given the increased scale of the Industrial B Zone, I consider it important that the landscaping and mounding responses are implemented at an early stage to ensure an appropriate level of mitigation is in place before buildings are commenced with.

I note that the proposed Industrial Lots are located to the rear of existing Industrial A Zone and existing Industrial B Zone sites, which are located towards the front of the Plan Change Site. This means that, when viewed from Riverbank Road and adjacent properties, the proposed Industrial Extension will be viewed in the context of the existing Industrial A and Industrial B Zones. The Plan Change provides for a maximum building height of seven metres within the Industrial B Zone extension, which is consistent with the existing Industrial B Zone height provisions.

As noted previously, the proposed Industrial B Zone extension provides for approximately eight to 12 industrial lots (approximately 1,250 to 1,500m²) based on the subdivision provisions of the District Plan, which in the context of the existing Industrial A and B Zoned areas is considered to be a relatively minor zone extension. However, the depth of the Industrial B Zone proposed will markedly increase in size, which means that when viewed from the southeast, there is the potential for a greater proportion of buildings to be visible.

With regards to the concerns raised by Peter and Raelene Shanks (46/6/1) relating to the potential impacts that extending the Industrial Zoning towards their southern boundary will have, I note that the structure plan identifies the siting of the Industrial Zone Extension to be at a minimum distance of approximately 80 metres from the northern boundary of this submitter's property. Further, the submitter's dwelling is located a further 55 metres from the northern boundary of their property. These setback distances, combined with the level of Open Green Space and extensive landscaping proposed within the structure plan, will, in my opinion, assist with maintaining the landscape and visual amenity values when viewed

from the adjoining Shanks property, and wider views from Riverbank Road. I note, however, that the implementation and timing of this landscaping and mounding is important to ensure that appropriate screening is put in place before buildings are erected within the Industrial B Zone identified within the new Ballantyne Road Precinct Structure Plan.

Ian Percy and Fiona Aitkin (46/5/8) seek that all buildings within the Industrial B Zone be limited to a maximum height of six metres. In my opinion, there would be negligible benefit achieved by reducing the proposed Industrial B Zone to six metres in height given that both the existing Industrial A and B Zones that immediately border this proposed Industrial B Zone extension would be viewed at seven metres. Also I note that functionally, reducing the height of these buildings to six metres may reduce their effectiveness for their future intended industrial uses.

In my opinion, the newly proposed structure plan (and associated open space and landscaping responses) will seek to ensure that the proposed Industrial B Zone is appropriately screened from wider public and private places to an acceptable level. Issues relating light spill from street lighting and vehicles movements can, in my opinion, also be addressed through appropriate naturalised mounding and landscape screening. These are all matters that the existing Industrial B Zone policy and rule framework already specifically respond to and were considered in detail at the time that Plan Change 36 was advanced.

Reinforcing this point, I note that the initial landscape report prepared for the Council by Lakes Environmental (and that formed part of the section 32 evaluation for Plan Change 36) considered alternative locations for an expanded Industrial B Zone; including expanding it in the location that now forms part of the Industrial B Zone (that was adopted by the Commissioners following ORHL's submission to Plan Change 36).

I note that paragraph 5.1 of the Landscape report makes the following comments:

"5.1 Landscape and visual effects of alternative zone extension locations

If the allowable building height was eight metres or less, additional industrial development on the Orchard Road Holdings Ltd property would be less visually prominent within the landscape than development on the upper terrace. The alternative area is between five and six metres lower than the upper terrace and development would therefore be more readily contained by the surrounding landform. However buildings would still be visible from the west and south, albeit lower in the landscape, and the visual and rural amenities of residents along Riverbank Road could be adversely affected. Mounding and landscape screening, similar to that existing on the southern boundary of existing industrial development on Frederick Street would be required to mitigate adverse visual effects. Extension of the reconfigured zone on the Orchard Road Holdings Ltd land also has the disadvantage of creating a longer potential interface between industrial and future residential activities. An open space buffer would be required to separate these activities."

I note, for completeness, that the Plan Change 36 Commissioners considered that the 'concept plan' proposed as part of the ORHL submission to Plan Change 36 addresses the landscape architects concerns through the provision of the buffer reserve area, which is 2.5 hectares in area and ranges in width from around 30 metres to 100 metres. The 'concept plan' advanced as part of this earlier Plan Change process is now formalised within the existing Industrial B Zone provisions and is now replaced with a new structure plan supporting Plan Change 46. In my opinion, the open space and landscaping outcomes expressed within the new structure plan proposed as part of Plan Change 46 will appropriately avoid, remedy or mitigate landscape and visual amenity effects raised by Peter and Raelene Shanks (46/6/1), however, as noted above, the timing of landscaping and

mounding responses is important and should be fully implemented before building commences.

As a consequence, I recommend that an additional staging of building performance standard be introduced into the Industrial B Zone standards that requires that all of the proposed landscaping (including both mounding and landscape planting) within the Open Space Area identified within the new Structure Plan be completed before any building on land identified within the Industrial B Zone can commence). This additional method is considered necessary given the increased scale of the Industrial B Zone (including the existing and proposed Industrial B Zone) and the need to ensure that appropriate mitigation is put in place so as to mitigate landscape, visual amenity and rural amenity related concerns raised by adjoining property owners to the south of the Plan Change Site. I also recommend that a similar method be included within Part 15 – Subdivision, Development and Financial Contributions section of the District Plan so as to ensure that the mitigation outcomes discussed above are implemented and put in place before the issue of titles for Stage 2 of the Industrial B Zone.

While submitters have raised concerns with the proposed Industrial B Zone extension, I note that many of the issues that have been raised are already appropriately integrated into the Industrial B Zone policy and rule framework. To address the concerns raised by adjoining landowners, however, I recommend the following amendments:

- Add new method under 11.5.6 Performance Standards ref 22 iii
Within the Industrial B Zoned land shown on the Structure Plan entitled “Industrial B Zone - Ballantyne Road Precinct Structure Plan”, there shall be no building on land identified in Stage 2 until 100 per cent of the planting in combination with the mounding has been implemented within the Open Space Area identified within the Structure Plan’.
- Add new method under Part 15 **15.2.3.4 Non-Complying Subdivision Activities (xvii)**
Any subdivision of the open space areas, including for the creation of Road 3, shown on the Ballantyne Road Precinct Structure Plan prior to 100 per cent of the planting in combination with the mounding having been implemented.

The Requestor may wish to contest my recommendations set out above. In my opinion, these issues would greatly benefit additional evidence from the Requestor’s landscape architect given that the proposed recommendations are all geared towards resolving landscape and visual amenity concerns. Should the Requestor submit more detailed landscape evidence, I request the leave of the Committee to revisit this matter, and my conclusions regarding the same, prior to the hearing being closed.

Recommendations

Accept (in part) – submission by Peter and Raelene Shanks (46/6/1) in relation to concerns relating to the loss of landscape and visual amenity values associated with the proposed Industrial B Zone Extension as these are matters can be appropriately avoided, remedied or mitigated through the structure plan proposed and the existing and proposed provisions supporting the Industrial B Zone.

Accept (in part) – submissions by Ian Percy and Fiona Aitkin (46/5/8), and Peter and Raelene Shanks (46/6/2) on the basis that additional provisions have been introduced to the Low Density Residential Zone to assist with integrating an open space buffer and appropriate landscape response between the proposed Low Density Residential Zone and the Rural Zone, which has not been adequately responded to by the Plan Change as notified. The open space buffer is proposed to remain free of all buildings.

6.9 EFFECTS ON AMENITY VALUES

The Issues and Decisions Requested

Effects on amenity values is a matter raised in two submissions and highlights the following concerns:

- Given the topography of the land subject to Plan Change 46, the amenity of the Submitters' property and the adjacent Rural Zone generally, will be adversely affected in a way not anticipated by the relevant objectives and policies of the Operative District Plan. Those adverse effects include (without limitation): glare from vehicle lights; noise; street lighting; loss of rural amenity due to roading and adjacent and relatively dense build form; loss of privacy; loss of rural outlook; and reverse sensitivity;³⁴
- Visual Impact and the loss of rural amenity associated with the establishment of more Industrial zoning. This will significantly affect the amenity value of our present rural outlook within the Rural General Zone;³⁵
- Consideration is needed for a buffer with plantings from boundary, and possibly the creation of lots as large as one acre closer to rural general and then development of smaller lots. Some of the affected land presently has a stand of trees on the boundary but that is not to say they would be removed for firewood at some future stage and privacy lost. The proposed development will reduce the amenity of the rural landscape.³⁶
- The construction of Road 3 would lead to a significant loss of rural amenity in the Rural General Zone and on the Submitters' property due to (among other things) noise and street lighting. Street lighting is particularly significant because of light-spill due to the PC46 lands elevation;³⁷
- The establishment of more industrially zoned land and the earthworks for both building and creations of roads will greatly increase the presence of noxious elements such as noise, dust, odour, and other unpleasant effects associated with industrial activities. Visual impact of type of building materials used and colours of buildings and the conglomeration of materials and rubbish that surround the buildings. The submitter's property lies in the lee of the subject site to the prevailing northwest winds. The submitter considers that this will no doubt constantly aggravate these effects.

Discussion

There are a number of submissions that raise specific concerns relating to the need to protect the amenity of adjoining properties bordering both the proposed Industrial Zone and proposed Low Density Residential Zone. The submitters have raised key concerns relating to:

- visual effects of the plan change;
- odour and noise;
- light glare from cars and street lighting;
- loss of privacy.

My discussion below sets out amenity related issues relating to both the Industrial and Low Density Residential Zones proposed as part of the Plan Change.

³⁴ 46/5/5

³⁵ 46/6/1

³⁶ 46/6/2

³⁷ 46/5/7

Loss of Rural Amenity

The submissions by Ian Percy and Fiona Aitkin (46/5/5, 46/5/7) and Raelene and Peter Shanks (46/6/1 and 46/6/2) both raise specific concerns relating to the loss of rural amenity associated with the intensification introduced by the proposed plan change.

Both submitters immediately adjoin the Plan Change Site to the south. Figure 7 below identifies that the Percy and Aitkin dwelling located at number 246 Riverbank Road is located approximately 90 metres from the Plan change boundary, while the Shanks dwelling located at number 234 Riverbank Road is approximately 54 metres from the plan change boundary.



Figure 7 – showing distance off adjoining Plan Change Boundary to existing Rural lifestyle dwellings to the south.

ORHL, through further submission F46/10/06, is opposed to submissions 46/05/01 to 46/05/08. The Requestor disagrees that the Submitters' property and adjacent Rural Zone will be adversely affected by development that may be authorised by the plan change.

As I have noted previously, there are no specific changes proposed either to the Low Density Residential Zone provisions or to the underlying Structure Plan specifically tailored to respond to the resource management issues raised by submitters. As a consequence, I question whether relying on the existing Low Density Residential Zone provisions is effective in appropriately managing the zone interface issues raised by Ian Percy and Fiona Aitkin (46/5/6) and Raelene and Peter Shanks (46/6/1 and 46/6/2).

As a consequence I consider that leaving these matters until subdivision stage with no specific provisions provides little or no certainty that the interface issues between the proposed Low Density Residential and Rural General Zones can be adequately responded to.

Noise Effects

Some submitters support the proposal to enable industrial activities, whilst others consider that the types of industrial activity and the nuisance levels linked to these activities have the potential to undermine their existing amenity values.

In relation to noise, the existing Industrial Zones are provided with a robust policy and rule framework which seeks to respond to amenity related concerns and which were considered both effective and appropriate as part of the now partially operative Plan Change 36 to the District Plan. The key objectives and policies include:

“Objective 3 - Effect on Amenities

Minimisation of the effects of business and industrial activities on neighbours, other land use activities and on visual amenities.

Policies

- 3.1 To impose performance standards at the interface between the business and industrial areas and residential areas to protect living environments from unacceptable noise, smell, shading, traffic and glare.*
- 3.2 To control the location of business activities so impacts of vehicle movements are restricted to main traffic routes.*
- 3.3 To promote design and layout of new business and industrial areas sensitive to the amenity of neighbouring activities.”*

However, in terms of general amenity considerations raised by submitters, these are, in my opinion, adequately addressed through the planning provisions provided for within the existing District Plan provisions or as a consequence of the recommendations set out in this report.

Recommendations

Support (in part) - The submissions by Ian Percy and Fiona Aitkin (46/5/5, 46/5/7) and Raelene and Peter Shanks (46/6/1 and 46/6/2) be accepted in part and that rural amenity related concerns raised by submitters are addressed through the existing planning provisions supporting the proposed Industrial B and Low Density residential Zones or through amendments recommended within this report.

6.9 ISSUE: REVERSE SENSITIVITY EFFECTS

The Issues and Decisions Requested

Reverse sensitivity effects is a key issue raised by three submitters. More specifically, Submitters have identified the following:

- The Plan Change fails to consider and manage the interface, relationship and transition from the proposed Plan Change 46 land to the Submitters' property.
- Given the topography of the land subject to Plan Change 46, the amenity of the Submitters' property and the adjacent Rural Zone generally will be adversely affected in a way that is not anticipated by the relevant objectives and policies of the Operative District Plan. Those adverse effects include (without limitation): glare from vehicle lights; noise; street lighting; loss of rural amenity due to roading and adjacent and relatively dense built form; loss of privacy; loss of rural outlook; and reverse sensitivity.
- The large area of open space area proposed between the industrial and residential zones will enable the visual and noise effects of the industrial activities to be largely contained and screened from the residential land beyond.³⁸
- Concern about reverse sensitivity effects of future residential development occurring in proximity to industrial areas and is concerned that industrial operations could be

³⁸ 46/2/3

adversely affected if nearby residential development is not carefully planned.³⁹ and

- Support for the significant open space buffer between the proposed industrial and residential land as promoted through Plan Change 46. This will ensure the future residential development does not give rise to reverse sensitivity effects in terms of the industrial activities.⁴⁰

Discussion

The submissions raise reverse sensitivity effects relating to both the establishment of the Low Density Residential Zone on existing activities undertaken in the Rural General Zone and reverse sensitivity effects generated between the existing and proposed industrial Zones and the proposed Low Density Residential Zone.

Neighbouring Rural Activities in the Rural General Zone

Ian Percy and Fiona Aitkin (submission 46/5/5) identifies that the use of a Low Density Residential Zone directly adjacent to the proposed Industrial Zone fails to manage the transition from the urban fringe of Wanaka to the Submitters' property, which is in the Rural General Zone. The submitter considers that, while Plan Change 46 acknowledges reverse sensitivity issues by the provisions of the open space area between the proposed Industrial and Low Density Residential Zones, reverse sensitivity effects on any nearby residential neighbours from rural activities, for example frost fans and helicopters, have not been addressed. The submitter considers that the proposed open-space area terminates prematurely and fails to provide any set back between the existing Rural Zone and proposed Low Density Residential Zone to help manage reverse sensitivity issues.

The section 32 evaluation addresses reverse sensitivity effects⁴¹ and specifically responds to the potential noise effects generated by frost fighting fans located at the Percy and Aitkin property at 246 Riverbank Road. The section 32 evaluation identifies that the frost fan installed on the neighbouring property is a Defender Frost Fan (granted under resource consent 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 two degrees celcius or below and is most likely to occur between the hours of 3:00am and 6:00am. The Marshall Day Acoustics assessment that was lodged with the resource consent application for the fan sets out that the land subject to the Plan Change is located in an area that would experience a noise level of between 50 and 55dBA from the frost fighting fan. The Marshall Day report also identifies an outdoor limit of 56dB for sleep disturbance. The section 32 evaluation notes that, according to the Marshall day report, the Plan Change area is located in an area that is not subject to the limit of 56dB for sleep disturbance. As a consequence, the section 32 evaluation concludes that the frost fighting fan is unlikely to cause sleep disturbance to the future residents of the land subject to the plan change.

I note that, in order to address landscape and visual amenity related concerns associated with the siting of the Low Density Residential Zone, I have recommended that additional open space and landscaping (including mounding). Should naturalized mounding be placed along the southern boundary of the Plan Change Site, there is the potential that this could also act to attenuate noise exposure from frosting fighting activities on the lower lying property at number 246 Riverbank Road.

This is a matter that the Requestor should explore in more detail and offer a response to at the hearing given the narrow window between the noise levels likely to be received by the

³⁹ 46/3/2

⁴⁰ 46/9/2

⁴¹ At Section 5.5, page 22.

frost fighting fan and the outdoor limit of 56dB for sleep disturbance.

Open Space Buffer within Industrial and Low Density Residential Zones

While concerns have been raised about the potential for the proposed Low Density Residential Zone to generate reverse sensitivity effects on the existing and proposed Industrial Zones, there appears to be general consensus that Plan Change 46 has been carefully planned to mitigate the potential effects between the residential and industrial activity.

At its closest point, the Low Density Residential Zone is separated by the open space buffer by approximately 50 metres. I agree that this separation distance, combined with an appropriate landscape response, should safeguard the ability of the industrial area to operate without potential reverse sensitivity effects from future residential development.

Recommendations

Accept – submissions by Wanaka Hardware and Building Supplies Limited (46/2/3), Claas Harvest Centre – Otago (46/3/2), Morgan Engineering Ltd (46/9/2) that the open space buffer will be effective in managing reverse sensitivity effects between the proposed Low Density Residential Zone and the existing and proposed Industrial Zones.

Accept (in part) – submission by Ian Percy and Fiona Aitkin (submission 46/5/5) on the basis amendments proposed to the policy and rule framework seek to respond to reverse sensitivity effects issues raised by the submitter through promoting a minimum 20 metre open space buffer and associated landscaping responses (including mounding) to more effectively buffer the proposed Low Density Residential and adjoining Rural General Zones.

6.10 ISSUE: TRANSPORTATION EFFECTS

The Issues and Decisions Requested

Transportation issues have been raised by three submitters and the relevant issues raised in submissions are summarised as:

- The proposed road network will facilitate linkages consistent with the Wanaka Transportation Strategy.⁴²
- That no decision be made without adequate consideration being given to ensure safe access onto Ballantyne Road from the plan change area and that adequate consideration is given to future population growth, pedestrian and cycle safety, vehicle usage in roading and intersection design. To ensure that adequate provision for future intersection expansion is provided as part of the plan change.⁴³
- The proposed roading shown on the structure plan will enable industrial vehicles to be separated from residential vehicles, which will be a positive effect in terms of traffic safety.⁴⁴
- The road linkage is consistent with the Wanaka Transportation Strategy and will be required to carry traffic from the heavily developed residential areas on the west of Wanaka to the newer areas that are going to be created surrounding the Three Parks Area.⁴⁵
- Proposed Road 3 is unnecessary. There are existing access points via Frederick Street,

⁴² 46/1/2

⁴³ 46/8/1

⁴⁴ 46/2/2, 46/3/2

⁴⁵ 46/4/2

Road 1 (shown on the PC46 Concept Structure Plan) and Gordon Road that provide safe access to Ballantyne Road. These existing roads could be used to access any new industrial or residential area.⁴⁶

- Proposed Road Road 3 raises significant road safety issues, which have not been addressed in PC46 and the further information presented. The Requestor's intention to resolve the final access arrangement for Road 3 through a side agreement with Council is inappropriate. Those traffic effects must be considered through the plan change process so that all parties can consider the environmental effects raised and how those effects will be avoided, remedied or mitigated.⁴⁷
- Proposed Roads 2 and 3 and associated street lighting and vehicle lights and noise associated with both heavy and light traffic will significantly impact the amenity presently enjoyed.⁴⁸

The submitters seek a range of relief including the rejection of the Plan Change through to Road 3 being deleted from the plan change and an alternative access point be confirmed.

Discussion

Intersection Design

Transportation related issues linked to this plan change have an extensive history which have been independently reviewed and summarised within the Traffic Design Group report attached as **Appendix F** to this report. The Traffic Design Report was commissioned by the Council in order to enable an independent further assessment of transport related issues raised by the Plan Change.

