

# QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on the Proposed District Plan

Report 16.2

Report and Recommendations of Independent Commissioners  
Regarding Upper Clutha Planning Maps  
Urban Wanaka and Lake Hawea

## Commissioners

Trevor Robinson (Chair)

Jenny Hudson (Part)

Calum MacLeod

Ian Munro

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### **Attachments:**

**Appendix 1:** Recommended amendments to Chapter 15

**Appendix 2:** Recommended amendments to Chapter 27

## PART A: PRELIMINARY MATTERS

### 1. INTRODUCTION

1. Throughout this report, and the accompanying reports relating to the Upper Clutha Planning Maps, we use the following abbreviations:
2. The urban area submissions and further submissions are centred on Wanaka and Hawea. Those in Hawea and some parts of Wanaka were in the Hearing Panel's view so strongly interrelated that the promotion of sustainable management, and the fairest means of disposing of the issues raised across the submissions, was achieved by considering them concurrently.
3. The exception is the submission of Varina Pty Ltd<sup>1</sup>, and the related submission of Sneaky Curlew Ltd<sup>2</sup> which are the subject of a separate report<sup>3</sup>, by reason of the personal conflict of Commissioner McLeod discussed in Report 16.
4. It is noted that Commissioner Hudson did not sit on the hearing of all of the submissions addressed in this report. In those cases<sup>4</sup>, she did not participate in deliberations and has played no role in preparation of the relevant parts of this report.
5. Where the Hearing Panel has determined to group submissions and further submissions together, this will be stated in the discussion. Where submissions and further submissions have been addressed individually, this should not be taken as meaning that the Panel found that there was no interrelationship with any other submissions or further submissions, merely that an evaluation and conclusion could be arrived at without the need to concurrently do so with other submissions or further submissions.
6. Report 16 outlines a summary of the hearings, process, and deliberative approach followed by the Hearing Panel; there is no need to repeat that information in this report. In this report, individual submissions, or groups of submissions, will be addressed. Each will be identified including the land affected by the submission. A brief outline of the notified plan zone will be given along with a short summary of the relief sought. The key points given in evidence relevant to the Hearing Panel's conclusions will be traversed, as will any relevant evidence or opinion provided by the Council's advisors through the hearing process and including in the Council's right of reply. Finally, the conclusions reached by the Hearing Panel and key reasons will be outlined. As outlined in Report 16, we have not undertaken a separate section 32AA analysis – our reasoning in terms of the requirements of that section of the Act is set out in the body of this report.
7. In this report, extensive extracts from the evidence presented to the Hearing Panel will not be repeated, and reference is made to the Council's PDP website, where a full record of the hearings and information presented to the Panel is maintained.
8. Lastly, we note that we have generally referred to provisions of the PDP as notified so that submitters and further submitters are better-able to follow how we have concluded in regard

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<sup>1</sup> Submission 591

<sup>2</sup> Submission 737

<sup>3</sup> Report 16.3

<sup>4</sup> These are submissions 142, 139, 790, 326, 110, 55, 729, 73, 287, 622, 619, 249, 91, 460, 709, 253, 776, 507, and 293.

to the relief they sought. However, in numerous instances, other recommendations made by the Hearing Panel in other hearings have resulted in changes being made to the notified provisions that we need to take account of. One example of how this occurred relates to the Large Lot Residential zone. As a result of Stream 6 recommendations to split the zone into Area A (minimum 2,000m<sup>2</sup> sites) and Area B (4,000m<sup>2</sup>), we revised the construction of our recommendations to reflect that based on what outcomes we identified should apply to each parcel of LLRZ land.

9. In other cases, the recommendations of other Hearing Panels has resulted in a change of terminology. For example, where we have made reference to the notified “Low Density Residential zone”, we note that as a result of the Stream 6 Hearing, this is recommended to be re-named to the “Lower Density Suburban Residential zone”.
10. Therefore, where we have made a recommendation to zone land “Low Density Residential zone”, it also means that should the Council accept the Stream 6 recommendations, then our recommendations would change accordingly to “Lower Density Suburban Residential zone”.
11. We note that a number of submitters sought some form of visitor accommodation zone, overlay or other methods on specific areas of land. While the Council withdrew visitor accommodation provisions from the PDP, this did not prevent submitters in the Stage 1 PDP area submitting to replace or substitute them. As discussed in Report 16 more generally, for us to be able to agree that new provisions were appropriate, there was something of an onus on those submitters to provide reasonable substantiation of their requests, such as in terms of basic evaluations in terms of s32 of the Act or the identification of necessary objective-policy-method cascades, over and above simply requesting a specific outcome. Where those submitters attended the hearing and provided evidence to us, we have responded in this report. Where submitters did not attend the hearing or offer us any evidence, the requests have been rejected for the reasons outlined in Report 16.

