



# Submission - Form 5

## Plan Change 51

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**To:** QLDC

**Submission on:** Plan Change 51

**Submission by:** Bike Wanaka Inc

**Date:** Thursday, 28 January 2016

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**Bike Wanaka wish to be heard in support of this submission.**  
**Bike Wanaka would considered presenting a joint case with parties of similar interest.**

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### **Specific Provisions:**

This submission related to the whole of Plan Change 51 and in particular those provisions that enable residential development of the Open Space Zone or reduce the value of or access to any part of the Open Space Zone.

### **Introduction:**

Bike Wanaka Inc. represents its members and the interests of the wider biking community through track construction, promotion, education, planing and advocacy relating to bike tracks, trails and events in the Wanaka region on public and private lands.

Bike Wanaka Inc has been busy over the past 7 years working to improve the track network in the area from Beacon Point road right through to Albert town. One of our objectives is to have an accessible and rideable track through the area in question to link up with the recently completed Hikuwai Loop. The Hikuwai Loop runs above the outlet track through to Albert town and had reduced the pressure and conflict between walkers and bikers on the outlet track.

With the volume of sections coming onto the market leading to the inevitable population increases we see it important to preserve existing open spaces to provide recreational opportunities in the future.

Bike Wanaka Inc was formally know as Lake Wanaka Cycling Inc and is referred to as such in the previous proceedings relating to Peninsula Bay.

### **Land Subject of this application**

The area in question provides outstanding views over the lake and great opportunities to ride through open grass spaces interlinked with trails through natural kanuka stands. It is relatively unique compared to other areas of the track network as it is open flowing track with amazing views that transition from the clutha river outlet with views to the north and stevensons arm of Lake Wanaka opening out to the views to the west of Treble Cone and Black Peak.

The tracks feel remote and natural and are separated from the residential development of Peninsula Bay by the natural topography. The boundary of the urban development is at the base of a nature moderate slope and tracks and trails are located further to the north on the higher ground and avoid proximity to the houses ensuring privacy for residences and a nice experience for trail users.

The land in question is different in character from the already developed areas of peninsula bay in that it extends well into the area identified as ONL, it includes an open and elevated ridge top and it contains a significant amount of natural vegetation.

### **History of Peninsula Bay**

Plan change 15 (2004) sort to rezone the land at Peninsula Bay for residential development through the Low Density Residential Zone. This original plan included some development of the area in question but was ultimately declined by the environment court.

Variation 25 in 2005 then provided a proposal to apply the Low Density Residential Zone over much of the land (65%) and the Open Space zone over the remainder including the part of the site subject to this plan change. This application and subsequent proceedings led to the layout and zoning that exists today.

Proceedings for plan change 15, variation 25 and subsequent (albeit relatively insignificant) adjustments to these provisions have provided an extensive documentation of the landscape values, visual amenity and visibility of the Peninsula Bay subdivision and provided a sense of protection of those areas considered to be sensitive through the application of the Open Space Zoning.

Lake Wanaka Cycling submitted on the previous plan change with regard to open space and track networks and has been working over the subsequent years to fulfil the outcomes of that Plan Change/ Variation including the installation of the trackhead for access to Sticky Forest. The constructing of a mtbing access track and the multiuser track that runs above the eastern boundary of the residential development through similarly zoned Open Space, some of this open space was subsequently vested in council as Reserve.

The residential development of Peninsula bay as provided for by these provisions is now basically complete.

Note: for convenience due to the complexity of the applications, hearings and submissions relating to these plan changes, variations and decisions i will refer to them generally as the “earlier proceedings”

### **Open Space Zone - Section 20 - QLDC District Plan**

The current zone over the area of land subject to this plan change is Open Space Zone - Landscape Protection. This was the outcome of those above mentioned and extensive proceedings and decisions.

The purpose of this zone as started in the District Plan is to

### 20.1.1 Purpose of Zone

The purpose of the Open Space Zone is to protect landscape values, natural character and informal open space of the area. It is intended to keep such areas in a natural state and free of buildings and structures. Such areas may however, be utilised for types of passive recreation that do not require intrusive buildings or structures, such as walking, running and biking.

This zone is absolutely clear and unambiguous with regard to intent and purpose and prohibits all residential development and promotes public access and recreation.

The promotion of public access for passive recreation (read non motorised) has been provided for through other parts of Peninsula Bay through the vesting of reserve (gross access) and the construction of track heads, cycling and walking tracks. The provision of public access to the site is best served by the vesting of the reserve in Council.

It is also clear from reading the decisions and proceedings that this zone is intended to provide the highest level of protection available under the district plan to privately owned lands protecting sensitive landscapes from all residential development in lieu of vesting the land as public reserve at time of subdivision. This has been the case with a number of sections of the Open Space Zone in the earlier stages of Peninsula Bay that are now completely protected and vested in Council as Reserve.

Page 36 of the Council Decision even goes so far to explain its expectations should a privately initiated plan change occur.

Mr Thorn suggests that the Open Space Zone could be changed through the private plan change process in the future. It is recognised that zoning provides less guarantee than vesting as reserve. However, given the strong policy provisions of Part 4 of the Plan relating to ONL, and the objectives and policies of the Open Space Zone a successful plan change to enable development is considered highly unlikely. It is anticipated that once the Open Space zoning has been confirmed and subdivision consents lodged, the vesting of the land as reserve will be addressed by the Council.

The purpose of this zone is supported only by the continued protection of these areas from all residential development. The Proposed Plan Change 51 is completely and diametrically opposed to the purpose and policies of this zone. Approval of this plan change could in no possible way advance the outcomes sought by the Open Space Zone.