Abley Transportation Consultants⁴⁹ prepared a Transportation Assessment report⁵⁰ for the Plan Change application (refer Appendix K to the section 32 evaluation). In their conclusions, Abley have identified a potential need for a roundabout when both the Three Parks Zone and Ballantyne Road Mixed Use Zone are fully developed. Abley consider, however, that this will not be required for some considerable time. Abley concluded that the timing for any intersection improvement will be more dependent on the development of the surrounding land than on development of the Plan Change 46 land.

After considerable debate as the appropriateness of a roundabout in this location, the Requestor approached Bartlett Consulting. Bartlett Consulting consider that the Plan Change could be supported with a T-intersection design with a right turn bay and a channelized auxiliary left turn lane on Ballantyne Road. Based on the forecast traffic volumes at the intersection, Traffic Design Group who were commissioned to assess the transportation issues raised by Plan Change 46 on behalf of the Council, consider that a simple auxiliary left turn treatment would be sufficient in this location.

The key reason why a priority controlled T-intersection is now considered to provide adequate capacity at the intersection, is because Traffic Design Group concluded that the Abley estimate of vehicle delays for the right turn movement from the new subdivision road are unduly high and not consistent with the forecast traffic volumes. Traffic Design Group consider that there are aspects of the Bartlett concept design that will need amending and that this can be addressed as part of the detailed design and safety auditing process to ensure that adequate sight lines are achieved on all approaches. This will need to be addressed as part of the subdivision process supporting both the Industrial B Zone and Low

⁴⁶ 46/5/7

⁴⁷ 46/5/7

⁴⁸ 46/6/4

⁴⁹ Hereafter referred to as 'Ableys'.

⁵⁰ Hereafter referred to as 'TA'.

Density Residential Zone.

As part of their assessment Traffic Design Group undertook a SIDRA analysis of the Bartlett T-intersection design for the morning and evening peak hours. Based on this analysis, Traffic Design Group considers that a T-intersection will provide sufficient capacity to accommodate the travel demands associated with the residential development enabled by the proposed plan change.

Traffic Design Group have concluded that the need for a roundabout will be influenced by the desire to control vehicle speeds at the future urban threshold. Although the existing speed limit on Ballantyne Road north of Riverbank Road is 70km/h, an urban speed limit will become more appropriate as the surrounding area becomes more developed and more urban in character. Traffic Design Group consider that a roundabout would represent a good traffic calming device in this location and would clearly define the threshold between the rural and urban environments.

Based on the Traffic Design Group independent review of the transportation assessments supporting Plan Change 46, it is evident that a T-intersection design with a right turn bay and a channelized auxiliary left turn lane on Ballantyne Road to be appropriate for meeting the demands of traffic generated by the plan change.

I note that, should an alternative intersection design be required at some stage in the future as all of the surrounding operative plan changes are advanced, then there may be a requirement to upgrade this intersection. Notwithstanding this, any future upgrade would not be ultimately triggered by this Plan Change but moreover the broader development that has been historically approved in this locality, and which is still to be implemented. As a consequence, I am satisfied that the Plan Change is supported with an appropriate intersection design that demonstrates that it will, subject to more detailed design and auditing, effectively mitigate any traffic safety concerns raised by submitters.

Original submitter Ian Percy and Fiona Aitkin (46/5/7) identified that Road 3 raises significant road safety issues, which have not been addressed in Plan Change 46 and the further information presented. The submitter considers that those traffic effects must be considered through the plan change process so that all parties can consider the environmental effects raised and how those effects will be avoided, remedied or mitigated.

Similarly, the Queenstown Lakes District Council (48/8/1) lodged a corporate submission seeking to ensure that no decision be made without adequate consideration being given to ensure safe access onto Ballantyne Road from the Plan Change area and that adequate consideration is given to future population growth, pedestrian and cycle safety, vehicle usage in roading and intersection design. The Council also seeks to ensure that adequate provision for future intersection expansion is provided as part of the plan change.

As reinforced above, I am satisfied that an appropriate design response has been provided to support the Plan Change and that the intersection design is effective in responding to the concerns raised by submitters. In terms of seeking to future proof the intersection expansion for either a roundabout design or some other alternate intersection design, this is something that the Council will need to investigate separately, as this outcome is driven by not only the Plan Change proposed, but wider consented plan changes.

Internal Road Design

Original submitter Ian Percy and Fiona Aitkin (46/5/7) consider that Proposed Road 3 is unnecessary and that there are existing access points via Frederick Street, Road 1 (shown on

the PC46 Concept Structure Plan) and Gordon Road that provide safe access to Ballantyne Road and could be used to access any new industrial or residential area. The submitter contends that the construction of Road 3 would lead to a significant loss of rural amenity in the Rural General Zone and on the Submitters' property due to (among other things) noise and street lighting.

I have previously addressed amenity related concerns elsewhere in this report, however, to reiterate, I consider that these are matters that are already adequately catered for within the existing Industrial B Zone provisions or amendments recommended within this report, such that in my opinion, any adverse effects can be adequately avoided, remedied or mitigated at subdivision and development stage.

Further, the relief sought by the submitter would effectively result in residential occupiers entering the Low Density Residential Zone via an access road servicing an Industrial Zone.

In my opinion this would result in a very poor design response, which I do not support. Expanding upon this point, I note that Road 2 servicing the existing and proposed Industrial B Zone is to be accessed via Road 3. As a consequence, this would result a mixture of residential and industrial related traffic using the same access point. While this does not raise any direct traffic safety concerns for vehicles accessing Road 3, it does raise the potential for conflict between pedestrians and cyclists and large heavy goods vehicles once the Low Density Residential Zone becomes fully occupied.

I note that a number of submitters⁵¹ have supported the Plan Change on the basis that the proposed roading shown on the structure plan will enable industrial vehicles to be separated from residential vehicles, which they consider to be positive effect in terms of traffic safety.

In my opinion, a more appropriate design outcome to avoid any potential traffic safety concerns would be to remove the linkage between Road 2 and Road 3 and redesign Road 2 as a cul-de-sac. While this promotes a less efficient roading network, it would avoid the potential future pedestrian/cyclist and large heavy goods vehicle conflicts.

I note here that this is a matter that is specifically addressed within the Industrial B Zone under Policy 1.8, which requires street layouts and design to:

"1.8.1 Be well-connected, with cul-de-sacs being avoided wherever connected streets would offer greater efficiency and amenity;

1.8.2 Minimise the creation of rear sites.

1.8.3 Be safe for vehicles, cyclists, and pedestrians."

I consider that greater emphasis should be placed on policy 1.8.3 given that the Plan Change is advancing a Low Density Residential Zone accessed off Road 3.

I recommend that this matter be considered by the Requestor and that this is responded to during the hearing as it has clear implications for generating conflicts in future, especially given the fact that the Low Density Residential Zone will cater for families and that, over time, there is the potential for enhanced cycle and pedestrian linkages to be established within wider plan changes to the north of the Plan Change Site.

⁵¹ 46/2/2, 46/3/2

Recommendations and Reasons

Accept (in part) – submissions by Queenstown Lakes District Council (48/8/1), and Ian Percy and Fiona Aitkin (46/5/7) on the basis that further detailed assessment work undertaken by Traffic Design Group has confirmed acceptability of the proposed intersection design.

6.11 EFFECTS ON INFRASTRUCTURE

Issues and Decisions Requested

Two submissions have been raised that raise issues relevant to infrastructure and servicing of the plan change and include:

- The services required are already in place in this part of town;⁵² and
- The effects of any rezoning of this land must be considered in the wider District Plan review, which will consider all development for Wanaka in the whole, including the location of the Wanaka urban boundary, all zoning, whether residential, industrial or otherwise, infrastructure and roading.⁵³

Discussion

An assessment of the infrastructure services in place to service the plan change has been prepared by Paterson Pitts Ltd (a copy of the report is attached as Appendix M to the section 32 evaluation).

The Council's Three Waters Team has considered the high level implications of the proposed Plan Change.

In relation to wastewater, the Three Waters Team has identified that this appears to be adequate in terms of available downstream capacity (that is, the 600 millimeter sewer main in Ballantyne Road), however specific design will need to be undertaken to confirm sufficient capacity in the Enterprise Drive 225 millimeter sewer, however, this would appear to be of an adequate size.

In relation to stormwater, the Three Waters Team has suggested that this be addressed on site rather than piping through to the existing large soak hole on Ballantyne Road. This is a matter that can be subject to a specific design and agreement with Council at the time of subdivision.

Water supply is identified as being adequate in terms of supply in Ballantyne Road. The planned water supply connection through Three Parks will provide a short to medium term solution for this area of Wanaka. In the long term Council will undertake water main duplication along Ballantyne Road. The Three Waters Team has confirmed that the 150 millimeter water main in Enterprise Drive will not be adequate to supply the proposed plan change area and will require upgrading and/or duplication. Further, the plan change area will also require interconnection with adjoining development land at some stage in the future (including Frederick Street, Gordon Road and Cardrona Valley Road).

Overall, in summary the plan change can be readily serviced by existing infrastructure or require upgrading of existing infrastructure that exists within the immediate vicinity of the Plan Change Site. Importantly, there are opportunities through the plan change proposed for service infrastructure to interconnect with adjoining development land once this is advanced in the future.

⁵² 46/4/4

⁵³ 46/5/2

Recommendations and Reasons

I make no recommendation on those submission points discussed above.

APPENDIX A

SUBMISSIONS



FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Grandview Developments Limited		
Phone Numbers: Work:	Home:	Mobile: 021443514
Email Address: info@grandviewdevelopments.co.nz		
Postal Address: C/- 24 Dunganon Street, Wanaka		Post code: 9305



PLAN CHANGE // To which this submission relates to:

Plan Change 46 - Ballantyne Road Industrial and Residential Extension

I **COULD NOT**

gain an advantage in trade competition through this submission.

*I

~~** directly affected by an effect of the subject matter of the submission:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.~~

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

The entire Plan Change 46.



MY SUBMISSION IS //

Include whether you support or oppose the specific provisions or wish to have them amended, and the reasons for your views.

Grandview Developments Limited supports Plan Change 46.

The proposed residential development is consistent with the Wanaka Structure Plan and will provide for future housing needs of the community.

The proposed road network will facilitate linkages consistent with the Wanaka Transportation Strategy. The separation of roads from the industrial area and the large green space buffer between the residential and industrial area will protect the amenity of the residential area.

This industrial rezoning will consolidate an existing industrial area and provide for and encourage new businesses, which will benefit the local economy.



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY //

Give precise details:

That Plan Change 46 be approved.

DO NOT wish to be heard in support of my submission.

WILL NOT consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Charlene O'Hong

[Signature]
*DIRECTOR

Date *31 March 2015*

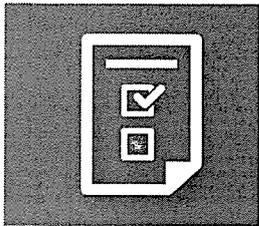
** If this form is being completed on-line you may not be able, or required, to sign this form.



FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE

Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Wanaka Hardware and Building Supplies Limited (Mark Watson)		
Phone Numbers: Work: 03 443 9137	Home:	Mobile: 0274750522
Email Address: manager@wanakamitre10.co.nz		
Postal Address:		Post code:

PLAN CHANGE // To which this submission relates to:

Plan Change 46 - Ballantye Road Industrial and Residential Extension

I **COULD NOT** gain an advantage in trade competition through this submission.

*I **IS** directly affected by an effect of the subject matter of the submission:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.

SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

The entire Plan Change 46.



MY SUBMISSION IS //

Include whether you support or oppose the specific provisions or with to have them amended; and the reasons for your views.

Wanaka Hardware and Building Supplies Limited trades as Wanaka Mitre 10 and currently occupies some land within the Ballantyne Ridge subdivision off Enterprise Drive. The land is used for the storage of building supplies and materials. In the future Mitre 10 will require more industrial space in order to construct a warehouse facility for its Wanaka retail and building supply operation. The proposed industrial land in plan change 46 is the right location for this purpose.

In addition to meeting existing demand, the creation of new industrial space will encourage new businesses to locate in Wanaka, which will result in positive economic benefits for the local community.

The proposed roading shown on the structure plan will enable industrial vehicles to be separated from residential vehicles, which will be a positive effect in terms of traffic safety. The large open space area proposed between the industrial and residential zones will enable the visual and noise effects of the industrial activities to be largely contained and screened from the residential land beyond.

Wanaka Mitre 10 also supports the rezoning of land for residential purposes as it is consistent with the Wanaka Structure Plan and will provide housing, which is accessible by foot/bicycle to employment areas.

Overall Wanaka Mitre 10 considers the propose plan change is comprehensive and represents the best outcome for the land subject to the plan change.

Wanaka Mitre 10 supports the entire plan change.



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY //

Give precise details:

That Plan Change 46 be approved.

I DO NOT

wish to be heard in support of my submission.

I

consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date

31/3/2015

** If this form is being completed on-line you may not be able, or required, to sign this form.





FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE

46/3



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Claas Harvest Centre - Otago (Steve Scoles)

Phone Numbers: Work: 03 489 8886

Home: 03-4861484

Mobile: 021 558 885

Email Address: steve.scoles@claashc.co.nz

Postal Address: Airport Turnoff, Allanton, Mosgiel

Post code:
9053



PLAN CHANGE // To which this submission relates to:

Plan Change 46 - Ballantye Road Industrial and Residential Extension

I COULD NOT

gain an advantage in trade competition through this submission.

*I

** directly affected by an effect of the subject matter of the submission:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

The entire Plan Change 46.

**MY SUBMISSION IS**

Include whether you support or oppose the specific provisions or with to have them amended; and the reasons for your views.

Claas Harvest Centre (CHC) currently occupies a site within stage 1 of the Ballantyne Ridge industrial development. CHC could potentially require additional industrial land in the area in the future and therefore supports the rezoning of further industrial land. CHC considers there is a good demand for industrial space in the area and supports the supply of additional land to encourage business growth in Wanaka.

CHC is concerned about the reverse sensitivity effects of future residential development occurring near to industrial areas. CHC is concerned that industrial operations could be adversely affected if nearby residential development is not carefully planned. PC46 has been carefully planned to mitigate the potential effects between the residential and industrial activity. PC46 promotes a substantial green buffer to separate residential activity from industrial activity and also provides for a road layout which will keep industrial and residential traffic separate. This provides the current and future industrial operators with confidence that operations will be able to continue at this location.

Overall CHC considers that PC46 provides for some of Wanaka's future industrial needs and safeguards the ability of the industrial area to operate without potential reverse sensitivity effects from future residential development. CHC supports PC46 for these reasons.

**I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY**

Give precise details:

That Plan Change 46 be approved.

DO NOT

wish to be heard in support of my submission.

WILL NOT

consider presenting a joint case with others presenting similar submissions.

**SIGNATURE**

Signature (to be signed for or on behalf of submitter) **

Date 9 April 2015

** If this form is being completed on-line you may not be able, or required, to sign this form.





FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE

46/3



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Claas Harvest Centre - Otago (Steve Scoles)

Phone Numbers: Work: 03 489 8886

Home: 03-4861484

Mobile: 021 558 885

Email Address: steve.scoles@claashc.co.nz

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9053



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Plan Change 46 - Ballantye Road Industrial and Residential Extension

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gain an advantage in trade competition through this submission.

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(a) adversely affects the environment; and

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* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



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The entire Plan Change 46.

**MY SUBMISSION IS**

Include whether you support or oppose the specific provisions or with to have them amended; and the reasons for your views.

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**I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY**

Give precise details:

That Plan Change 46 be approved.

DO NOT

wish to be heard in support of my submission.

WILL NOT

consider presenting a joint case with others presenting similar submissions.

**SIGNATURE**

Signature (to be signed for or on behalf of submitter) **

Date 9 April 2015

** If this form is being completed on-line you may not be able, or required, to sign this form.



Julia Chalmers

From: QLDC Services <SERVICES@QLDC.GOVT.NZ>
Sent: Friday, 17 April 2015 4:26 PM
To: Louise Gill
Subject: FW: SUBMISSION ON PLAN CHANGE 46. [#18A10H]

-----Original Message-----

From: "Jim Ledgerwood" <daphne.j2010@hotmail.com>
Sent: Friday, 17 April 2015 3:50 PM
To: "services@qldc.govt.nz" <services@qldc.govt.nz>
Subject: SUBMISSION ON PLAN CHANGE 46.

Good afternoon.

We wish to make a submission with regards to Plan Change 46 the rezoning of the block of land between Ballantyne Road and Orchard Road Wanaka.

We wish to submit in support of the Private Zone change.

We believe the proposed development is consistent with the Wanaka Structure Plan

We see the road linkage is consistent with the Wanaka Transportation Strategy and will be required to carry traffic from the heavily developed residential areas on the west of Wanaka to the newer areas that are going to be created surrounding the Three Parks Area.

We particularly like the green belt that is going to be created to separate the industrial area and the new Residential Area.

The services required are already in place in this part of town.

Our submission would be that this Private Plan Change should be approved by council.

Our details:

Daphne & Jim Ledgerwood

3 Heritage Park

71 Cardrona Valley Road

Wanaka

Ph/Fax 03 4438899

Email : daphne.j2010@hotmail.com

Sent from Jim,s Ipad.

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR A PLAN CHANGE**TO: Queenstown Lakes District Council**

1 Name of Submitters: Ian Percy and Fiona Aitken

Ian Percy and Fiona Aitken Family Trust

Aitken's Folly Vineyard Limited

(the Submitters)

2 This is a submission on proposed Private Plan Change 46 (PC46), publicly notified on 19 March 2015.

3 The Submitters can not gain an advantage in trade competition through this submission.

4 The specific provisions of PC46 that the submission relates to are:
The entire Plan Change.

5 Our submission is:

a Ian Percy and Fiona Aitken Family Trust owns a property at 246 Riverbank Road, Wanaka **(the Property)**:

i The Property is situated directly to the south of the land that is the subject of PC46 and has a common (north/south) boundary with much of the PC46 land;

ii The Submitters' north/north easterly aspect looks directly at the land that is subject to PC46;

iii The PC46 land is located on the top of a ridgeline at the northern end of the Submitters' property;

iv There is a 4 metre rise in elevation from the Submitters' Property to the PC46 land;

v The Submitters' property is zoned Rural General;

vi Ian Percy and Fiona Aitken reside on the property and operate a vineyard on the Property through Aitken's Folly Vineyard Limited.

District Plan review

- b It is inappropriate for the Council to be considering PC46 (a private plan change) when it is close to notifying its proposed District Plan review. PC46 in its present form has the potential to create an island of Low Density Residential land sitting within an area of Rural, Industrial and large lot urban zones. This is not sustainable management, or a logical zoning approach to this land or the development of this part of Wanaka.
- c The effects of any rezoning of this land must be considered in the wider district plan review, which will consider all development for Wanaka in the whole, including the location of the Wanaka urban boundary, all zoning, whether residential, industrial or otherwise, infrastructure and roading.

Wanaka Structure Plan

- d PC46 places excessive weight upon the Wanaka Structure Plan (WSP). The WSP is a non-RMA document that has been prepared without the rigour of a s32 analysis. It is an expression of Council's strategic intent for Wanaka's growth, now 8 years old. It has not been fully incorporated into the Operative District Plan, nor has the urban growth boundary (inner and outer) identified through the WSP process been incorporated into the Operative District Plan.
- e It is unsound resource management practice to base a plan change upon the "need" for the District Plan to reflect a non-RMA document.
- f The WSP does not consider the characteristics of specific sites within the strategic growth boundaries for Wanaka. Therefore a s32 analysis is necessary to determine the appropriateness of (in this case) a method; i.e. zoning.

Demand for Industrial and Residential Land

- g Section 5 of the Act requires Council to manage the use, development and protection of natural resources "in a way and at a rate" that allows people to provide for their social, economic and cultural wellbeing.
- h The first obligation of any plan change is that it achieves the integrated management of the effects of the use, development, or protection of land and physical resources of the district (sections 74(1)(a) and 31(1)(a) of the Act).