## 2. RELEVANT SUBMISSIONS

12. The submissions addressed in this report are:

### **Wanaka**

- a. Beacon Point:
  - i. Anzac Trust<sup>5</sup>
- b. Kellys Flat:
  - i. Iain Weir<sup>6</sup> and Queenstown Lakes District Council<sup>7</sup>
- c. Kiromoko:
  - i. Wanaka Central Developments Ltd<sup>8</sup>
- d. Scurr Heights

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<sup>5</sup> Submission 142

<sup>6</sup> Submission 139

<sup>7</sup> Submission 790, opposed by FS1019

<sup>8</sup> Submission 326, opposed by FS1018, FS1326, and FS1316

- i. Alan Cutler<sup>9</sup>, Willum Richards Consulting Ltd<sup>10</sup>, Queenstown Lakes District Council<sup>11</sup>, Infinity Investment Group Ltd<sup>12</sup>, and Margaret Prescott<sup>13</sup>
- e. Terranova Place:
  - i. Christopher Jopson, Jacqueline Moreau, Shane Jopson<sup>14</sup>
- f. Golf Course Road:
  - i. Trustees of the Gordon Family Trust<sup>15</sup>
- g. Cardrona Valley Road
  - i. Willowridge Developments Ltd<sup>16</sup>, JA Ledgerwood<sup>17</sup>, Susan Meyer<sup>18</sup>, Wanaka Lakes Health Centre<sup>19</sup>, Aspiring Lifestyle Retirement Village<sup>20</sup>, Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Ltd<sup>21</sup>
  - ii. JA Ledgerwood<sup>22</sup>
  - iii. Satomi Enterprises Ltd<sup>23</sup>
- h. Orchard Road/Riverbank Road:
  - i. Orchard Road Holdings Ltd<sup>24</sup> and Jackie Redai & Others<sup>25</sup>, and Ian Percy and Aitken Family Trust<sup>26</sup>
  - ii. Willowridge Developments Ltd<sup>27</sup>
- i. Anderson Road:
  - i. Murray Fraser<sup>28</sup>
- j. Studholme Rd area:
  - i. Hawthenden Ltd<sup>29</sup>, Calvin Grant & Joline Marie Scurr<sup>30</sup>, Glenys & Barry Morgan<sup>31</sup>, Don & Nicola Sargeson<sup>32</sup>, AW and MK McHuchon<sup>33</sup>, Robert & Rachel Todd<sup>34</sup>, Joanne Young<sup>35</sup>, and Murray Stewart Blennerhassett<sup>36</sup>
- k. West Meadows Drive:

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<sup>9</sup> Submission 110, opposed by FS1285