### District Wide Policies and Objectives

Any plan change must be assessed against Section 4 - District Wide Issues of the QLDC District Plan. This was the case with the previously approved plan change and this application.

**4.1.4 objective 1** includes “The protection of outstanding natural features and natural landscapes” Much of the subject site including the building platforms of Lot 4, 5, 6, 21 are contained in the established ONL line.

Most specific of these District Wide Policies with regard to this location are those in 4.2.5 policy 2 that relate to the ONLs being listed below.

## 2 Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)

- (a) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.
- (b) To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.
- (c) To allow limited subdivision and development in those areas with higher potential to absorb change.
- (d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.

The earlier proceedings and decisions relating to the land determined that these objectives, being the maintenance of openness, natural character, and avoiding those sensitive areas with lesser capacity to absorb change, were best served by avoiding development this specific area of the land and protecting it through Open Space Zone. The wider area of Peninsula Bay now zoned residential (65%) was clearly determined to be the parts of the site that was more suitable for development and this was offset or mitigated by the protecting of the Land to be zoned Open Space Zone (approximately 35%) and its associated ONL, native vegetation, topographic nature and recreation values.

Policy 6 (b) Urban Development specifically seeks to discourage subdivisions and development in ONL and VAL landscapes in the district. This has been clearly considered in the underlying Plan Change which allowed extensive development of the less sensitive areas while protecting the more prominent VAL and ONL areas. Approval of this Plan Change would be inconsistent with this policy and the earlier findings.

Policy 9 seeks to avoid ridges, prominent slopes and hilltops that characterise the site. Approval of plan change 51 would be in conflict with this policy.

4.4.1 relates to Open Space and Recreation and specifically in Objective 1 identifies the provision of open space and recreation areas to assist in avoiding remedy or mitigate the effects of residential growth. The provision of this area of Open Space Zone was specific to the overall development of Peninsula Bay and sought to avoid sensitive areas of the site, remedy the loss of other parts of the site to residential development and provided a means of mitigation through recreation opportunities.

Overall the approval of the Peninsula Bay Development was deemed to be consistent with these policies and objectives as a whole with the protection of the open space zone areas of the site and the opportunity for recreation opportunities. The overall development of Peninsula Bay may not have and in our view does not stack up without the protection of these areas.

It is our view and a view supported by the earlier proceeding that Part 4 of the plan is served by avoiding development on those sensitive areas of the site and specifically the ONL areas. The development of this area would be in conflict with Part 4 and the findings of the earlier proceedings.

The objectives of Part 4 are best served by the vesting in council as reserve and the continued protection from residential development of all the land in the Open Space Zone.

### **Purpose and Principals of the RMA**

The consideration of a Plan Change must also give consideration to Part 2 of the Resource Management Act (RMA) being the primary Purpose of that Act.

## **Part 2**

### **Purpose and principles**

#### **5 Purpose**

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In considering the above purpose we believe that the underlying Plan Change gave effect to this purpose through the design of the development, balance of residential development and associated open space, avoidance of sensitive areas and the recreation opportunities arising that were considered mitigation for the effects of that development.

Approval of this Plan Change 51 would undermine the central purpose and principles of the RMA as they were applied to the underlying development, where the provision of open space and the protection of sensitive landscapes were a key part of that assessment and consideration.

#### **Integrity of the District Plan**

The underlying development of Peninsula Bay was the subject of extensive public consultation and proceedings where the community, including the Lake Wanaka Cycling inc (now Bike Wanaka inc) submitted and were involved in shaping the outcome.

The outcomes were agreed in principle by many of the submitters and the applicant including the provision of these open space zones. I could be said that the development of the Residential Areas were acceptable in part because of the Open Space, reserves and tracks that would result.

Revisiting the value of these open spaces without the complete context of the whole of Peninsula Bay and on completion of the development as envisaged at that time would undermine the integrity of the QLDC District Plan and in particular the protection that should be afforded to areas that receive the Open Space Zone - Landscape Protection designation.

Should this Plan Change 51 be approved the community would lose faith in the protection of its open spaces and reserves which the people of Wanaka and particularly Bike Wanaka Inc. hold in very high value.

#### **Conclusion**

We feel strongly that existing open spaces (particularly land zoned open space and public reserve land) need to be preserved to provide future proofing against population increases, give the increasing biking community scope for trail development close to town and built up areas and leave a legacy for future generations that is in keeping with our lifestyle choice philosophy.

This Open Space was specifically set aside during the development of Peninsula Bay to avoid sensitive areas of the land and offset the loss of openness created by large scale residential development.

Revisiting of this Open Space without the overall consideration and balance of the whole Peninsula Bay subdivision and the context of the approval and development of the already constructed 300 lots (approx) is unreasonable.

We believe that the benefits or positive outcomes of Plan Change 51 are highly overstated by the applicant in that the protection of open space, native vegetation, track construction and revegetation are all things that are already empowered by the Open Space Zone and could be further advanced by the vesting of the Open Space Zone as Public Reserve.

We believe that the approval of Plan Change 51 would completely undermine the very intent of zoning this land Open Space -Landscape Protection and remove the offset or mitigation that was considered necessary for the approval of the residential development of Peninsula Bay.

**Relief Sort**

We believe that this Privately Initiated Plan Change should have been rejected by Council when it was received.

Bike Wanaka Inc urge the consent authority to uphold the provisions of the underlying plan change and Open Space Zoning of the site and reject Plan Change 51 in its entirety.

Bike Wanaka request that this land be vested in Council as reserve as was intended.

On behalf of Bike Wanaka Inc.  
(lodged electronically)