- i In order to perform its functions under s31 in a way that achieves the purpose of the Act, Council must consider whether there is a present need to apply a particular method (in this case a new special zone) to land.
- j The s32 report lodged with PC46 seeks to justify the plan change on the basis of the need to meet the demands of industrial activities and residential activities. There is no demonstrated demand for industrially zoned land or residentially zoned land identified in the s32 report, either now or in the foreseeable future. The lack of need for such land was also noted by senior Council officers reporting to the Council's Strategy Committee in August 2013 on the merits of the acceptance of the private plan change (**copy attached**).
- k The s32 analysis fails to identify and assess whether the content of the plan change is the most appropriate way of achieving the settled objectives and policies of the Operative District Plan and, in turn, the purpose of the Act. This analysis must be undertaken with particular reference to relevant sections of the Operative District Plan – for example, in the case of urban growth, PC46 must establish:
 - i An urban growth boundary, then
 - ii Demonstrate how much new urban land was sufficient (but no more than sufficient) to meet the identified needs.

PC46 fails to establish either of these points.
- l Rezoning land when there is unutilised or under-utilised land already zoned for the same purpose, leads to the inefficient provision of infrastructure and fails to provide for orderly and sustainable growth.
- m The nearby industrially zoned land on Ballantyne Road provides for around 40 years of demand at current rates.¹ This land includes around 5 hectares owned by the Requestor, rezoned as Industrial B by Plan Change 36 following a submission lodged by the Requestor through the PC36 process. The Submitters note that the acceptance of the Requestor's PC36 submission inappropriately and unlawfully extended the scope of PC36, the Council failing to consult with or notify neighbours of the increased scope of the plan change in that instance. The Submitters were significantly prejudiced by that PC36 process and outcome. The Requestor now seeks to advance its land interests, initially secured through the unlawful PC36 process just referred to, again to the prejudice of the Submitters.

¹ Planner's report for Plan Change 36 dated 11 February 2011 page 25

Effects Upon the Submitters

- n The Plan Change fails to consider and manage the interface, relationship and transition from the proposed PC46 land to the Submitters' Property.
- o Given the topography of the land subject to PC46, the amenity of the Submitters' Property and the adjacent Rural Zone generally will be adversely affected in a way not anticipated by the relevant objectives and policies of the Operative District Plan. Those adverse effects include (without limitation):
 - i glare from vehicle lights;
 - ii noise;
 - iii street lighting;
 - iv loss of rural amenity due to roading and adjacent and relatively dense built form;
 - v loss of privacy;
 - vi loss of rural outlook;
 - vii reverse sensitivity.
- p The use of a Low Density Residential Zone directly adjacent to the proposed Industrial Zone fails to manage the transition from the urban fringe of Wanaka to the Submitters' Property, which is in the Rural Zone.
- q The plan change acknowledges reverse sensitivity issues by the provision of the open space area between the proposed Industrial and Low Density Residential Zones. However, there are also reverse sensitivity effects on any nearby residential neighbours from rural activities, for example frost fans and helicopters. The proposed open-space area terminates prematurely and fails to provide any set back between the Rural and Low-Density Residential Zones to help manage reverse sensitivity issues.

Landscape

- r The land subject to PC46 is a Visual Amenity Landscape.
- s The Plan Change fails to have particular regard to the amenity values associated with the landscape.

- t The PC46 land is located at the top of a ridgeline making the land easily visible from the surrounding Rural General and Rural Lifestyle Zones, along with Riverbank Road. The change in elevation notably increases the prominence of built form on the skyline in this environment and exacerbates adverse effects on the Submitters.
- u Some of the top edge of the terrace is currently screened by a plantation of trees located on the northern boundary of the Submitters' property. Those trees will be harvested in due course thus exposing more of the southern boundary of PC46. The Requestor cannot rely on those trees as providing any form of mitigation. The trees are not under the Requestor's control.

Proposed Road 3

- v Proposed Road 3 is unnecessary. There are existing access points via Frederick Street, Road 1 (shown on the PC46 Concept Structure Plan) and Gordon Rd that provide safe access to Ballantyne Rd. These existing roads could be used to access any new industrial or residential area.
- w The existing roads available to the Requestor include Enterprise Drive, a new and wide road achieved as a result of the Council's unlawful incorporation of the Requestor's additional land into PC36 without notification to affected parties (see point above). There is no sound resource management reason for the Requestor to now add another road to this environment that causes adverse traffic effects in the Ballantyne Rd environment and adverse amenity effects on the Submitters.
- x The construction of Road 3 and would lead to a significant loss of rural amenity in the Rural General Zone and on the Submitters' property due to (among other things) noise and street lighting. Street lighting is particularly significant because of light-spill due to the PC46 land's elevation.
- y Road 3 raises significant road safety issues, which have not been addressed in PC46 and the further information presented. The Requestor's intention to resolve the final access arrangement for Road 3 through a side agreement with Council is inappropriate. Those traffic effects must be considered through the plan change process so that all parties can consider the environmental effects raised and how those effects will be avoided, remedied or mitigated.

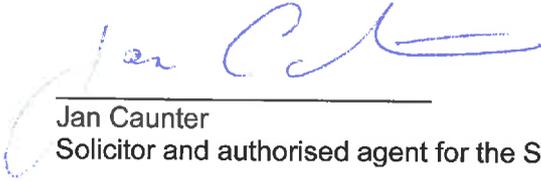
General

- z PC46 is inconsistent with the objectives and policies of the Operative District Plan.
- aa PC46 does not achieve the purpose of the Act.

Relief

- 6 The Submitters seek the following decision from the local authority;
 - a That Plan Change 46 be rejected in its entirety; or
 - b Should some or all of the Plan Change be approved, the Submitters seek the following particular outcomes and otherwise reserve their position:
 - i Road 3 be deleted from the plan change and an alternative access point confirmed that is much further away from the Submitters' property, to the northwest, closer to the existing industrial area. This access point could use existing roading (Road 1 - Enterprise Drive, Frederick St, Gordon Rd).
 - ii Appropriate earthworks, mounding and planting be provided to adequately screen the Submitters' property from any new activity, whether it be industrial or residential, approved through PC46;
 - iii The open space area be extended along the southern boundary of PC46 to provide a transition from the proposed Low Density Residential zone to the Rural General zone. This extended open space area should be a minimum of 50 metres in width, measured from the southern boundary of the PC46 land in a north-westerly direction;
 - iv The open space land remain free of all buildings and vehicle access.
 - v Any residential area comprise large lot residential rather than low density residential, with a prohibition on further subdivision and a maximum height on residential buildings of 6 metres. This large lot residential outcome is at least more consistent with the Council's current position on the rezoning of land under the proposed district plan review, notified to the public for consultation in early 2015.

- vi All buildings within the Industrial B area be limited to a maximum height of 6 metres.
 - vii Appropriate controls and methods be included within the Plan Change to address reverse sensitivity issues.
 - viii The rezoning of the land through PC46, in whatever form, be deferred until existing industrial and low-density residential land is utilised for its zoned or other use. Performance standards to assess the uptake of that land ought to be incorporated into the Plan. Until those performance standards are met, the current rural zoning should be retained and applications for resource consent assessed against the same as if the land were not subject to the deferred zoning.
- 7 The Submitters wish to be heard in support of their submission.
- 8 If others make a similar submission, the Submitters will consider presenting a joint case with them at a hearing.



 Jan Caunter
 Solicitor and authorised agent for the Submitters

17/4/15
 Date:

Address for service of submitter: Gallaway Cook Allan
 PO Box 450
 Wanaka 9343

Telephone: (03) 443 0252 or 021 635 984

Contact Person: Jan Caunter
 Email: jan.caunter@gallawaycookallan.co.nz

Item: 1 - Proposed Plan Change 46 - Ballantyne Road Industrial and Residential Extension**Purpose – Decision Making**

- 1 To recommend that the Strategy Committee accept for processing Private Plan Change Request 46 (PC46) to re-zone an area of land off Ballantyne Road, Wanaka from Rural General to Low Density Residential and Industrial B.

Executive Summary

- 2 A private plan change request has been received from Orchard Road Holdings Limited to re-zone approximately 19.3ha of land in Wanaka from Rural General to Low Density Residential and Industrial B. Of this, 13.4ha is to be rezoned Low Density Residential, and 5.9ha is to be rezoned Industrial B. A structure plan specifies areas of open space of 3.3ha within the new Industrial B zoning.
- 3 The land subject to the request is relatively flat and is currently used for pastoral grazing. The proposed Low Density Residential re-zoning is estimated by the developer to enable approximately 96 dwellings. The proposed Industrial B rezoning will allow further industrial development adjoining the operative Industrial B zoning (created through Plan Change 36 on 14 March 2013).
- 4 There are no grounds for rejecting the request or stating that it should be progressed as a resource consent. While generally consistent with Council's strategic documents, there are no strong reasons for adopting it as a Council led plan change. There is a large amount of undeveloped Industrial B and Low Density Residential zoned land already available in Wanaka,
- 5 It is recommended that the Council accept the request for processing, and that the notification process commence once further transport information is provided.

Recommendation

1. ***That private plan change request 46 (Ballantyne Road Industrial and Residential Extension) is accepted for processing by the Council and proceed to notification, on the condition that further information in relation to traffic impacts is provided to the Council's satisfaction.***

Prepared by:

Blair Devlin
Senior Planner (Policy)

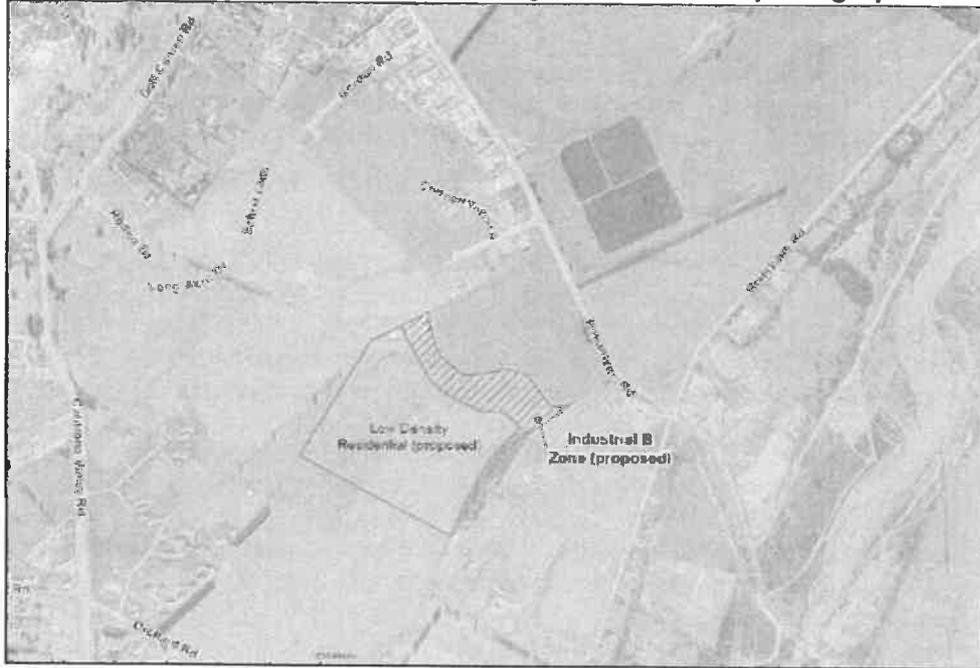
Reviewed and Authorised by:

Marc Bretherton
General Manager Planning &
Development

Issue

- 6 Private Plan Change 46 has been received from Orchard Road Holdings Ltd to re-zone approximately 19.3 hectares of land off Ballantyne Road, Wanaka, from Rural General to Low Density Residential and Industrial B.

Figure 1 - Boundary of proposed plan change area on aerial photograph



- 7 The land is currently zoned Rural General as shown in the operative planning map below. Figure 3 then shows the proposed planning map.

Figure 2 - The operative planning map for the PC46 land

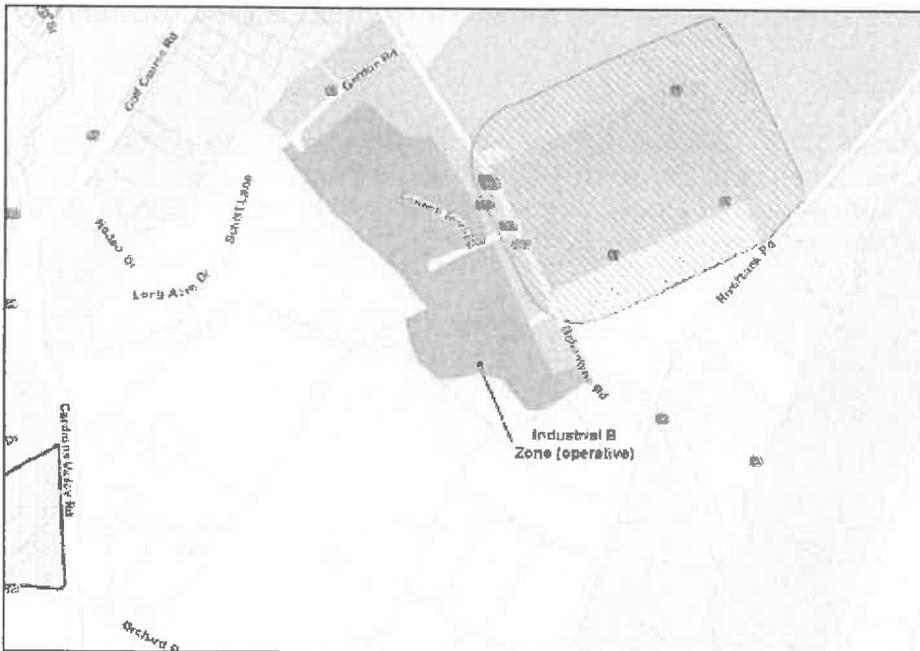
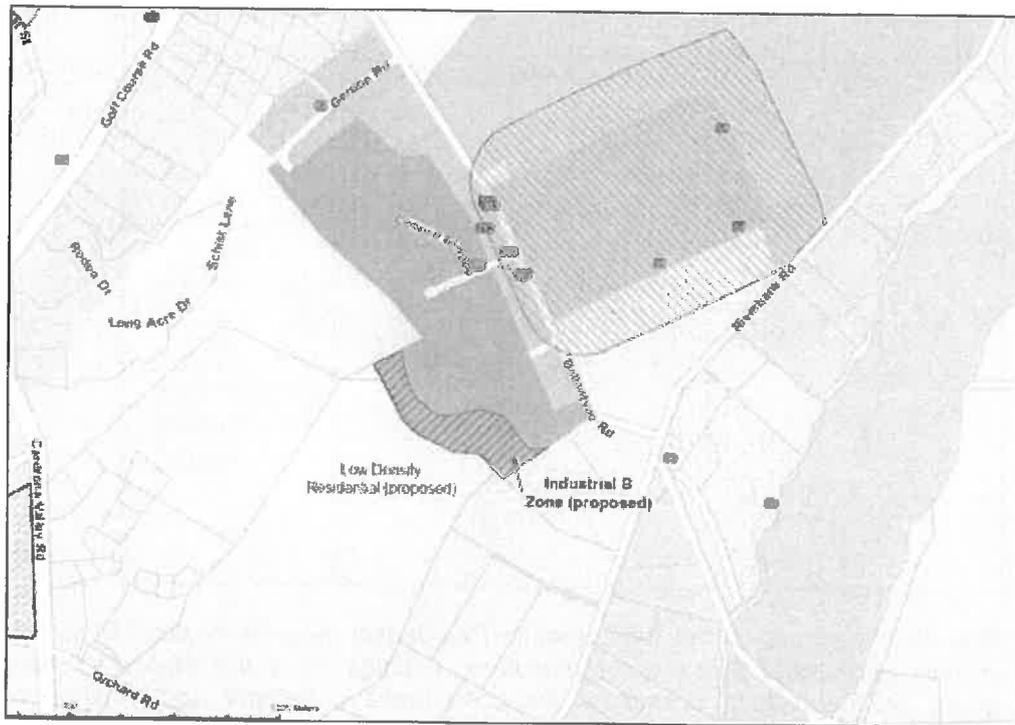


Figure 3 - Proposed Planning map for the PC46 land

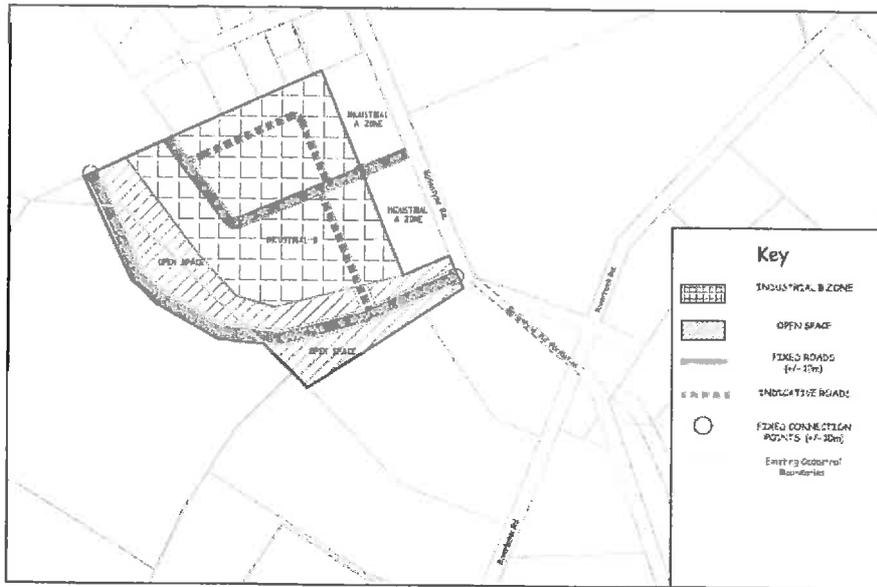


- 8 The purpose of the Industrial B zone is to *provide for industrial and service activities. Conversely, offices, residential and almost all retail uses are avoided in the zone in order to ensure that it does not become a mixed use zone where reverse sensitivity issues and land values make industrial and some business uses unviable within the zone.*
- 9 The proposed Industrial B rezoning is approximately 5.9 hectares immediately adjacent to the operative Industrial B zoning created through Plan Change 36 (a Council-led plan change). The operative 'Ballantyne Road Precinct Structure Plan' is also proposed to be altered. The operative and proposed Structure Plans for the Ballantyne Road Precinct are shown below.

Figure 4 - Operative Industrial B Structure Plan - Ballantyne Rd Precinct

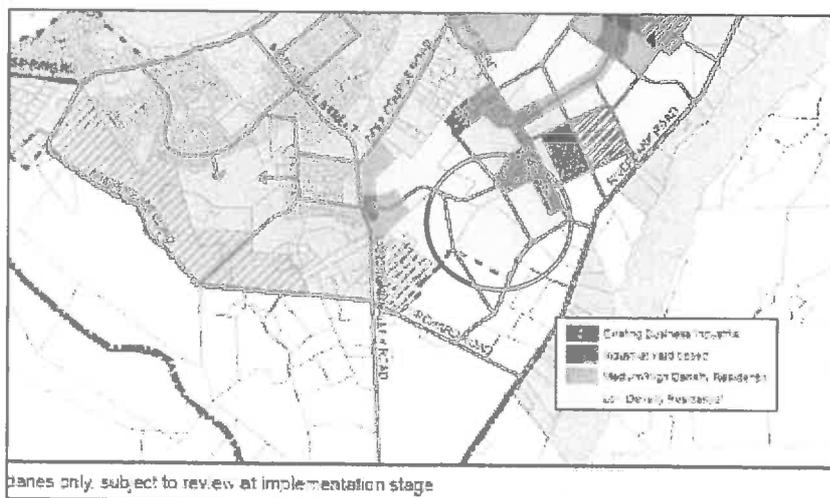


Figure 5 - Proposed PC46 Industrial B Structure Plan - Ballantyne Rd Precinct



- 11 The main purpose of the Low Density Residential zone is to provide for low density permanent living accommodation, maintaining a dominance of open space and low building coverage. The zone seeks to maintain and enhance the low density residential areas with ample open space, low rise development and minimal adverse effects experienced by residents.Other activities are permitted in the zone provided they meet environmental standards which keep the activities compatible with residential activity and amenity....
- 12 The proposed Low Density Residential rezoning is approximately 13.4 hectares. An open space area on the structure plan separates the two areas.
- 13 The future of the land subject to PC46 was considered as part of the Wanaka Structure Plan process, which concluded that the site sits within the Inner Growth Boundary (red hatched line below). The Wanaka Structure Plan 2007 also identifies the land subject to PC46 as future 'low density residential' land (shown as light yellow).