<sup>10</sup> Submission 55

<sup>11</sup> Submission 790

<sup>12</sup> Submission 729

<sup>13</sup> Submission 73

<sup>14</sup> Submission 287, supported by FS1008

<sup>15</sup> Submission 395, opposed by FS1101 and FS1212

<sup>16</sup> Submission 249, opposed by FS1193

<sup>17</sup> Submission 507, opposed by FS1193 and supported by FS1012

<sup>18</sup> Submission 274, supported by FS1101 and FS1212

<sup>19</sup> Submission 253, supported by FS1101

<sup>20</sup> Submission 709

<sup>21</sup> Submission 622, opposed by FS1193

<sup>22</sup> Submission 562

<sup>23</sup> Submission 619

<sup>24</sup> Submission 249, opposed by FS1027 and FS1131

<sup>25</sup> Submission 152, opposed by FS1013 and opposed in part by FS1136

<sup>26</sup> Submission 725, opposed by FS1013

<sup>27</sup> Submission 249

<sup>28</sup> Submission 293

<sup>29</sup> Submission 776

<sup>30</sup> Submission 160

<sup>31</sup> Submission 161

<sup>32</sup> Submission 227

<sup>33</sup> Submission 253

<sup>34</sup> Submission 783

<sup>35</sup> Submission 784

<sup>36</sup> Submission 322, supported by FS1156 and FS 1135

- i. Willowridge Developments Ltd<sup>37</sup>, Nic Blennerhassett<sup>38</sup>, Jon Blennerhassett<sup>39</sup>
    - l. State Highway 84:
      - i. Ranch Royale Estate Ltd (ex Skeggs)<sup>40</sup>, Winton Partners Funds Management No 2 Ltd<sup>41</sup>
    - m. UGB at Waterfall Park:
      - i. Blennerhassett Family Trust<sup>42</sup>, Murray Stewart Blennerhassett<sup>43</sup>, RN Macassey, M G Valentine, LD Mills & Rippon Vineyard and Winery Land Co Limited<sup>44</sup>
- Hawea**
- 13. Hawea Urban Area and UGB
    - a. Jude Battson<sup>45</sup>, Joel Van Riel<sup>46</sup>, Streat Developments Ltd<sup>47</sup>, Willowridge Developments Ltd<sup>48</sup>, Jan Solback<sup>49</sup>, Laura Solback<sup>50</sup>, Hawea Community Association HCA<sup>51</sup>, Robert Devine<sup>52</sup>, and Gaye Robertson<sup>53</sup>
  - 14. All further submissions made to the submissions listed above were also considered and will be referred to where relevant in our discussion.

## PART B: WANAKA

### 3. BEACON POINT

ANZAC TRUST (142)

#### 3.1 Overall Recommendation

- 15. Accept in part.

#### 3.2 Summary of Reasons for Recommendation

- 16. Reconfiguring the Rural zone and Large Lot Residential zones on the site, and incorporating a separate recommendation from the Stream 6 Hearing Panel to provide for a 2,000m<sup>2</sup> minimum lot size in the Area A sub-zone of the Large Lot Residential zone, would be the most appropriate outcome for the land.

#### 3.3 Subject of Submission

- 17. The submission relates to a single 1.89 hectare property at 361 Beacon Point Road, Wanaka, Lot 1 DP 325889.

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<sup>37</sup> Submission 249

<sup>38</sup> Submission 335; includes Anderson Family Trust as part successor

<sup>39</sup> Submission 65

<sup>40</sup> Submission 412: Supported by FS1012

<sup>41</sup> Submission 653: Supported by FS1166

<sup>42</sup> Submission 413

<sup>43</sup> Submission 322

<sup>44</sup> Submission 692

<sup>45</sup> Submission 460

<sup>46</sup> Submission 462, supported by FS1138 AND FS1141

<sup>47</sup> Submission 697, supported by FS1138 AND FS1141

<sup>48</sup> Submission 249

<sup>49</sup> Submission 816

<sup>50</sup> Submission 119

<sup>51</sup> Submission 771

<sup>52</sup> Submission 272

<sup>53</sup> Submission 188, opposed by FS1012

### 3.4 Outline of Relief Sought

18. The site can be seen on Planning Map 19 as being zoned a combination of Large Lot Residential zone and Rural zone within the PDP. The submitter requested that the zones be reconfigured on the site so as to facilitate a more logical shape of future lots than the PDP configuration would have enabled.

### 3.5 Description of site and environs

19. The site is currently occupied by a single dwelling and is otherwise vacant. It is located at a prominent point at the north-western edge of the Wanaka settlement, offering a high amenity lake-edge aspect.

### 3.6 The Case for Rezoning

20. The submission was premised on not increasing the net yield possible from the land. Mr Craig Barr evaluated the submission in paragraphs 4.68 – 4.76 of the “*Group 1A Wanaka Urban and Lake Hawea*” s.42A report. Mr Barr supported the relief requested on the basis that the reconfiguration proposed was more logical and would not result in a net increase in development compared with the PDP configuration. Mr Barr recommended retention of the Building Restriction Area as shown on Planning Map 19.

21. Mr Barr also recommended that the relief requested was sufficiently in accordance with the PDP s.32 analysis that no further analysis was required (although we note that his s.42A evaluation qualified as a satisfactory s.32AA analysis in any event and we have adopted it as such).

### 3.7 Issues

22. The sole issue we need to form a view on is the optimal distribution of land use zones on the subject site.

### 3.8 Discussion of Issue and Conclusions

23. Given the way in which the submission is framed, we find that our scope to consider the submission is limited to two configurations of the same zones (and Building Restriction Area), enabling the same net land use outcome to be achieved.

24. The nature of the issue the submission raises means that the higher – order provisions of the PDP are in our view of no great relevance. Certainly, Mr Barr did not refer us to any of relevance.