Figure 6 - Wanaka Structure Plan 2007



- 14 The plan change seeks to rezone land Industrial B where the Wanaka Structure Plan anticipates residential activity. The applicant has stated that they consider the land would be more appropriately zoned industrial given the demand for and suitability of the land for industrial activity; the ability to create a comprehensive industrial area with discrete road access and connectivity, and the ability to manage the transition between residential and industrial land.
- 15 In summary, the proposed plan change:
- Utilises the operative Low Density Residential and Industrial B zones.
 - Proposes a new structure plan for the 'Ballantyne Road Precinct' area.
 - Would enable approximately 96 dwellings in the area to be zoned Low Density Residential according to the applicant. It is noted that the Low Density Residential Zone allows subdivision down to 450m² so potentially more sites could be created.
 - Would enable additional industrial development adjoining the operative Industrial B zone.
 - Includes a concept plan and structure plan that shows provision of a potential east-west link road between Ballantyne Road and Cardrona Valley Road.
 - The operative rules of the Industrial B zone require that an Outline Development Plan be approved prior to any development or subdivision.

Options

- 16 Under Clause 25 of the First Schedule, the Council has four options:
- a Reject the Plan Change
 - b Process the Plan Change request as a resource consent
 - c Adopt the Plan Change
 - d Accept the Plan Change (for processing).

Assessment

Reject the Plan Change

- 17 A plan change request *may* be rejected on certain grounds, as specified in Clause 23(6) and Clause 25 of the First Schedule:
- a This request is not considered to be frivolous or vexatious. It does not lack seriousness or set out to annoy others.
 - b The 'substance' of the request has not been dealt with by the Council or the Environment Court in the last two years. This area of land was not considered as part of Plan Change 36 - Industrial B zone.
 - c The change is not contrary to sound resource management practice. The Courts have not defined 'sound resource management practice' but confirm that it needs to be tied to the Act's purpose and principles and should be limited to only a coarse scale merits assessment.

- d The change would not make the District Plan inconsistent with Part 5 of the Act (relating to National Environmental Standards and other policies and plans).
- e The District Plan has been fully operative since 2007. The Industrial B zone has only been operative since March 2013. As this is an extension of the Industrial B zoning, with only minor changes to the actual provisions, this is not a suitable ground upon which the Council *may* reject the plan change.
- f Clause 23(6) clarifies that if the requestor declines to provide information sought by the Council, the plan change request can be rejected. The requestor has provided the further information sought to date.

18 It is therefore considered *inappropriate* to reject the plan change request.

Process the plan change request as a resource consent

- 19 Under this scenario the plan change request is converted to a resource consent application and is processed by the Council as such. This would mean:
- The requestor bears all the costs associated with a resource consent.
 - The Council has no influence over what is publicly notified.
 - The resource consent does not have effect until it is beyond challenge.
- 20 Having assessed the costs and benefits of this option, it is considered *inappropriate* for the following reasons:
- The size of the plan change request and the extent of deviation from the operative zoning would affect the integrity of the Rural General Zone.
 - The decision would be unlikely to provide the degree of flexibility required. For example, the Rural General zone requires building platforms and large setbacks from boundaries.
 - A resource consent must be given effect to within 5 years (unless an extension is provided) which could be unrealistic.
 - Under the resource consent process, an assessment of the options for the land is not required, as is the case under Section 32 of the Act.

Adopt the Plan Change

- 21 Under this scenario the plan change becomes a Council plan change and is processed as such. This would mean the Council has full control over the content and extent of the plan change, and bears the costs of managing and processing the plan change. The plan change would also have some 'weight' from the time it is notified (and this 'weight' tends to increase as the process progresses).
- 22 The Strategy Committee passed a resolution on 19 March 2013 stating:

That pending an assessment of the implications for the District Plan Review created by the proposed changes to the Resource Management Act announced by Government, no further Council-initiated changes to the District Plan are notified".

- 23 At this time, only a discussion document on proposed changes to the RMA has been released. Until the proposed changes to the RMA reach the stage of a Bill before Parliament, it is not possible to fully assess the implications for the District Plan Review.
- 24 The Council's current Long Term Plan (June 2012), and to a degree the Annual Plan (2013-2014), anticipate private plan changes, but do not anticipate doing any Council-led plan changes as a comprehensive review is required.
- 25 There is already a large supply of land zoned for industrial and residential activity in Wanaka.
- 26 It is therefore considered *inappropriate* to adopt and process the plan change request as a Council Plan Change.

Accept the Plan Change for processing

- 27 Under this scenario the private plan change is publicly notified in the form prepared by the requestor. The Council processes the plan change request in accordance with the First Schedule subject to minor modifications. This means:
- The requestor determines the nature of the plan change that is notified, but it can be modified prior to notification with the consent of the requestor. The Plan Change has been modified/ improved in various ways since lodgement.
 - The Council takes a neutral position on the proposal at the time of notification; neither supporting nor opposing the proposal. The Council can however lodge a submission that will be considered by commissioners.
 - The plan change does not have any effect until the decision is operative.
 - The requestor bears the cost of the plan change process (except for costs incurred by the Council in relation to any Environment Court proceedings).
- 28 It is *appropriate* to accept the plan change request for the following reasons:
- Re-zoning this land is generally consistent with Council strategies but is not a priority given the large supply of industrial and residential land already available in Wanaka.
 - The Council will have the opportunity to obtain further advice and information through the submission process and the planners report.
 - The Council is able to make a submission on the merits of the plan change, if this is considered necessary.
 - The Council does not bear the costs of processing the plan change, until appeals are received, if any.
 - The plan change would have no weight until operative, reducing the risk of resource consent decisions pre-empting the outcome.
 - There is sufficient information to notify the plan change.

Discussion

- 29 The most appropriate option is to accept the plan change for processing.

Local Government Act 2002 Purpose

- 30 This Item relates to a process that is clearly outlined within the Resource Management Act. The acceptance for processing of this request for a private plan change accords with Section 10 of the Local Government Act 2002, in that it fulfils the need for good-quality performance of regulatory functions.

Significance of Decision

- 31 The decision being recommended to the Strategy Committee is not considered significant under the Council's Policy of Significance:
- it will not incur more than \$2 million of budgeted or \$200,000 of unbudgeted expenditure;
 - it will not involve any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined by the Act or listed in this policy;
 - it will not involve the sale of the Council's shareholding in any council controlled trading organisation, or council controlled organisation; and
 - it will not, directly or indirectly, significantly affect the capacity of the Council to carry out, or the cost to the Council in carrying out, in relation to any activity identified in the Long-Term Council Community Plan.

Consultation - Interested or Affected Persons

- 32 The requestor of a private plan change is responsible for undertaking consultation prior to lodging the request with the Council. Should the recommendation be agreed, the formal consultation provisions of the Resource Management Act will ensure all persons have the opportunity to comment on the application, and speak to their submission at a public hearing.

Relevant Council Policies and Plans

- 33 The following Council policy documents are relevant to this Item:
- Queenstown Lakes District Plan
 - Queenstown and Wanaka Growth Options Study (2004)
 - Wanaka Structure Plan (2007)
 - Wanaka Land Demands (2007)
 - Dwelling Capacity Model (2013)
 - Wanaka Transportation and Parking Strategy (2008)
 - Growth Management Strategy (2007)
 - Annual Plan and Long Term Council Community Plan (2012-2022)

Delegations

- 34 The Strategy Committee has the delegation to accept a private plan change.

Risk Management

- 35 Assuming the Strategy Committee adopts the recommendation to *accept* the plan change request for processing, the Council incurs no costs until appeals are received, if any.

Attachments

- A Proposed Plan Change 46 - Ballantyne Road Industrial and Residential Extension - available on the Council's website:
http://www.qldc.govt.nz/plan_change_46_ballantyne_road



FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name:

Phone Numbers: Work:

Home:

Mobile:

Email Address:

Postal Address:

Post code:



PLAN CHANGE // To which this submission relates to:

I gain an advantage in trade competition through this submission.

*I ** directly affected by an effect of the subject matter of the submission:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:



MY SUBMISSION IS //

Include whether you support or oppose the specific provisions or with to have them amended; and the reasons for your views.



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY // Give precise details:

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date

** If this form is being completed on-line you may not be able, or required, to sign this form.



SUBMISSION ON AN APPLICATION FOR A PUBLICALLY NOTIFIED PLAN CHANGE

TO: Queenstown Lakes District Council
NAME: Peter Shanks and Raelene Shanks
ADDRESS: 234 Riverbank Road Wanaka 9382
PHONE: 034436179 or 0274391697
EMAIL: raelene.shanks@gmail.com

This is a submission on a proposed private plan change 46, notified on 19th March 2015.

1. We oppose the application of ORHL for a **PLAN CHANGE: BALLANTYNE ROAD INDUSTRIAL AND RESIDENTIAL EXTENSION.**

2. The particular parts of the application we oppose are:

(a) We oppose the application in its entirety.

3. The reasons for making our submission are:

(a) Visual Impact and the loss of rural amenity associated with the establishment of more Industrial zoning. This will significantly affect the amenity value of our present rural outlook within the rural general zone.

(b) Obstruction of view – The establishment of Industrial activities allowing buildings as high as 7 metres on the land that is already more than 4 metres higher than our property will completely obliterate the view our site presently enjoys of the mountains and surrounds beyond Wanaka.

(c) Adverse environmental impacts- The establishment of more Industrial zone and the earthworks for both building and creations of roads will greatly increase the presence of noxious elements such as noise, dust, odour, and other unpleasant effects associated with industrial activities. Visual impact of type of building materials used and colours of buildings and the conglomeration of materials and rubbish that surround the buildings.

Our property lies in the lee of the subject site to the prevailing northwest winds. This will no doubt constantly aggravate these effects.

(d) Roads 2 and 3 and associated street lighting and vehicle lights and noise associated with both heavy and light traffic will significantly impact the amenity presently enjoyed at our property. Road 2 especially will point downwards traffic directly towards the windows of our property.

(e)) **Proposed residential extension**. Rural general zone allows people to have lifestyles of their choice, with enjoyment of living on a larger area of land where one may have sheep, horses, chickens or a vineyard etc. To design low density residential right to those boundaries does not appear to be a good plan, as building platforms on Riverbank Road properties close to the land proposed for plan Change 46 are all to the rear of each approx. 10 acres. ie not far from the boundaries of the subject land. Consideration is needed for a buffer with plantings from boundary, and possibly creation of lots as large as one acre closer to rural general and then development of smaller lots. Some of the affected land presently has a stand of trees on the boundary but that is not to say they would be removed for firewood at some future stage and privacy lost. The proposed development will reduce the amenity of the rural landscape.

(f) There will be a negative impact on the value of our property.

4. We wish the consent authority to make the following decision:

(a) **That the application be declined in its entirety.**

5. **We wish to be heard in support of our submission.**

6. **We invite the commissioners to visit our property to view the site of the proposed development.**

Raelene and Peter Shanks

FORM 5

SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE (46) TO THE OPERATIVE QUEENSTOWN LAKES DISTRICT COUNCIL PLAN IN ACCORDANCE WITH THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

TO: Chief Executive
Queenstown Lakes District Council
P O Box 50072
QUEENSTOWN 9348

FOR:

FROM: Peter Gordon
On behalf of the PD Gordon Family Trust
70 Golf Course Road
Wanaka

THIS is a Submission on the following proposed Plan Change to the Operative Queenstown Lakes District Plan (the District Plan).

Proposed Plan Change 46: Ballantyne Road Industrial and Residential Extension

1. This Submission from the PD Gordon Family Trust relates to the whole of Plan Change 46 (PC46).
2. Issues that have determined the Trust's approach in preparing this submission on the Plan Change are as follows:
 - 2.1 The Trust has extensive land holdings in the Wanaka area and an interest in the Aspiring Lifestyle Retirement Village. The Trust's landholding includes land adjoining the land subject to the Plan Change. The extent of this land is shown on the Plan attached as "A".
 - 2.2 Part of the Trust's land adjoins the land subject to the Plan Change. This land is currently partially zoned Rural General and partially Industrial B. Adjacent land has an extant resource consent to develop the retirement and lifestyle village including hospital and medical facilities, with associated commercial and retail activities including a pharmacy.
 - 2.3 The Trust participated in the consultation phase of the Plan Change and engaged in discussions with QLDC with a view to expanding the extent of the residential zone proposed through the Plan Change.
 - 2.4 The Wanaka Structure Plan (2007) identifies part of the Trust's land as an area for residential activity (both low density and medium density) and commercial/retail.
 - 2.5 Ballantyne Road has developed as the main focus of business and industrial development in Wanaka with the western side now being a well established industrial and business hub providing a range of

activities. That has allowed adverse effects of those activities to be effectively contained, as well as encouraging efficiency in terms of infrastructure and the co-location of complimentary activities.

- 2.6 Key access routes into the residential land proposed as part of PC 46 will be both from the Cardrona Valley Road and through the industrial area from Ballantyne Road.
 - 2.7 The configuration of the Industrial B Zone and the relevant rules avoid potential issues of adverse sensitivity from effects of noise, visual pollution and traffic safety and effectively manage the interface between residential and industrial activities in order to protect the functioning of the proposed residential area and future residential amenities.
3. The Trust considers that the Plan Change is not the most appropriate way of achieving the purpose of the Resource Management Act 1991 (the Act). The Trust submits that the Plan Change fails to consider the alternative option of extending the Plan Change boundary to include the Trust's land which would better achieve the purpose of the Act.
 4. In order to be within the scope of a Plan Change a submission must be "on" a Plan Change as required by clause 6 of Schedule 1 of the Act. The Trust understands this provides jurisdiction to seek that a portion of its land be included in the Plan Change because to extend the boundary of a Plan Change is "on" a Plan Change in law. Further:
 - 4.1 It addresses the extent the Plan Change changes the status quo seeking that it apply to a greater area than originally proposed;
 - 4.2 The new land to be included will be contiguous in part with the current land proposed to be re-zoned;
 - 4.3 The inclusion of part of the PD Gordon Trust's land within the Zone is likely to be consistent with the objectives and policies of the Plan Change;
 - 4.4 Providing for additional land to be included within the Plan Change is a logical response and anticipated given the recent history of development of the surrounding Gordon land, the surrounding land and its changed zoning;
 - 4.5 To seek the adjoining land to be included as part of the Plan Change, for the same land use, could not be considered to be so at variance with the Plan Change;
 - 4.6 It is unlikely that there will be any additional persons who are not already affected by the Plan Change who would become involved as a consequence solely of extending the boundary of the Plan Change as proposed. In any event, those affected (if any) will have an opportunity to participate, with an opportunity for further submissions and appearance at the Hearing.
 5. The Plan attached as "B" proposes an extension to the Plan Change boundary to provide further residential land to meet Wanaka's future needs.

6. The extension to the Plan Change proposed on Plan “B” promotes a comprehensive and a practicable expansion of the Low Density Residential Area. The concept seeks to provide a contained residential area adjacent to retirement village with which it will be entirely compatible; and to the east buffered from the industrial activities to ensure future residential amenity is safeguarded.
7. The proposed residential extension to the Plan Change promotes better integration of the surrounding land use patterns and development. It also includes sufficient land to ensure the future residential land demands are met without having to provide for more in the foreseeable future. The provision of residential land in excess of present demand is not necessarily an inappropriate use of resources but recognises there should be sufficient appropriately zoned land to meet the future needs of Wanaka.
8. The proposed residential extension to the Plan Change provides better integration of land use and at the same time provides an appropriate buffer area to mitigate the effects of industrial activities to the east and future residential areas. This will safeguard residential amenity for future residents.
9. Plan “B” shows the creation of appropriate integrated access and link roads to Cardrona Valley Road and to Ballantyne Road.

Section 32

10. A Section 32 evaluation must consider the extent to which policies, rules or other methods proposed in a plan change are the most appropriate to meet the objectives of the Plan Change. The proposed extension of the residential zone is considered a more appropriate extent of the Low Density Residential zone than the residential extension proposed as part of PC 46.
11. The proposed Plan Change is adjacent to the Trust’s land notwithstanding the provision of significant buffer reserves between the industrial land of the Connell Terrace Precinct and the Ballantyne Road precinct as a planned buffer between the Industrial Zone and the residential area which is to achieve effective mitigation of the adverse visual and nuisance effects at the interface of the industrial zone and future residential zones. A comprehensive and enhanced interface has already been provided as a means of safeguarding the amenity of future residential development.
12. Overall the proposed extent of the Low Density Residential zone is considered to better achieve the objectives and policies of the Plan Change.

Relief Sought

11. The Trust seeks that the Plan Change boundary be expanded to include the land shown in pink as Low Density Residential and the associated road network over the Trust’s land as shown on Plan B: Peter Gordon Overall Structure Plan.
12. In the alternative, the Trust seeks that the Plan Change be rejected in its entirety on the grounds that it is not the most appropriate way to achieve the purpose of the Act.

13. The Trust seeks all other necessary consequential changes to the objectives, policies, rules and other methods necessary to give effect to the relief sought in this submission.

The Trust does wish to be heard in support of his submission.

If others make a similar submission the Trust would be prepared to consider presenting as joint case with them at a Hearing.

P. D. Gordon, on behalf of the P. D. GORDON
Family Trust.

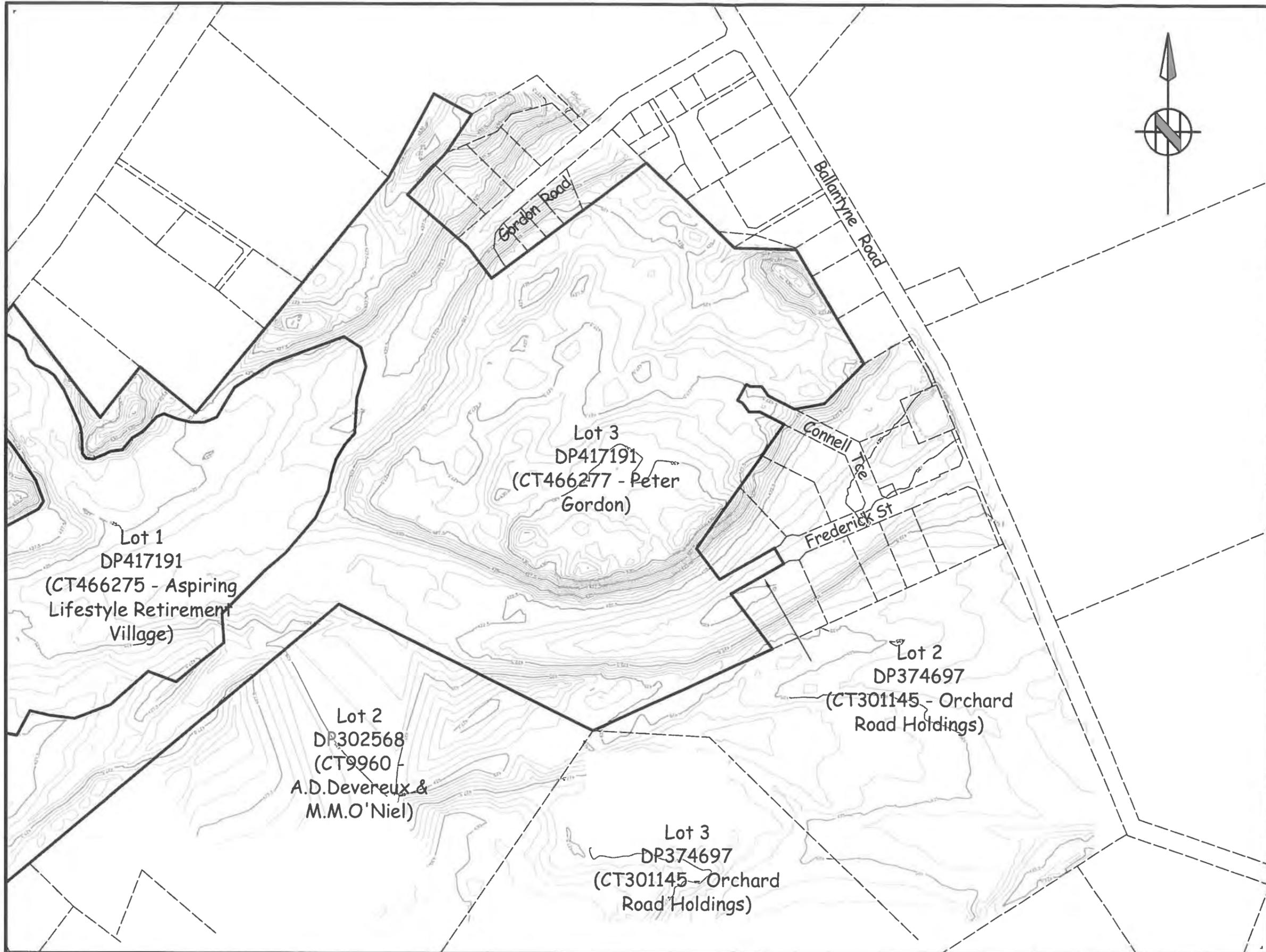
Dated at Wanaka 20 April 2015

Address for Service

Peter Gordon
on behalf of PD Gordon Family Trust
70 Golf Course Road
Wanaka 9305

Phone: (03) 443 7551

Plan A



GENERAL NOTES

1. Coordinates in terms of NZGD 1949, Lindis Peak Circuit
2. Levels in terms of Otago Metric Datum
3. Contour Intervals
Major Intervals: 2.5m
Minor Intervals: 0.5m

AMENDMENTS

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	Name	Date
Surveyed	MC	31/05/07
Designed		
Drawn	SJD	03/03/10
Approved		

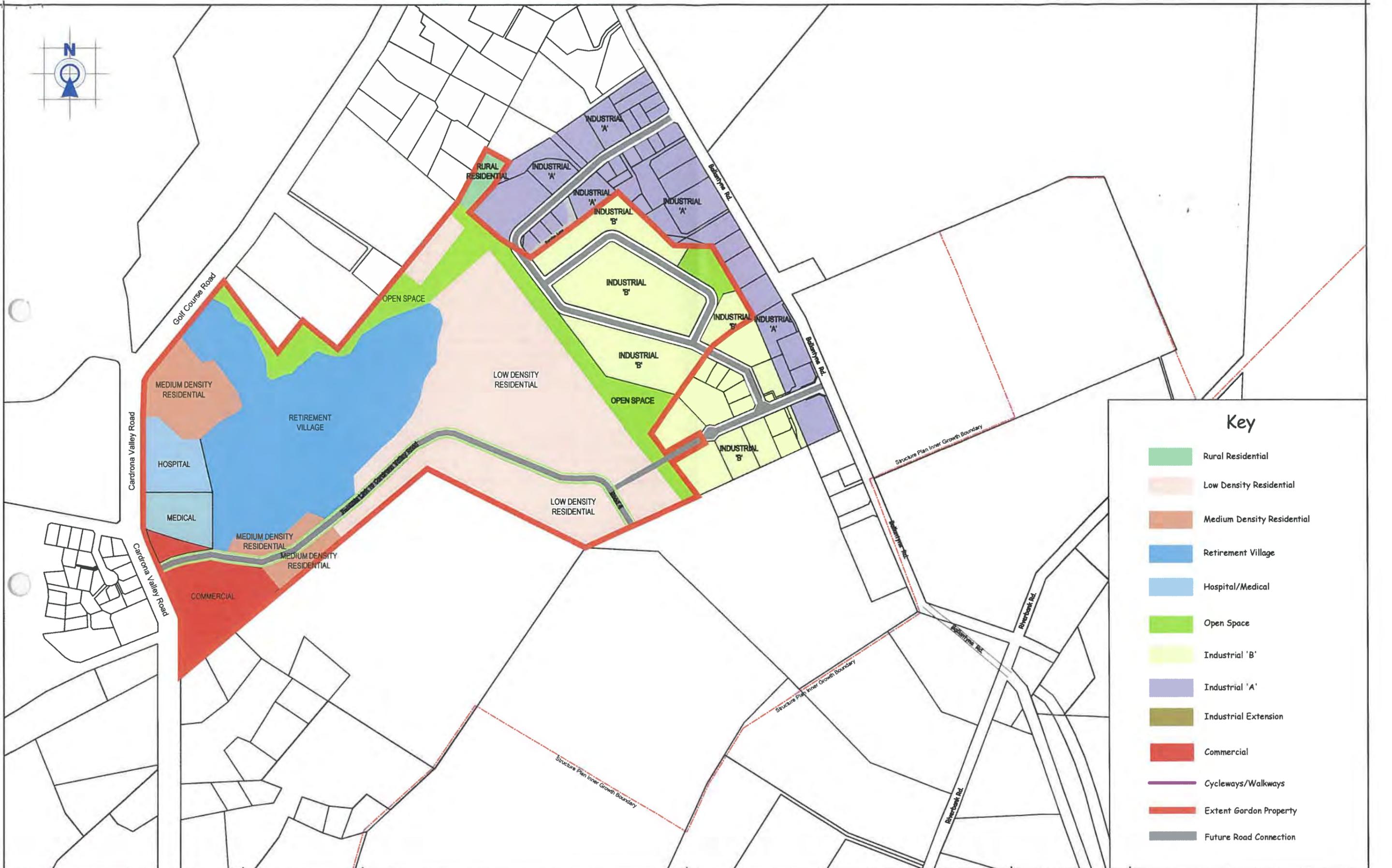
JOB TITLE:
GORDON DEVELOPMENT
BALLANTYNE ROAD
WANAKA

SHEET TITLE:
ADJOINING PROPERTY
DETAILS

PATERSON PITTS LTD
Wanaka Cromwell Queenstown Alexandra Dunedin
Surveying, Land Planning, Land Dev., Resource Man.
19 Essex Crescent, PO Box 255, Wanaka
Phone: (05) 445 0110 Fax: (05) 445 1530

Job No: W2555
File: L:\data\2500\2555\Acad\W2555 Adjoining Properties.dwg

SCALE @ A3	SHEET No
1:4000	1/1



Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- Retirement Village
- Hospital/Medical
- Open Space
- Industrial 'B'
- Industrial 'A'
- Industrial Extension
- Commercial
- Cycleways/Walkways
- Extent Gordon Property
- Future Road Connection

PATERSONPITTSGROUP
 Your Land Professionals
 www.ppgroup.co.nz
 0800 PPGROUP

WANAKA BRANCH
 19 Reece Crescent
 or P.O. Box 283
 Wanaka 9343
 T 03 443 0110
 E wanaka@ppgroup.co.nz

Client & Location
Peter Gordon
 70 Golf Course Road, Wanaka

Purpose & Drawing Title
Overall Structure Plan

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Surveyed by:	SJD	Original Size:	A3	Scale:	Not To Scale
Designed by:	ALGSJD				
Drawn by:	SJD				
Checked by:	DW				DO NOT SCALE
Approved by:					
Job No:	W4046	Sheet No:	1 of 1	Revision No:	C
				Date Created:	23/10/2014



FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Queenstown Lakes District Council

Phone Numbers: Work: 4410499

Home:

Mobile:

Email Address: adam.feeley@qldc.govt.nz

Postal Address: Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

Post code:
9348



PLAN CHANGE // To which this submission relates to:

PC46

I COULD NOT

gain an advantage in trade competition through this submission.

***I AM**

** directly affected by an effect of the subject matter of the submission:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:



MY SUBMISSION IS //

Include whether you support or oppose the specific provisions or with to have them amended; and the reasons for your views.

To ensure safe access onto Ballantyne Road from the plan change area and that adequate consideration is given to future population growth, pedestrian & cycle safety, vehicle usage in roading and intersection design.

To ensure that adequate provision for future intersection expansion is provided for as part of the plan change.



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY //

Give precise details:

That no decision is made without adequate consideration of the above.

I DO

wish to be heard in support of my submission.

I WILL

consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter)**

Date 21 April 2015

** If this form is being completed on-line you may not be able, or required, to sign this form.





FORM 5: SUBMISSION

ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Morgan Engineering Ltd (Tani Neale)

Phone Numbers: Work: 03 443 6373

Home:

Mobile: 0272840484

Email Address: tani@morganengineering.net.nz

Postal Address: 126 Ballantyne Road, Wanaka

Post code:



PLAN CHANGE // To which this submission relates to:

Plan Change 46 - Ballantyne Road Industrial and Residential Extension

I **COULD NOT**

gain an advantage in trade competition through this submission.

*I **am not**.

** directly affected by an effect of the subject matter of the submission:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

Plan Change 46 in its entirety.



MY SUBMISSION IS

// Include whether you support or oppose the specific provisions or with to have them amended; and the reasons for your views.

Morgan Engineering is a long established Wanaka based engineering business. In 2012 Morgan Engineering moved to a purpose built workshop on stage 1 of the Ballantyne Ridge industrial area.

Morgan Engineering supports the rezoning of additional industrial land in this area to enable like activities to be located together and to avoid reverse sensitivity effects from incompatible activities. Zoning additional industrial land will also support the growth of the local economy by encouraging new and the growth of existing businesses in the town.

Morgan Engineering also supports the significant open space buffer between the proposed industrial and proposed residential land as promoted through plan change 46. This will ensure the future residential development does not give rise to reverse sensitivity effects in terms of the industrial activities.

The structure plan contained in plan change 46 provides future occupiers of both the industrial and residential land with confidence that the industrial and residential land uses will be adequately separated in the future.



I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY

// Give precise details:

That Plan Change 46 be approved.

I **Do Not** wish to be heard in support of my submission.

I **Will** consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date

21/04/15

** If this form is being completed on-line you may not be able, or required, to sign this form.



APPENDIX B

FURTHER SUBMISSIONS



FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
ON A PUBLICLY NOTIFIED PLAN CHANGE

F46/11



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Stuart & Melanie Pinfold

Phone Numbers: Work:

Home:

Mobile: 0212376185

Email Address: pinfoldstuart@gmail.com

Postal Address:

Post code:



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

PD Gordon Family Trust



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

We support the submission but seek clarification regarding sections four and five of the submission and the intention to extend zoning as referenced by the plan referred to as Attachment B. Attachment B is title 'Overall Structure Plan' prepared by Patterson Pitts Group. We are specifically interested in the area shown as Commercial Activity on this plan.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

We live and have interests in land at Heritage Park, legally described as Lot 1 DP 301095 held in Computer Freehold Register 4889 and Lot 2 DP 301095 held in Computer Freehold Register 4890. The proposed extension of the zoning as identified in Attachment B 'Overall Structure Plan' seeks to extend the zoning significantly beyond the area originally identified in Plan Change 46 as notified.

The extension of the zoning as promoted in the PD Gordon Family Trust submission has the potential to adversely affect our properties and no consultation has been undertaken with us. Specifically, zoning identified as 'commercial' is proposed along our property boundaries. We are unclear what this will provide for and therefore are unable to ascertain what effects may result from such zoning.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

We seek consultation be undertaken with us regarding the proposed extension of the zoning so we can better understand the potential effects to our properties.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 15/06/2015

*** If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.



Julia Chalmers

From: Jim Ledgerwood <daphne.j2010@hotmail.com>
Sent: Friday, 29 May 2015 10:27 AM
To: Julia Chalmers
Subject: Re: Private Plan Change 46 - Ballantyne Road Industrial and Residential Extension

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Julia,
 Thank you for informing me of the opportunity to make further comment regarding the submissions on Plan Change 46.
 I'm still of the same mind with regards to our original submission.

HOWEVER I am concerned regarding the submission presented by Peter Gordon whereby he seems to be using Plan Change 46 to introduce a private zone change of his own.

I note he is suggesting Commercial And Medium Density Residential be applied to his land which is currently Rural General. That land adjoins land that we own. We are concerned that we may end up surrounded by activities we did not anticipate and over which we have had no consultation.

We are not necessarily opposed to what may be proposed. However we are concerned, having tried to contact Peter Gordon directly and through his planner Robin Paterson, who we understand tried to arrange a meeting of us all, there seems to be a reluctance to tell us just what is being considered.

We think a further Private Plan Change or allowing the Council District wide Zoning review to handle a zone change would be more appropriate.

At least then we would have the opportunity to review what is being proposed and to make comment.

Many Thanks
 Jim Ledgerwood.

I'm not sure of the procedure here Julia, do we need to contact anyone else with this addition to our submission. If so could you please supply email details.
 All the best
 Jim.

Sent from Jim,s IPad.

On 12 May 2015, at 14:43, Julia Chalmers <Julia.Chalmers@qldc.govt.nz> wrote:

Good Afternoon, please see the attached Letter

Julia Chalmers | District Plan Administrator | Planning & Development
 Queenstown Lakes District Council
 DD: +64 3 450 0363 | P: +64 3 441 0499
 E: julia.chalmers@qldc.govt.nz

<image001.png>

<Plan Change 46 - Daphne and Jim Ledgerwood.pdf>



FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
ON A PUBLICLY NOTIFIED PLAN CHANGE

F46/10



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited

Phone Numbers: Work: 03 474 9911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46 Ballantyne Road Industrial and Residential Extension

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

ORHL supports the submission of Claas Harvest Centre - Otago (46/3).



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The submission in its entirety.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

ORHL supports the Claas Harvest Centre submission that the plan change will provide for industrial and residential land in a manner that safeguards the future operations of the industrial area from the reverse sensitivity effects of residential development.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

ORHL seeks that the Claas Harvest Centre submission be allowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 21.05.15

*** If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.





FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited

Phone Numbers: Work: 03 474 9911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46 Ballantyne Road Industrial and Residential Extension

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

ORHL supports the submission of Daphne and Jim Ledgerwood.



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The submission in its entirety.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

ORHL supports the submission that the plan change is consistent with the Wanaka Structure Plan and Wanaka Transport Strategy.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

That the submission be allowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 21.05.15

*** If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.





FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited

Phone Numbers: Work: 034749911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46 Ballantyne Road Industrial and Residential Extension

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

ORHL supports the submission of QLDC



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The submission relating to the provision of safe and adequate access.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

ORHL supports the provision of a safe access of adequate size to accommodate anticipated traffic flows and this has been provided for in Plan Change 46.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

That the submission be allowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 21.05.15

*** If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.





FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited (ORHL)

Phone Numbers: Work: 03 474 9911

Home:

Mobile: 021 969 152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46: Ballantyne Road Industrial and Residential Extension

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

Grandview Developments Limited (46/1)



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The submission in its entirety.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

Grandview Developments submits that PC46 will meet both future house and economic needs of the community. ORHL agrees that the rezoning of residential land will meet future housing needs and that the extension of industrial land will encourage new business to develop in Wanaka, which will meet the economic needs of the community.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

ORHL seeks that the Grandview Developments submission be allowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 21.05.15

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TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited

Phone Numbers: Work: 03 474 9911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46 Ballantyne Road Industrial and Residential Extension

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

ORHL supports the submission of Morgan Engineering Ltd (46/9).



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The submission in its entirety.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

ORHL agrees with Morgan Engineering that the industrial rezoning will provide for economic growth in Wanaka and enable like activities to be developed together and in a comprehensive way (including the provision of a large open space buffer) to avoid reverse sensitivity effects of incompatible activities.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

ORHL seeks that the submission be allowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 21.05.15

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IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
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Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited (ORHL)

Phone Numbers: Work: 03 474 9911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

ORHL supports in part and opposes in part the submission of the PD Gordon Family Trust (Gordon)



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

ORHL supports the submission to include Gordon land subject to the structure plan being amended to complement the PC46 structure plan (as per the attached proposed structure plan).



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

ORHL considers the inclusion of the Gordon land will enable the comprehensive development of the area in terms of land use, road network and open space network, subject to an appropriate layout being shown on the structure plan.
ORHL supports the submission that the inclusion of the Gordon Land will achieve the objectives and policies of the plan change and will achieve the purpose of the Act.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

ORHL seeks that the Gordon Submission be allowed subject to the structure plan being revised to better integrate with the PC46 structure plan. ORHL seeks that the rezoning of the Gordon land takes the form of the structure plan attached to this further submission.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

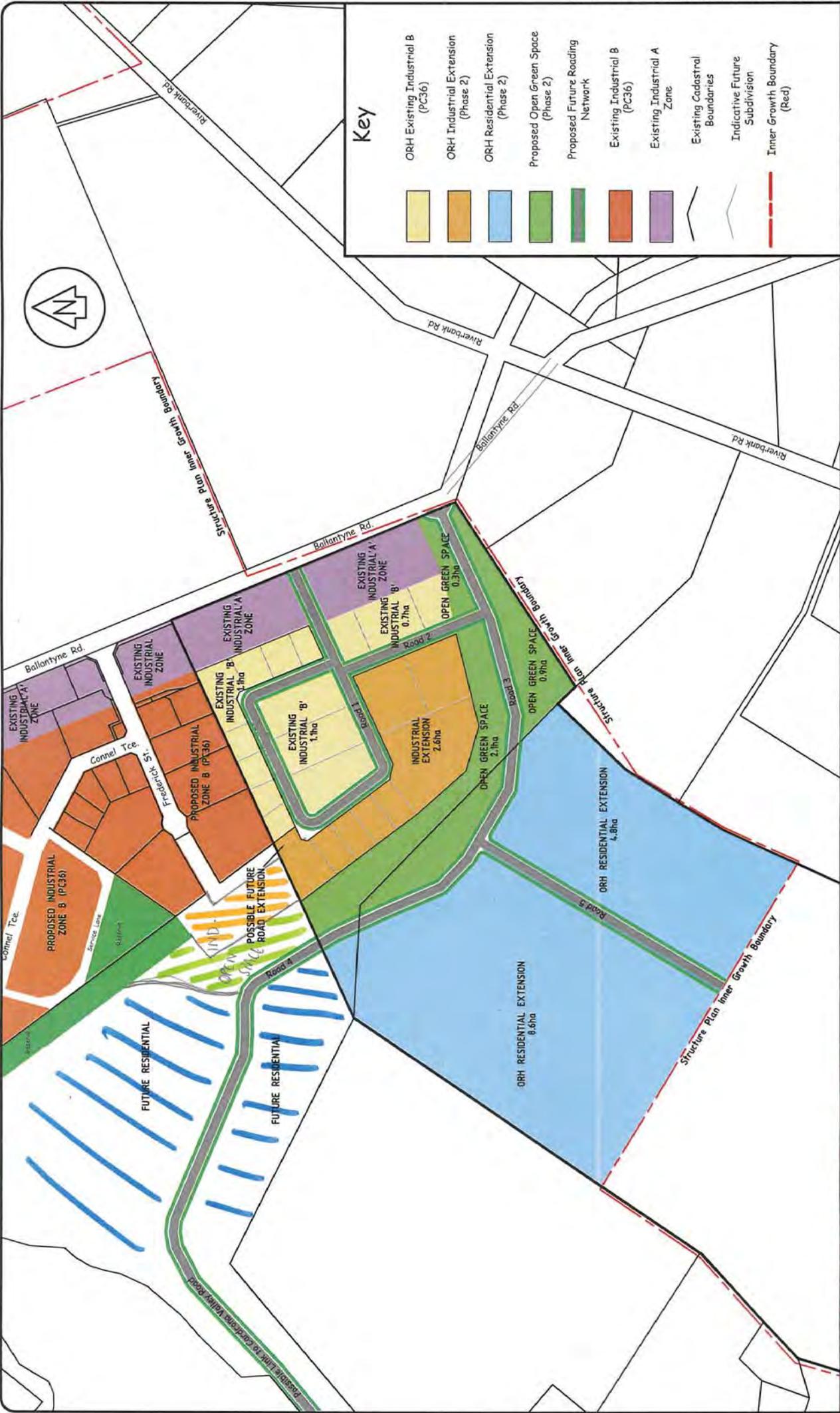
Date 28.05.15

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NOTE TO PERSON MAKING FURTHER SUBMISSION

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Key

- ORH Existing Industrial B (PC36)
- ORH Industrial Extension (Phase 2)
- ORH Residential Extension (Phase 2)
- Proposed Open Green Space (Phase 2)
- Proposed Future Rooding Network
- Existing Industrial B (PC36)
- Existing Industrial A Zone
- Existing Cadastral Boundaries
- Indicative Future Subdivision
- Inner Growth Boundary (Red)

Scale	1:4000 @ A3
Drawn By	SJD
Date	12/02/2013
Job No.	W3455
Layout	Scheme 5

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 Notes:
 Areas & dimensions subject to final survey
 Levels in terms of Mean Sea Level

**ORCHARD ROAD HOLDINGS
 INDUSTRIAL ZONE EXTENSION
 CONCEPT STRUCTURE PLAN**

PATERSON PITTS LTD
 Wanaka Cromwell Queenstown Alexandra Dunedin
 Surveying ~ Land Planning ~ Land Development ~ Resource Management
 Wanaka ph 03 443 0110 fax 03 443 1339



FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited (ORHL)

Phone Numbers: Work: 03 474 9911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

Plan Change 46

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

Ian Percy and Fiona Aitken; Ian Percy and Fiona Aitken Family Trust; Aitken's Folly Vineyard Limited. (46/5)



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

ORHL opposes the submission in its entirety.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

See attached.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

ORHL seeks that the relief sought but the submitter to reject the plan change in its entirety is disallowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 21.05.15

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NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.



Plan Change 46

Further submissions by Orchard Road Holdings Limited (ORHL) on the submission of Ian Percy and Fiona Aitken; Ian Percy and Fiona Aitken Family Trust; Aitken's Folly Vineyard Limited (46/5).

The reasons for ORHL's opposition are as follows:

District Plan Review – The plan change will facilitate comprehensive development of the Ballantyne Industrial Area. Waiting for the District Plan review to finally become operative may take a number of years and will not provide for short term demand for industrial land at this location. There is no provision of the Resource Management Act which suggests parties promoting Private Plan changes should await notification of a Review of a Plan to seek a zone change for their land.

Wanaka Structure Plan - The Wanaka Structure Plan is an important consideration in shaping the development of Wanaka. It is a document regularly recognised by Council in assessing and determining resource consents and Plan Changes.

Demand for Industrial and Residential Land - ORHL has sold all existing lots on its Ballantyne Ridge/Enterprise Drive development and has significant interest from businesses wishing to purchase land in this location. The additional ORHL land zoned through PC36 will not provide a medium or long term supply of industrial land. ORHL also notes that the land re-zoned through PC36 was never challenged in the Courts. The Plan Change has been operative for some time and can therefore not be said to be unlawful.

Effects Upon Submitters - ORHL disagrees that the Submitters property and adjacent Rural Zone will be adversely affected by development that may be authorised by the plan change. The plan change is for 'urban edge' land which is no longer predominantly rural in character and any effects on the neighbouring properties or zones can be avoided, remedied or mitigated through design, landscaping and conditions at the time resource consent is sought for subdivision and/or development.

Landscape – ORHL considers any visual impact on the submitter from development arising as a result of the Plan Change can be adequately mitigated through earthworks, landscaping and design at the time resource consent is sought.

Proposed Road 3 – ORHL considers Road 3 is necessary. It is consistent with the outcomes sought in the Wanaka Transportation Strategy and will result in a safe and high amenity road network for the area. Detailed design of the road will take place at resource consent stage. ORHL has sufficient land holdings to accommodate an appropriate junction for Road 3.

General

1. The Plan Change is the most appropriate way of achieving the objectives and policies of the District Plan and in turn, the Resource Management Act.
2. To confirm the Plan Change will not result in inefficient provision of infrastructure as a significant amount of the infrastructure needed to service the land is already in situ.

3. The provision of the Plan Change does, to the extent necessary, manage the interface, relationship and transition with the Percy/Aitken land.
4. PC46 is not inconsistent with the Objectives and Policies of the Operative District Plan and will achieve the purposes of the Resource Management Act.



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ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited (ORHL)

Phone Numbers: Work: 034749911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

On Plan Change 46: Ballantyne Road Industrial and Residential Extension

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

ORHL opposes the submission of Raelene and Peter Shanks (46/6).



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE //
Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The submission in its entirety



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

ORHL opposes the submissions relating to effects on visual impact and amenity. There is a significant buffer between the submitters property and the industrial area of between 80m - 100m. This buffer will include landscaping and will safeguard amenity of the submitters property and provide some mitigation of the visual effects of the industrial area. Road 3 will pass between the submitters property and the industrial area but the noise and visual effects of the road can be mitigated through planting and mounding of the open space. Road 2 within the industrial area will be an access road to a small number of industrial allotments and will not cause significant traffic effects on the submitters property. In terms of the residential development ORHL considers the transition between the submitters rural properties and the proposed low density residential zone can be effectively managed through appropriate design and layout.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

ORHL seeks that the submission to decline the plan change in its entirety be disallowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 21.05.15

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NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.





FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION
ON A PUBLICLY NOTIFIED PLAN CHANGE



Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Orchard Road Holdings Limited (ORHL)

Phone Numbers: Work: 03 474 9911

Home:

Mobile: 021969152

Email Address: alison@willowridge.co.nz

Postal Address: PO Box 170
Dunedin

Post code:
9054



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

In support of a submission on Plan Change 46.

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

Wanaka Hardware and Buildings Supplies Limited



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

ORHL supports submission in its entirety.



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

The submission states that the plan change will meet existing and future demand for industrial space. ORHL agrees with this and has recently had a number of approaches from businesses looking for industrial land in the short term. ORHL considers there is a short term demand for this type of land in this location.

ORHL agrees with the submission that the proposed road layout to separate industrial from residential traffic will be positive in terms of traffic safety.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

ORHL seeks that the submission to approve the plan change be allowed.

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date

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Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010



TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Ian Percy and Fiona Aitken, Ian Percy and Fiona Aitken Family Trust, Aitken's Folly Vineyard

Phone Numbers: Work: 03 443 0252

Home:

Mobile: 021 635 984

Email Address: jan.caunter@gallwawaycookallan.co.nz

Postal Address: Jan Caunter
Gallaway Cook Allan
PO Box 450

Post code:
9343



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

see attached

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

SEE ATTACHED



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE // Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

SEE ATTACHED



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

SEE ATTACHED.

OUR INTEREST IN THE PLAN CHANGE IS GREATER THAN THE INTEREST THE GENERAL PUBLIC HAS BECAUSE OUR LAND AND BUSINESS IS DIRECTLY AND ADVERSELY AFFECTED BY THE PLAN CHANGE. THE DETAILS OF THAT INTEREST AND THE EFFECTS OF THE PLAN CHANGE ARE SET OUT IN OUR ORIGINAL SUBMISSION 46/5. THE RELIEF SOUGHT BY THE ORIGINAL SUBMITTERS TO WHICH THESE FURTHER SUBMISSIONS RELATE ALSO ADVERSELY AFFECTS OUR LAND AND BUSINESS.



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

SEE ATTACHED

I wish to be heard in support of my submission.

I consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 28 May 2015

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NOTE TO PERSON MAKING FURTHER SUBMISSION

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FURTHER SUBMISSION ON BEHALF OF IAN PERCY AND FIONA AITKEN, IAN PERCY AND FIONA AITKEN FAMILY TRUST, AITKEN'S FOLLY VINEYARD		
Submitter # and name	Support, Oppose or Neutral	Further submission
46/1 Grandview Developments Limited	Oppose	For the reasons stated in our original submission 46/5, particularly relating to reverse sensitivity and roading. The activities proposed by PC46 will directly and adversely affect our property and the business undertaken on the property.
46/2 Wanaka Hardware and Building Supplies Limited (Mark Watson)	Oppose	For the reasons stated in our original submission 46/5, particularly relating to reverse sensitivity and roading. The activities proposed by PC46 will directly and adversely affect our property and the business undertaken on the property.
46/3 Class Harvest Centre-Otago	Oppose	For the reasons stated in our original submission 46/5, particularly relating to reverse sensitivity and roading. The activities proposed by PC46 will directly and adversely affect our property and the business undertaken on the property.
46/4 Daphne and Jim Ledgerwood	Oppose	For the reasons stated in our original submission 46/5, particularly relating to reverse sensitivity and roading. The activities proposed by PC46 will directly and adversely affect our property and the business undertaken on the property.
46/6 Raelene and Peter Shanks	Support	We support the concerns of these submitters, which are similar to our own, particularly those relating to impacts on amenity, loss of views, roading and residential expansion. We support the request for the plan change to be declined in its entirety.
46/7 Peter Gordon	Neutral	The request by this submitter to include his land within plan change 46 demonstrates why it is more appropriate to consider any rezoning of land in this part of Wanaka through the district plan review, which will consider all development in the whole. Any further residential growth in this area raises similar reverse sensitivity, amenity and roading issues as canvassed in our original submission 46/5.
46/8 Queenstown Lakes District Council	Conditional Support	We conditionally support the Council's submission on the basis that the road safety issues are of very real concern to us, as is any intersection design and location. If the plan change is to proceed, the details and design of any roading, and the costs of that roading, should form part of the plan change process and be assessed and finalised through that process..

46/9 Morgan Engineering Limited	Oppose	For the reasons stated in our original submission 46/5, particularly relating to reverse sensitivity and roading. The activities proposed by PC46 will directly and adversely affect our property and the business undertaken on the property.
---------------------------------	--------	--



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TO // Queenstown Lakes District Council



YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Peter Gordon on behalf of PD Gordon Family Trust

Phone Numbers: Work:

Home: 03 443 7551

Mobile:

Email Address: Peter Gordon <avalon.cardrona@xtra.co.nz>

Postal Address: 70 Golf Course Road
Wanaka 9305

Post code:
9305



THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

I AM

A person representing a relevant aspect of the public interest.
In this case, also specify the grounds for saying that you come within this category; or

A person who has an interest in the proposal that is greater than the interest the general public has.
In this case, also explain the grounds for saying that you come within this category; or

The local authority for the relevant area.



I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

I support the Tani Neale submission 46/9/1 and the PD Gordon Submission 46/7/1 and I support the whole Plan Change 46



THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE //

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The whole submission



THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

I have held discussions with Orchard Road Holdings and attached is a structure plan which I have amended to align the contiguous areas of low density, green space and industrial land being proposed by both PD Gordon Family Trust and Orchard Road Holdings.

If Council extends the boundary of the Plan Change to include the Trusts land as per the attached structure plan then I support the plan change in its entirety. Otherwise I oppose the whole plan change as per my original submission

The proposed roading layout will set a basis for the future expansion of this area of Wanaka



I SEEK THAT THE WHOLE OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

I seek that the whole Plan Change be allowed as long as the Trust Land is included

DO

wish to be heard in support of my submission.

WILL

consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

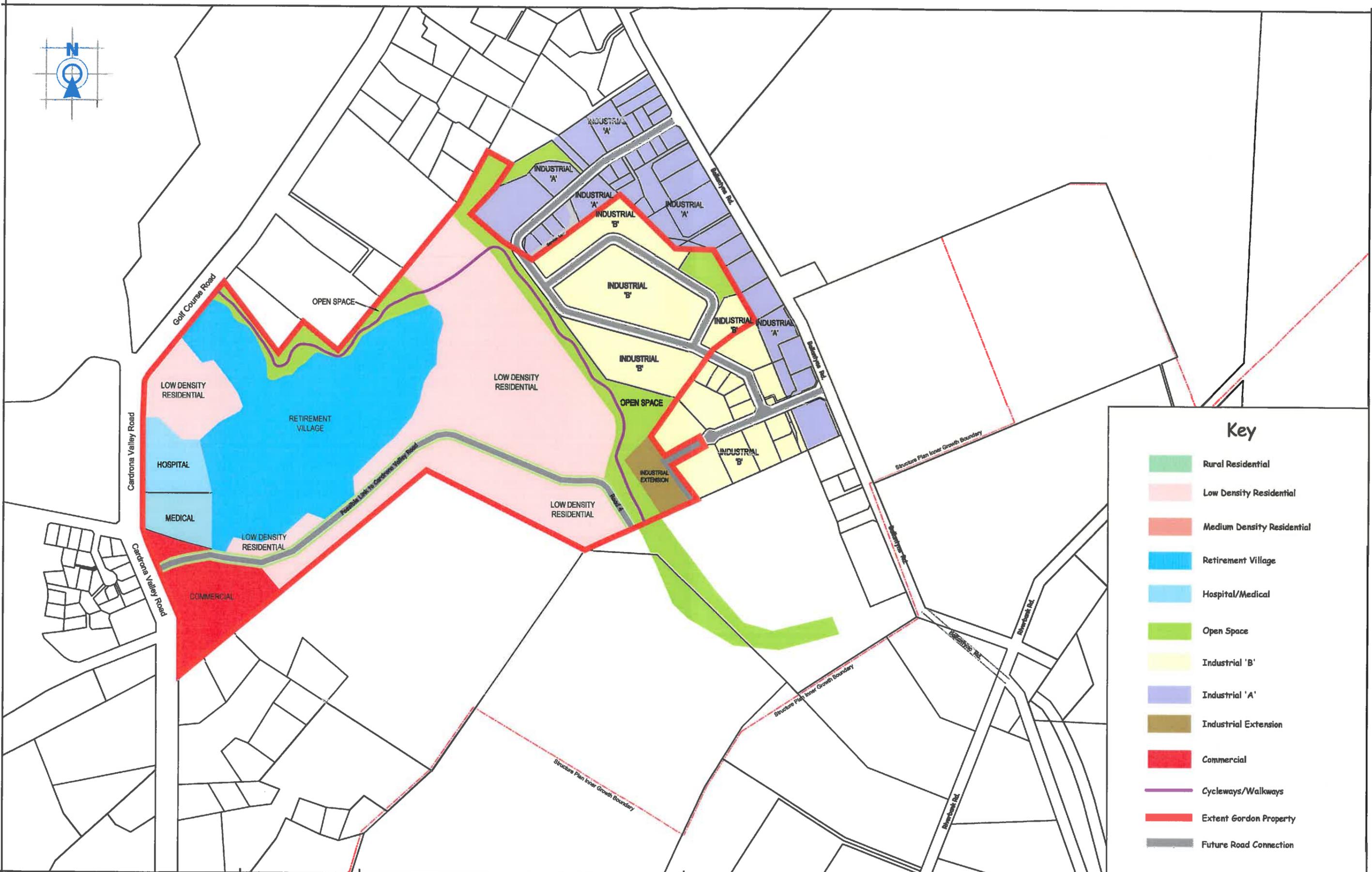
Date

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Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- Retirement Village
- Hospital/Medical
- Open Space
- Industrial 'B'
- Industrial 'A'
- Industrial Extension
- Commercial
- Cycleways/Walkways
- Extent Gordon Property
- Future Road Connection

PATERSONPITTSGROUP

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0800 PPGROUP



WANAKA BRANCH
19 Reece Crescent
or P.O. Box 283
Wanaka 9343
T 03 443 0110
E wanaka@ppgroup.co.nz

Client & Location:

Peter Gordon
70 Golf Course Road, Wanaka

Purpose & Drawing Title:

Overall Structure Plan

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Designed by:	SJD	Original Size:	A3	Scale:	Not To Scale
Drawn by:	TK/ALGS/JDKMB				
Checked by:	SJD				
Approved by:	DW				
Job No:	W4046	Sheet No:	1 of 1	Revision No:	F
				Date Created:	19/05/2014

APPENDIX C

SUMMARY OF DECISIONS REQUESTED



**SUMMARY OF DECISIONS REQUESTED FOR
PRIVATE PLAN CHANGE 46 – BALLANTYNE
ROAD INDUSTRIAL AND RESIDENTIAL
EXTENSION**

FURTHER SUBMISSIONS DUE

Company/Organisation:

Grandview Developments Limited

Submission Number	Position	Topic	Decision Requested
46/1/1	Support	Wanaka Structure Plan	The submitter supports Plan Change 46 and considers that the proposed residential development is consistent with the Wanaka Structure Plan and will provide for future housing needs of the community.
46/1/2	Support	Traffic and Rooding	The submitter considers that the proposed road network will facilitate linkages consistent with the Wanaka Transportation Strategy. The separation of roads from the industrial area and the large green space buffer between the residential and industrial area will protect the amenity of the residential area.
46/1/3	Support	Industrial Extension	The submitter considers that the industrial rezoning will consolidate an existing industrial area and provide for and encourage new businesses, which will benefit the local economy.

Company/Organisation:
Full Name:

Wanaka Hardware and Building Supplies Limited
Mark Watson

Submission Number	Position	Topic	Decision Requested
46/2/1	Support	Economic Benefits	In addition to meeting existing demand, the creation of new industrial space will encourage new businesses to locate in Wanaka, which will result in positive economic benefits for the local community.
46/2/2	Support	Traffic and Rooding	The proposed rooding shown on the structure plan will enable industrial vehicles to be separated from residential vehicles, which will be a positive effect in terms of traffic safety.
46/2/3	Support	Reverse Sensitivity	The large area of open space area proposed between the industrial and residential zones will enable the visual and noise effects of the industrial activities to be largely contained and screened from the residential land beyond.
46/2/4	Support	Residential Extension	Supports the rezoning of land for residential purposes as it is consistent with the Wanaka Structure Plan and will provide for housing, which is accessible by foot/bicycle to employment areas.

Company/Organisation:
Full Name:

Claas Harvest Centre – Otago
Steve Scoles

Submission Number	Position	Topic	Decision Requested
46/3/1	Support	Industrial Extension	The submitter supports the rezoning of further industrial land to encourage business growth in Wanaka.
46/3/2	Support (in part)	Reverse Sensitivity	The submitter is concerned about reverse sensitivity effects of future residential development occurring near to industrial areas and is concerned that industrial operations could be adversely affected if nearby residential development is not carefully planned.

46/5/3	Oppose	Wanaka Structure Plan	<p>The submitter considers that PC46 places excessive weight upon the Wanaka Structure Plan (WSP). The WSP is a non-RMA document that has been prepared without the rigour of a s32 analysis. It is an expression of Council's strategic intent for Wanaka's growth, now 8 years old. It has not been fully incorporated into the Operative District Plan, nor has the urban growth boundary (inner and outer) identified through the WSP process been incorporated into the Operative District Plan.</p> <p>The submitter considers that it is unsound resource management practice to base a plan change upon the "need" for the District Plan to reflect a non-RMA document.</p> <p>The WSP does not consider the characteristics of specific sites within the strategic growth boundaries for Wanaka. Therefore a s32 analysis is necessary to determine the appropriateness of (in this case) a method; i.e. zoning.</p>
46/5/4	Oppose	Demand for Industrial and Residential Land	<p>Section 5 of the Act requires Council to manage the use, development and protection of natural resource "in a way and at a rate" that allows people to provide for their social, economic and cultural wellbeing.</p> <p>The first obligation of any plan change is that it achieves the integrated management of the effects of the use, development, or protection of land and physical resources of the district (sections 74(1)(a) and 31(1)(a) of the Act).</p> <p>In order to perform its functions under s31 in a way that achieves the purpose of the Act, Council must consider whether there is a present need to apply a particular method (in this case a new special zone) to land.</p> <p>The s32 report lodged with PC46 seeks to justify the plan change on the basis of the need to meet the demands of industrial activities and residential activities. There is no demonstrated demand for industrially zoned land or residentially zoned land identified in the s32 report, either now or in the foreseeable future. The lack of need for such land was also noted by senior Council officers reporting to the Council's Strategy Committee in August 2013 on the merits of the acceptance of the private plan change.</p> <p>The s32 analysis fails to identify and assess whether the content of the plan change is the most appropriate way of achieving the settled objectives and policies of the Operative District Plan and, in turn, the purpose of the Act. This analysis must be undertaken with particular reference to relevant sections of the Operative District Plan - for example, in the case of urban growth, PC46 must establish:</p> <ul style="list-style-type: none"> (i) An urban growth boundary, then (ii) Demonstrate how much new urban land was sufficient (but no more than sufficient) to meet the identified needs. <p>PC46 fails to establish either of these points.</p> <p>The nearby industrially zoned land on Ballantyne Road provides for around 40 years of demand at current rates. This land includes around 5 hectares owned by the Requestor, rezoned as Industrial B by Plan Change 36 following a submission</p>

lodged by the Requestor through the PC36 process. The Submitters note that the acceptance of the Requestor's PC36 submission inappropriately and unlawfully extended the scope of PC36, the Council failing to consult with or notify neighbours of the increase scope of the plan change in that instance. The Submitters were significantly prejudiced by that PC36 process and outcome. The Requestor now seeks to advance its land interests, initially secured through the unlawful PC36 process just referred to, again to the prejudice of the Submitters.

46/5/5	Oppose	Reverse Sensitivity / Effects upon the submitters	<p>The Plan Change fails to consider and manage the interface, relationship and transition from the proposed PC46 land to the Submitters' property.</p> <p>Given the topography of the land subject to PC46, the amenity of the Submitters' property and the adjacent Rural Zone generally will be adversely affected in a way not anticipated by the relevant objectives and policies of the Operative District Plan. Those adverse effects include (without limitation): glare from vehicle lights; noise; street lighting; loss of rural amenity due to roading and adjacent and relatively dense build form; loss of privacy; loss of rural outlook; and reverse sensitivity. The use of a Low Density Residential Zone directly adjacent to the proposed Industrial Zone fails to manage the transition from the urban fringe of Wanaka to the Submitters' property, which is in the Rural Zone.</p> <p>The PC acknowledges reverse sensitivity issues by the provisions of the open space area between the proposed industrial and Low Density Residential Zones. However, there are also reverse sensitivity effects on any nearby residential neighbours from rural activities, for example frost fans and helicopters. The proposed open-space area terminates prematurely and fails to provide any set back between the Rural and Low Density Residential Zones to help manage reverse sensitivity issues.</p>
46/5/6	Oppose	Landscape and Amenity Values	<p>The land subject to PC46 is a Visual Amenity Landscape.</p> <p>The PC fails to have particular regard to the amenity values associated with the landscape.</p> <p>The PC46 land is located at the top of a ridgeline making the land easily visible from the surrounding Rural General and Rural Lifestyle Zones, along with Riverbank Road. The change in elevation notable increases the prominence of built form on the skyline in this environment and exacerbates adverse effects on the Submitters.</p>
46/5/7	Oppose	Traffic and Roading	<p>Some of the top edge of the terrace is currently screened by a plantation of trees located on the northern boundary of the Submitters' property. Those trees will be harvested in due course thus exposing more of the southern boundary of PC46. The Requestor cannot rely on those trees as providing any form of mitigation. The trees are not under the Requestors control.</p> <p>The submitter considers that Proposed Road 3 is unnecessary. There are existing access points via Frederick Street, Road 1 (shown on the PC46 Concept Structure Plan) and Gordon Road</p>

that provide safe access to Ballantyne Road. These existing roads could be used to access any new industrial or residential area.

The existing roads available to the Requestor include Enterprise Drive, a new and wide road achieved as a result of the Council's unlawful incorporation of the Requestor's additional land into PC36 without notification to affected parties. There is no sound resource management reason for the Requestor to now add another road to this environment that causes adverse traffic effects in the Ballantyne Road environment and adverse amenity effects on the Submitters.

The construction of Road 3 would lead to a significant loss of rural amenity in the Rural General Zone and on the Submitters' property due to (among other things) noise and street lighting. Street lighting is particularly significant because of light-spill due to the PC46 lands elevation.

Road 3 raises significant road safety issues, which have not been addressed in PC46 and the further information presented. The Requestor's intention to resolve the final access arrangement for Road 3 through a side agreement with Council is inappropriate. Those traffic effects must be considered through the plan change process so that all parties can consider the environmental effects raised and how those effects will be avoided, remedied or mitigated.

46/5/8 Oppose Whole Plan Change

Should some or all of the PC be approved, the submitters seek the following particular outcomes and otherwise reserve their position:

- (i) Road 3 be deleted from the plan change and an alternative access point be confirmed that is much further away from the Submitters' property, to the northwest, closer to the existing industrial area. This access point could use existing roading (Road 1 - Enterprise Drive, Frederick Street, Gordon Road).
- (ii) Appropriate earthworks, mounding and planting to be provided to adequately screen the Submitters' property from any new activity whether it be industrial or residential, approved through PC46.
- (iii) The open space area to be extended along the southern boundary of PC46 to provide a transition from the proposed Low Density Residential zone to the Rural General zone. This extended open space area should be a minimum of 50 metres in width, measured from the southern boundary of the PC46 land in a north-westerly direction.
- (iv) The open space land remain free of all buildings and vehicle access.
- (v) Any residential area compromise large lot residential rather than low density residential with a prohibition on further subdivision and a maximum height on residential buildings of 6 metres. This large lot residential outcome is at least more consistent with the Council's current position on the rezoning of land under the proposed District Plan review, notified to the public for consultation in early 2015.
- (vi) All buildings within the Industrial B area be limited to a maximum height of 6 metres.
- (vii) Appropriate controls and methods be included within the

PC to address reverse sensitivity issues.

(viii) The submitter seeks that the re-zoning of the land through the plan change be deferred until existing industrial and low-density residential land is utilised for zoned and other use. The submitter requests that the District Plan incorporate performance standards to assess the uptake of that land. Until performance standards are met, the current rural zoning should be retained.

Company/Organisation:

Raelene and Peter Shanks

Submission Number	Position	Topic	Decision Requested
46/6/1	Oppose	Landscape and Visual Amenity Values	<p>Visual Impact and the loss of rural amenity associated with the establishment of more Industrial zoning. This will significantly affect the amenity value of our present rural outlook within the Rural General Zone.</p> <p>The establishment of Industrial activities allowing buildings as high as 7 metres on the land that is already more than 4 metres higher than our property will completely obliterate the view our site presently enjoys of the mountains and surrounds beyond Wanaka.</p>
46/6/2	Oppose	Residential Extension	<p>In addressing the proposed residential extension, the submitter notes that the Rural General Zone allows people to have lifestyles of their choice, with enjoyment of living on a larger area of land where one may have sheep, horses, chickens or a vineyard etc.</p> <p>To design low density residential right to those boundaries does not appear to be a good plan, as building platforms on Riverbank Road properties close to the land proposed for plan Change 46 are all to the rear of each approx. 10 acres.</p> <p>Consideration is needed for a buffer with plantings from boundary, and possibly creation of lots as large as one acre closer to rural general and then development of smaller lots. Some of the affected land presently has a stand of trees on the boundary but that is not to say they would be removed for firewood at some future stage and privacy lost. The proposed development will reduce the amenity of the rural landscape.</p>
46/6/3	Oppose	Loss of Rural Amenity	<p>The submitter considers that the establishment of more Industrial zone and the earthworks for both building and creations of roads will greatly increase the presence of noxious elements such as noise, dust, odour, and other unpleasant effects associated with industrial activities. Visual impact of type of building materials used and colours of buildings and the conglomeration of materials and rubbish that surround the buildings. Our property lies in the lee of the subject site to the prevailing northwest winds. The submitter considers that this will no doubt constantly aggravate these effects.</p>
46/6/4	Oppose	Traffic and Rooding	<p>Roads 2 and 3 and associated street lighting and vehicle lights and noise associated with both heavy and light traffic will significantly impact the amenity presently enjoyed at our</p>

property. Road 2 especially will point downwards traffic directly towards the windows of our property.

46/6/5 Oppose Property Values

The submitter considers that there will be a negative impact on the value of our property.

**Company/Organisation:
Full Name:**

**PD Gordon Family Trust
Peter Gordon**

Submission Number	Position	Topic	Decision Requested
46/7/1	Oppose (in part)	The Whole Plan Change	<p>The submitter has extensive land holdings in Wanaka area and an interest in Aspiring Lifestyle Retirement Village. The Trust's land holdings include land adjoining the land subject to this plan change.</p> <p>The submitter considers that the plan change is not the most appropriate way of achieving the purpose of the RMA and that the plan change fails to consider the alternative option of extending the Plan Change boundary to include the Trust's land which would better achieve the purpose of the RMA.</p>
46/7/2	Oppose (in part)	Scope to Expand Plan Change Boundary	<p>The submitter considers that clause 6 of Schedule 1 of the RMA provides jurisdiction to seek that a portion of its land be included in the plan change because to extend the boundary of a plan change is "on" a plan change in law.</p> <p>Providing for additional land to be included within the Plan Change is a logical response and anticipated given the recent history of development of the surrounding Gordon land, the surrounding land and its changed zoning. It is unlikely that there will be any additional persons who are not already affected by the Plan Change who would become involved as a consequence solely of extending the boundary of the Plan Change as proposed.</p> <p>The submitter considers that those affected (if any) will have an opportunity to participate, with an opportunity for further submission and appearance at the Hearing.</p>
46/7/3	Oppose (in part)	Extension to Plan Change Boundary	<p>An extension to the Plan Change boundary to provide further residential land to meet Wanaka's future needs promotes a comprehensive and practicable expansion of the Low Density Residential Area. This expansion is also compatible with the adjacent retirement village and will be buffered to the east from the industrial activities to ensure future residential amenity is safeguarded.</p> <p>The proposed residential extension to the Plan Change promotes better integration of land use and at the same time provides an appropriate buffer area to mitigate the effects of industrial activities to the east and future residential areas. This will safeguard residential amenity for future residents.</p>
46/7/4	Oppose (in part)	Extension to Plan Change Boundary	<p>The proposed residential extension to the Plan Change promotes better integration of the surrounding land use patterns and development. It also includes sufficient land to ensure the</p>

future residential land demands are met without having to provide for more in the foreseeable future. The provision of residential land in excess of present demand is not necessarily an inappropriate use of resources but recognises there should be sufficient appropriately zoned land to meet the future needs of Wanaka.

46/7/5 Oppose Extension to Plan
(in part) Change Boundary

The section 32 evaluation must consider the extent to which policies, rules or other methods proposed in a plan change are the most appropriate to meet the objectives of the plan change. The submitter considers that the proposed extension of the residential zone is considered a more appropriate extent of the Low Density Residential Zone than the residential extension proposed as part of PC46.

The proposed extent of the Low Density Residential zone extension is considered to better achieve the objectives and policies of the Plan Change.

46/7/6 Oppose Whole Plan Change
(in part)

The submitter seeks that the Plan Change boundary be expanded to include the land shown in their attached plan as Low Density Residential and the associated road network over the submitters land.

In the alternative, the submitter seeks that the Plan Change be rejected in its entirety on the grounds that it is not the most appropriate way to achieve the purpose of the RMA.

The submitter seeks all other necessary consequential changes to the objectives, policies, rules and other methods necessary to give effect to the relief sought in their submission.

Company/Organisation:
Full Name:

Queenstown Lakes District Council
Adam Feeley

Submission Number	Position	Topic	Decision Requested
48/8/1	Support (in part)	Traffic and Roothing	That no decision be made without adequate consideration being given to ensure safe access onto Ballantyne Road from the plan change area and that adequate consideration is given to future population growth, pedestrian and cycle safety, vehicle usage in roading and intersection design. To ensure that adequate provision for future intersection expansion is provided as part of the plan change.

Company/Organisation:
Full Name:

Morgan Engineering Ltd
Tani Neale

Submission Number	Position	Topic	Decision Requested
46/9/1	Support	Industrial Extension	The submitter supports the rezoning of additional industrial land in this area to enable like activities to be located together. Zoning industrial land will also support the growth of the local economy by encouraging new and the growth of existing businesses in the town.

46/9/2	Support	Residential Extension	The submitter supports the significant open space buffer between the proposed industrial and proposed residential land as promoted through Plan Change 46. This will ensure the future residential development does not give rise to reverse sensitivity effects in terms of the industrial activities.
46/9/3	Support	Structure Plan	The structure plan contained in Plan Change 46 provides future occupiers of both the industrial and residential land with confidence that the industrial and residential land uses will be adequately separated in the future.

APPENDIX D

AN ASSESSMENT OF PLAN CHANGE 46 AGAINST RELEVANT HIGHER ORDER OPERATIVE OBJECTIVES AND POLICIES (DISTRICT WIDE SECTION) OF THE DISTRICT PLAN & OTAGO REGIONAL POLICY STATEMENT

District Plan Provisions Part 4 – District Wide	Assessment of Plan Change, incorporating recommended changes in 42a Planners report of Nigel Bryce
<p>Objective 1: Nature Conservation Values <i>The protection of outstanding natural features and natural landscapes.</i></p> <p><i>The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.</i></p>	<p>The plan change is contained within the Inner Growth Boundary identified by the Wanaka Structure Plan and is located within a Visual Amenity Landscape. The landscape assessment prepared by Baxter Design Group and supporting the section 32 evaluation concludes that the proposed plan change represents an appropriate form of development within the Wanaka urban context.</p> <p>As noted within the body of this report additional modifications are proposed to the plan change to ensure that the Low Density Residential Zone is better able to integrate with the broader visual amenity landscape and does not detract from adjoining rural lifestyle properties that immediately adjoin the plan change site to the south and south west.</p>
<p>Objective 2: Air Quality <i>Maintenance and improvement of air quality.</i></p>	<p>The plan change does not raise any specific issues relating to air quality, which will need to be considered once the development of the respective areas within PC46 are advanced. Any air discharges that infringe the air plan provisions will be subject to a separate resource consent process under the regional air plan.</p>
<p>4.2.5 Objective and Policies <i>Objective:</i> <i>Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.</i></p> <p>Policies:</p> <p>1 Future Development <i>“...(b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values....”</i></p> <p>4. Visual Amenity Landscapes <i>(a) To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:</i></p> <ul style="list-style-type: none"> • <i>highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and</i> • <i>visible from public roads.</i> <p><i>(b) To mitigate loss of or enhance natural character by appropriate planting and landscaping.</i></p> <p><i>(c) To discourage linear tree planting along roads as a method of achieving (a) or (b) above.</i></p> <p>6. Urban Development <i>(d) To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity</i></p>	<p>As noted above, the degree of modification, which will occur, as a consequence of the plan change as notified, will degrade the overall landscape quality or visual amenity of the broader landscape. As a consequence, additional amendments have been made to the planning provisions supporting the Low Density Residential Zone area to ensure that this part of the plan change site is better able to be integrated into this landscape setting.</p> <p>The central thrust of Policy 1(b) is to encourage development in those areas that have greater potential to absorb change. The proposed plan change seeks to achieve this by promoting an area of open space and landscaping which seeks to integrate the existing and proposed Industrial Zone areas. Amendments are recommended to the plan change in order to more effectively integrate the Low Density Residential Zone with this area and to ensure that the visual effects of development within this zone are able to be absorbed. Further, open space and landscaping responses recommended in support of the Low Density Residential Zone are broadly consistent with Policy 4 (a), (b) and (c).</p> <p>The Plan Change will not result in sprawling urbanisation along roads, and where it is visible from adjoining public roads, appropriate open space and landscaping responses are proposed to ensure that the outcomes of Policy 6 are achieved as a consequence of this plan change.</p> <p>The site is within the Inner Growth Boundary for the town as identified in the Wanaka Structure Plan and is adjacent to existing industrial and residential land uses. The Plan Change is considered aligned with Policy 7 (urban edges) on this basis.</p> <p>While the landscape assessment prepared by Baxter Design Group and supporting the section 32 evaluation considers that the plan change site is adequately buffered by means of the historic river terrace and existing Fir planting southeast of the proposed Structure Plan boundary, this is not considered adequate in order to avoid structures being located close to the top of the river terrace and being highly visible from wider public places should the existing shelter planting located on neighbouring Rural</p>

<p><i>landscapes by avoiding sprawling subdivision and development along roads.</i></p> <p>7. Urban Edges <i>“To identify clearly the edges of: (a) Existing urban areas; (b) Any extensions to them; and (c) Any new urban areas”</i></p> <p>9. Structures <i>“To preserve the visual coherence of: (a) outstanding natural landscapes and features and visual amenity landscapes by:</i> <ul style="list-style-type: none"> • <i>encouraging structures which are in harmony with the line and form of the landscape;</i> • <i>avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;</i> • <i>encouraging the colour of buildings and structures to complement the dominant colours in the landscape;</i> • <i>encouraging placement of structures in locations where they are in harmony with the landscape;..”</i> </p>	<p>General Zoned land be removed. A more effective open space and landscape buffer is recommended within the Low Density Residential Zone itself, so as to ensure that the future development of this zone is appropriately screened from wider public and private places. The recommended approach is considered broadly consistent with Policy 9 outcomes.</p>
<p>4.3.4 Objective(s) 4 - Mahika Kai 1 <i>The retention of the high quality of the mountain waters, and the retention and improvement of the water quality of the tributaries and water bodies of the District through appropriate land management and use.</i></p> <p>Objective 5 - Wai (Water) <i>The management of the land resource and associated waste discharges in such a way as to protect the quality and quantity of water in the District to a standard consistent with the human consumption of fish, swimming and protects the mauri (life force) of the lakes and rivers.</i></p> <p>Objective(s) 9 - Protection of Water Resources 1 <i>The collection, treatment, storage and disposal of wastes in a way that minimises the adverse effects on the natural resources of the District.</i> 2 <i>Minimising the quantities of waste requiring disposal within the District.</i> 3 <i>To continue to implement programmes to reduce the discharge of untreated or partially treated waste to lakes and rivers.</i> 4 <i>To avoid, remedy or mitigate the adverse effects of eutrophication.</i></p>	<p>Measures are put in place as part of this plan change to ensure that future development will not result in discharges that compromise the quality of receiving waters of waterways.</p>
<p>4.4.3 Objectives and Policies <i>Objective 1 – Provision of Reserves Avoid, remedy or mitigate the adverse effects on public open spaces and recreational areas from residential growth</i></p>	<p>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. While this area is not proposed to act as a public open space, it will undoubtedly provide</p>

<p><i>and expansion, and from the development of visitor facilities.</i></p> <p>Objective 3 - Effective Use <i>Effective use and functioning of open space and recreational areas in meeting the needs of the District's residents and visitors.</i></p>	<p>linkages to wider reserve areas that are advanced over time within the locality of the plan change.</p> <p>It is likely that the future subdivision of the Low Density Residential Zone will trigger the need for future reserve areas within the development itself. Overall, the plan change is considered broadly aligned with the relevant supporting objectives.</p>
<p>4.9.3 Objectives and Policies</p> <p>Objective 1 - Natural Environment and Landscape Values <i>Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.</i></p> <p><i>Policy 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.</i></p> <p>Objective 2 - Existing Urban Areas and Communities <i>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.</i></p> <p><i>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.</i></p> <p><i>2.2 To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.</i></p> <p>Objective 4 - Business Activity and Growth <i>A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.</i></p> <p><i>Policies:</i></p> <p><i>4.1 To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.</i></p> <p><i>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.</i></p> <p>Objective 7 Sustainable Management of Development <i>The scale and distribution of urban development is effectively managed.</i></p> <p><i>Policies:</i></p> <p><i>7.1 To enable urban development to be maintained in a way and at a rate that meets the identified needs of the community at the same time as</i></p>	<p>Objective 1 and supporting policy 1.1 replicate those outcomes in 4.2.5 Objective and Policies. The Low Density Residential Zone component of the plan change has the potential to compromise landscape and visual amenity values as a consequence of an over reliance of screen planting provided on adjoining sites and which could be removed at some stage in the future. Recommended changes to the policy and rule framework supporting this aspect of the plan change seeks to better and more effectively mitigate the potential visual effects of this part of the plan change. These recommended changes better aligns with Objective 1 and supporting Policy 1.1.</p> <p>The Plan Change seeks to integrate with the existing Industrial A and B Zones located along Ballantyne Road and offers a comprehensive open space buffer between the industrial and residential zones proposed to maintain the integrity and on-going functioning of these existing industrial zoned areas.</p> <p>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.</p>

<p><i>maintaining the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment.</i></p> <p>7.2 To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.</p>	
<p>4.10 Affordable and Community Housing</p> <p>4.10.1 Objectives and Policies</p> <p><i>Objective 1</i></p> <p><i>Access to Community Housing or the provision of a range of Residential Activity that contributes to housing affordability in the District</i></p> <p><i>Policies</i></p> <p>1.1 To provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.</p> <p>1.2 To have regard to the extent to which density, height, or building coverage contributes to Residential Activity affordability.</p> <p>1.3 To enable the delivery of Community Housing through voluntary Retention Mechanisms.</p>	<p>In relation to affordable housing and housing diversity, the plan change does not seek to deliver community housing, but rather seeks to promote outcomes, whereby the needs of the community are recognised through a broader range of housing stock within the Low Density Residential Zone.</p> <p>An important distinction of Objective 1, is that it is disjunctive, and offers a choice between two forms of housing outcomes, through “access is to Community Housing <u>or</u> the provision of a range of residential activity that contributes to housing affordability in the District.” [My emphasis added] Importantly, the disjunctive nature of the objective does not, in my opinion, favour one form of affordable housing over another and ultimately this will need to be determined on a case-by-case basis.</p> <p>The Plan Change is reliant upon the existing Low Density Residential Zone standards whereby affordable housing considerations are considered where an activity breaches a zone standard or where a resource consent application is lodged for Comprehensive Residential Development (CRD), and requires consideration against assessment matters questioning “whether the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District” and the proposal must be assessed against the objective and policies.</p> <p>As it stands, the plan change does not seek to provide for the delivery of Community Housing through voluntary Retention Mechanisms as sought under supporting Policy 1.3. I note that the advice note states that this should be considered during the assessment of proposed plan changes.</p> <p>My reading of Policy 1.3 is that it gives effect to the first part of Objective 1 relating to Community Housing, whereas Policy 1.1 relates more generally to the delivery of a range of housing stock that contribute to housing affordability. While retention mechanisms are <i>voluntary</i>, and is something that cannot be forced by the Council through its decision on the plan change, it is a relevant factor in determining whether the plan change is consistent with the objective and, in turn, the purpose of the Act, in the absence of such a contribution being made.</p> <p>While I do not consider the plan change can be considered diametrically opposed to Objective 1, given its disjunctive nature, the Plan Change should be supported further analysis as to how Community Housing (delivered by way of a voluntary retention mechanism) can be delivered as part of this plan change process.</p>
<p>Otago Regional Policy Statement</p>	
<p><i>Objective 5.4.1</i></p> <p><i>To promote the sustainable management of Otago’s land resources in order:</i></p> <p>(a) <i>To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and</i></p> <p>(b) <i>To meet the present and reasonably foreseeable needs of Otago’s people and communities.</i></p> <p><i>Objective 9.4.1</i></p> <p><i>To promote the sustainable management of Otago’s built environment in order to:</i></p>	<p>Consistent with Objective 5.4.1(b) the extension to the Ballantyne Road Industrial B Zone will enable the Wanaka community to provide for its social, cultural and economic wellbeing by encouraging additional industrial development opportunities that support the growth of Wanaka.</p> <p>Subject to further amendments to the plan change provisions supporting the Low Density Residential Zone, the plan change will provide for amenity values, while enabling intensification of this area located within the Inner Growth Boundary. The plan change is, therefore, broadly consistent with the policy outcome of Objective 9.4.1.</p> <p>The explanation supporting Objective 9.4.2 states that roading and rail networks, power generation and transmission systems, water and sewage</p>

<p>(a) <i>Meet the present and reasonably foreseeable needs of Otago's people and communities; and</i></p> <p>(b) <i>Provide for amenity values, and</i></p> <p>(c) <i>Conserve and enhance environmental and landscape quality; and</i></p> <p>(d) <i>Recognise and protect heritage values.</i></p> <p><i>Objective 9.4.2</i> <i>To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.</i></p>	<p>reticulation and telecommunication systems are all important in ensuring that the needs of Otago's communities are able to be met. They provide an infrastructure for urban development and settlement, economic activity and for the distribution of goods and services within the region. Their sustainable management is required to ensure that they will continue to meet the needs of Otago's communities.</p> <p>As set out within the supporting technical documents to the section 32 evaluation there are no identified impediments that would mean that the plan change cannot be supported with appropriate infrastructure and transportation issues have been adequately responded to as a consequence of more detailed technical assessments. In my opinion, based on the information before me the plan change accords with and is consistent to Objective 9.4.2.</p>
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APPENDIX E

AMENDMENTS TO EXISTING AND PROPOSED PROVISIONS RECOMMENDED BY NIGEL BRYCE

- That the Ballantyne Road Precinct Structure Plan be amended to include reference to Stage 1 (as per the existing Industrial B Zone – Ballantyne Road Precinct Structure Plan) and Stage 2 (to include both the existing and proposed Industrial B Zone); and
- That the staging method under 11.5.6 Performance Standards ref 22ii be amended to refer specifically to the amended structure plan.
- Add new method under 11.5.6 Performance Standards ref 22 iii
Within the Industrial B Zoned land shown on the Structure Plan entitled “Industrial B Zone - Ballantyne Road Precinct Structure Plan”, there shall be no building on land identified in Stage 2 until 100 per cent of the planting in combination with the mounding has been implemented within the Open Space Area identified within the Structure Plan’.
- Add new method under Part 15 **15.2.3.4 Non-Complying Subdivision Activities (xvii)**
Any subdivision of the open space areas, including for the creation of Road 3, shown on the Ballantyne Road Precinct Structure Plan prior to 100 per cent of the planting in combination with the mounding having been implemented.
- That a new Ballantyne Road Low Density Residential Zone Structure Plan be provided for that provides for the following key matters:
 - (b) An Open Space and Landscape Area of a minimum width of 20 metres along the southern and south western boundaries of the Low Density Residential Zone be identified;
 - (d) This Open Space and Landscape Area shall be identified as a Building Restriction Area within the new Ballantyne Road Low Density Residential Zone Structure Plan;
- Amend Planning Map 23 as follows:
 - (e) That Planning Map 23 be amended to identify a ‘Building Restriction Area’ over that part of the Low Density Residential Zone that underlies the ‘Open Space and Landscape Area’ identified within the Ballantyne Road Low Density Residential Zone Structure Plan.
- The following rules shall be introduced into Section 15 - *Subdivision, Development and Financial Contributions* of the District Plan:
15.2.3.4 (Non-Complying Subdivision Activities (xix))
Any subdivision of the open space areas shown on the Ballantyne Road Low Density Residential Zone Structure Plan prior to 100 per cent of the southern and south western boundary planting in combination with the mounding having been implemented.
- The following Objective, Policy and rule shall be introduced into Section 15 - *Subdivision, Development and Financial Contributions* of the District Plan:
Add new objective to 21 Chapter 15 Subdivision, Development and Financial Contributions
Objective 22 Ballantyne Road Low Density Residential Zone

Effectively mitigate the adverse visual effects of the Ballantyne Road Low Density Residential Development, when viewed from wider public and private places.

Policy 22.1 To ensure that the Open Space and Landscape Area shown on the Ballantyne Road Low Density Residential Zone Structure Plan is provided in order to separate and partially screen the zone from adjacent rural areas and in order to minimise the visual effects of the future subdivision and development from both public and private places.

Add new Rule 15.2.3.3 Discretionary Subdivision Activities

(ix) Landscaping and earthworks within areas shown as 'Open Space and Landscape Area' on the Ballantyne Road Low Density Residential Zone Structure Plan, with Council's control reserved with respect to the following matters:

- a. Clarify the use of the space and for this to be designed/ planted accordingly;
- b. Identify the range of plant species proposed, including evergreen species where year-round screening of the development is required;
- c. Outline the long term ownership, management, and maintenance regime for the open spaces;
- d. Integration of the proposed future development from views from public and private places, particularly when viewed from Riverbank Road and Orchard Road;
- e. In respect of the 'Open Space and Landscape Area' the Council expects the mounding and planting to provide effective mitigation in respect of visual amenity. To achieve this the Council expects either:
 - a combination of naturalistic mounding and predominantly evergreen planting or, in the absence of any mounding;
 - a minimum 20 metre strip of dense predominantly evergreen planting is required in order to provide effective mitigation.
- f. Whether and to what extent the earthworks on the open space areas will, together with landscaping, contribute to effective screening of the future subdivision and development when viewed from public and private places, particularly when viewed from Riverbank Road and Orchard Road.

- Add new Ballantyne Road Low Density Residential Zone Structure Plan to the last page of Chapter 15 Subdivision, Development and Financial Contributions.

APPENDIX F

**INDEPENDENT TRANSPORT REVIEW UNDERTAKEN BY TRAFFIC DESIGN GROUP OF PLAN
CHANGE 46 TRANSPORTATION ISSUES UNDERTAKEN ON BEHALF OF QUEENSTOWN LAKES
DISTRICT COUNCIL**

Marc Bretherton
General Manager, Planning & Development
Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

TDG Ref: 13257
22 April 2015

Issued via email: marc.bretherton@qldc.govt.nz

Dear Marc

Plan Change 46 – Ballantyne Road Industrial and Residential Extension

Plan Change 46 to the Queenstown Lakes District Council (QLDC) District Plan proposes rezoning of land to the south of Wanaka from Rural General to enable industrial and residential development. Access to the rezoned land will be via a new road that meets Ballantyne Road about 180m north-west of Riverbank Road. We understand that the road will primarily provide access to the residential development but could carry some industrial traffic because another subdivision road will provide a connection to Enterprise Drive.

We understand that QLDC requires a review of the previous traffic reports on the plan change and advice on the new Ballantyne Road intersection configuration both for the short term and in the long term.

1. Review of Traffic Reports

1.1 Abley Traffic Report – March 2013

Abley Transportation Consultants (Abley) prepared a Transportation Assessment (TA) report for the Plan Change application. The TA states that two-way traffic volumes on Ballantyne Road north of Riverbank Road are of the order of 1,000 vehicles per day (vpd) and that the peak hour volumes would be expected to be about 100-150 vehicles per hour (vph). The TA also provides a forecast of the expected traffic volumes when development associated with the existing operative plan changes for Three Parks Zone (TPZ) and the Ballantyne Road Mixed Use Zone (BRMUZ) are complete. The forecast has been based on the reports prepared for Plan Change 16 and Plan Change 32 respectively. The TA suggests that traffic volumes could increase to 575-670vph in the peak hour at the southern end of Ballantyne Road¹. This forecast does not appear unrealistic based on the information provided.

The Abley TA provides information on the expected traffic generation of the Plan Change area and then provides an assessment of the expected intersection performance at Ballantyne Road in the morning peak period if it was constructed as a priority controlled T-intersection. The TA reports large delays for the right turn movement from the new road onto Ballantyne Road and an associated level of service LOS E. The TA

¹ We have interpreted this as the section of Ballantyne Road immediately north of Riverbank Road and described as west of Riverbank Road in the PC32 TA.



does not document the turning volumes associated with the analysis but this level of delay appears to be very high given the forecast traffic volume on Ballantyne Road in this location. The forecast level of delay is more consistent with peak two-way traffic volumes in excess of 1,200vph and conservatively high gap acceptance parameters being adopted for the analysis.

In their conclusions, Abley have identified a potential need for a roundabout when both the TPZ and BRMUZ are fully developed but consider that this will not be required for some considerable time. In our opinion, this conclusion is potentially flawed because of the over-estimation of the delays at the new intersection.

1.2 MWH Request for Further Information – May 2013

MWH reviewed the Abley TA on behalf of QLDC and identified a number of matters on which further information should be sought. These included, amongst others:

- (i) Evening peak intersection performance;
- (ii) Sensitivity analysis of turning movement distribution;
- (iii) Determination of when a roundabout would be required; and
- (iv) Intersection design details to ensure that adequate sight lines can be provided to ensure safe operation of the intersection.

1.3 Abley RFI Response – May 2013

The Abley response includes their forecast of the expected delays at the new intersection in both the morning and evening peak periods but again does not provide the turning volumes on which the results are based. The Abley analysis reports an average delay of 52 seconds for the right turn movement which represents LOS F. As before, this value does not appear to be consistent with the forecast peak hour traffic volume on Ballantyne Road in that location of less than 700vph. With two-way volumes of this size, we would anticipate level of service C or better for all turning movements even with a higher percentage of traffic turning right at the new intersection.

The Abley response notes that future traffic volumes on Ballantyne Road will depend upon the rate of development of the TPZ and BRMUZ. Abley concludes that the timing for any intersection improvement will be more dependent on the development of the surrounding land than on development of the PC46 land.

In practice, the need for a roundabout will be influenced by multiple factors including efficiency, safety and also urban design matters. In our opinion, the analysis presented by Abley appears to be overly conservative in its forecast delays with the delays being significantly larger than we would anticipate given the forecast traffic volumes. Accordingly, we consider that improving efficiency would not appear to be a critical driver for constructing a roundabout in the future. We consider that road safety and urban design matters are likely to be more important in this location. In particular, we consider that a roundabout would act as an effective traffic calming device and represent a clear threshold at the entry to the future urban area.

1.4 MWH Response to Abley – May 2013

The MWH comments on the RFI response raise some concerns about the safety of the new T-intersection if it is configured as the existing Frederick Road / Ballantyne Road



intersection with no right turn bay or auxiliary left turn lane. With the forecast traffic volumes, we note that this configuration would not be consistent with the best practice guidelines laid out in the Austroads Guide to Road Design, Part 4A, which would require a right turn bay and auxiliary left turn lane on Ballantyne Road.

The MWH comments note that the existing topography in the proposed location of the intersection could constrain the design and recommends that sufficient analysis is undertaken to demonstrate that the intersection is safe. We note that this could be achieved by requiring a full road safety audit of the intersection design prior to construction. Our own observations on site indicate that the alignment of the new road will be critical to ensuring that adequate sight distances are provided. We have also noted that construction of the left turn lane would involve construction of a high retaining wall and there will be a need to relocate the driveway to the QLDC District Pound site.

MWH have noted that an Austroads standard roundabout design at the intersection will require land outside of the existing and currently proposed road reserves. We have noted that the existing road does not appear to have been constructed within the legal road reserve marked on the plans supplied. MWH have recommended that sufficient land is protected against development so that a roundabout can be constructed in the future if required. In our opinion, construction of a roundabout that meets the Austroads desirable design standards for a 70km/h speed environment will be impractical and any roundabout design will need to involve a smaller central island that meets a lower design standard.

1.5 Bartlett Consulting Letter – December 2014

Bartlett Consulting provides a T-intersection design with a right turn bay and a channelized auxiliary left turn lane on Ballantyne Road. Based on the forecast traffic volumes at the intersection, we consider that a simple auxiliary left turn treatment would be sufficient in this location.

The Austroads Guide to Road Design, Part 4B, provides guidance on the maximum desirable gradients at a roundabout intersection. This states “it is desirable that the gradient on approaches to roundabouts be limited to 3-4% and should not exceed 6%”. A reduced gradient of 2-3% should be provided on the immediate approach.

The gradient limits referred to by Bartlett appear to be references to the final approach gradients rather than the wider topographic gradients. Despite this, we agree that significant earthworks could still be required to achieve an acceptable design depending on the size and position of the roundabout.

1.6 MWH Technical Note – January 2015

MWH have provided comments on the lack of intersection analysis provided by Bartlett and the concept intersection design. We agree that no analysis has been presented to justify the design. However, as we noted earlier, we consider that a priority controlled T-intersection will provide adequate capacity at the intersection because the Abley estimate of vehicle delays for the right turn movement from the new subdivision road are unduly high and not consistent with the forecast traffic volumes. We agree that there are aspects of the concept design that will need amending and that this can be addressed as part of the detailed design and safety auditing process to ensure that adequate sight lines are achieved on all approaches.



1.7 Nigel Bryce Email – March 2015

We agree with the statements made by Nigel Bryce that no analysis has been presented in any of the transportation reports that clearly shows that a priority controlled T-intersection will provide adequate capacity for the current and future traffic flows on Ballantyne Road. However, as we have noted above, we consider that the Abley analysis significantly over-estimates the intersection delays given the forecast traffic volumes and that a T-intersection will provide adequate capacity to accommodate the expected traffic volumes.

2. Intersection Configuration

We have undertaken a SIDRA analysis of the Bartlett T-intersection design for the morning and evening peak hours. For this assessment, we have adopted a peak hour traffic generation level of 120vph for the side road with 66% of vehicles travelling to / from the north (Wanaka). With a two-way traffic volume on Ballantyne Road of 800vph, which is higher than forecast by Abley, the expected average delay for the right turn out movement is about 15 seconds in both the morning and evening peak periods. As a sensitivity test, we have also investigated a scenario with a two-way, peak hour volume of 1,200vph on Ballantyne Road. In this scenario, the greatest delay is 38 seconds for the right turn movement and occurs in the morning peak period. This represents level of service E which we consider acceptable because we would not expect this volume of traffic unless there was increased development to the South.

Based on this analysis, we consider that a T-intersection will provide sufficient capacity to accommodate the travel demands associated with the residential development enabled by the proposed plan change.

The need for a roundabout will be influenced by the desire to control vehicle speeds at the future urban threshold. Although the existing speed limit on Ballantyne Road north of Riverbank Road is 70km/h, an urban speed limit will become more appropriate as the surrounding area becomes more developed and more urban in character. A roundabout would represent a good traffic calming device in this location and would clearly define the threshold between the rural and urban environments.

We are aware that the applicant has submitted two roundabout concept designs to provide an indication of likely land requirements. Given the topographic constraints, we consider that a roundabout design based on a 30m diameter island and single circulating lane would satisfy the Austroads design guidelines and could provide the basis for establishing future land requirements. However, we note that smaller roundabouts are currently being constructed on State Highway 6 in Queenstown in similar high speed environments and that a smaller roundabout could be appropriate in this location.

Alternative options for reducing vehicle speeds on the approach to the future urban area could involve changes to the Ballantyne Road / Riverbank Road intersection. These options could include a roundabout or construction of a staggered T intersection. A roundabout of the size appropriate to the existing speed environment would involve major earthworks and may not provide adequate approach sight distances because of the intersection location within a dip within the road. Introduction of a change in the priority movement to Riverbank Road and a stagger on Ballantyne Road would also be a viable option but would require further investigation.



3. Conclusion

Overall, it appears that the need for a roundabout has been driven by the original Abley analysis of the PC46 development. In our opinion, that analysis is flawed and significantly over-estimates the delays that will occur at the new intersection even when the TPZ and BRMUZ are fully developed.

We have concluded that a priority t-intersection of the form proposed by Bartlett Consulting with a right turn bay and auxiliary left turn lane will provide adequate capacity for the foreseeable future. We note that the alignment of new road is critical to ensuring that adequate sight lines are provided and that the alignment proposed by Bartlett appears to achieve the required sight distances.

We trust that this report provides the information that require but we would be happy to discuss any matter raised as necessary.

Yours sincerely

Traffic Design Group Ltd

Chris Rossiter

Principal Transportation Engineer

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