25. We also note that, whether we prefer the PDP configuration or that requested by the submitter, the changes recommended to the Large Lot Residential zone by the Stream 6 Hearings Panel (the Area A 2,000m<sup>2</sup> lot size and the Area B 4,000m<sup>2</sup> lot size sub-zones) would apply. In other words, an Area A 2,000m<sup>2</sup> minimum would apply to this site, not the 4,000m<sup>2</sup> that the PDP and submission, and Mr Barr’s analysis, were premised on. As this would apply in either scenario, we do not consider it is material or determinative of what configuration we should prefer; given the relatively small size of the submitter’s site the 2,000m<sup>2</sup> minimum site size requirement is not likely to result in more lots than would be the case in the equivalent PDP scenario.

26. Overall, we find that the relief sought is a pragmatic real-world refinement of the PDP that remains consistent with what the PDP enabled for the land. We support and recommend that

the submission be accepted. The recommended revised zone configuration is as shown on the revised Planning Maps.

27. Given that we agree with Mr Barr's s.42A analysis, we adopt his reasoning for the purposes of s.32AA of the Act.

#### 4. KELLY'S FLAT

IAIN WEIR (139)  
QUEENSTOWN LAKES DISTRICT COUNCIL (790)  
Further Submitter: FS1019 NOEL WILLIAMS

##### 4.1 Overall Recommendation

Accept the submissions from Iain Weir and Queenstown Lakes District Council, and reject the further submission from Noel Williams.

##### 4.2 Summary of Reasons for Recommendation

28. The Medium Density Residential zone is a more efficient use of land that is well connected to Wanaka Town Centre and other amenities including Wanaka Primary School and Mt Aspiring College, and can be accommodated without resulting in substantially greater adverse visual or other effects than a Low Density Residential zone would. Overall, Medium Density Residential zone is the most appropriate.

##### 4.3 Subject of submission

29. The submissions apply to Lot 2 DP 340530, a 1.8ha rear site accessed from Ironside Drive.

##### 4.4 Outline of Relief Sought

The submissions sought that land shown on Planning Map 20 as zoned Low Density Residential be re-zoned to Medium Density Housing. A further submitter, Noel Williams, opposed the relief sought.

##### 4.5 Description of site and environs

30. The site has an irregular shape and sits between established Low Density Residential-equivalent dwellings (east) and Wanaka Primary School (west). Kelly's Flat Recreation Reserve is located immediately to the north of the site. The site is vacant. The development of Wanaka has crept northwards around the lake edge, and has then been steadily infilling inland. In the area around Kellys Flat, Kings Drive established as a spine road between Totara Terrace / Plantation Road (west) and Anderson Road (east). The land referred to within the submission is part of a vacant 'pod' sitting between the various north-south development ribbons. Residential units on Kings Drive therefore back onto it. On the eastern side of Kings Drive, the land known as Scurr Heights has a similar context and is the subject of separate submissions.

##### 4.6 The Case for Rezoning

31. Iain Weir and the Council have each submitted that the site is well-connected to many amenities and services, and that a higher density than notified in the PDP would be desirable. Mr Barr evaluated the submissions in paragraphs 4.77 - 4.85 of his "*Group 1A Urban Wanaka and Lake Hawea*" s.42A report. In that report, Mr Barr estimated that changing the zone from Low Density Residential to Medium Density Residential would increase the potential site yield from 27 to 49 units.

32. The Council's technical experts (landscape, infrastructure, transport and ecology) reviewed the submission and confirmed through Mr Barr's s.42A report that they had no reasons to not support the relief sought.

#### 4.7 Discussion of Planning Framework

33. The relevant provisions of the PDP are chapters 7 and 8, and the strategic sections 3 and 4. Key themes from these chapters are summarised in Report 16 but in summary, the PDP establishes a framework to distribute, amongst others, residential-dominant land use zones of different densities from lower to higher. Lower density zones are favoured where there are environmental constraints (including existing amenity values) or the land lacks proximity to centres, employment areas or community facilities. Conversely, the higher density zones are favoured where they are close to and can support activity nodes based on using the land resource more efficiently, promoting choice, and enabling wellbeing through maximising the convenience benefits of proximity between households and the activities people need on a daily basis.

#### 4.8 Issues

34. We have determined that the following issues must be addressed in order for us to formulate a recommendation on this submission:

- a. Is there a case for zoning the land Medium Density Residential zone?
- b. If so, would the Medium Density Residential zone be more appropriate than the Low Density Residential zone?

#### 4.9 Discussion of Issues and Conclusions

35. The argument in favour of the re-zoning relates to the PDP's strategic policy direction for a compact, centres-based urban form that helps to relieve pressure on outward expansion. This is in turn premised on the principle that people can make more sustainable choices if they are able to connect to their daily needs and wants conveniently and directly. In this respect, the site has, in the view of the submitters, appropriate access to primary schools and a secondary school, the Kellys Flat Recreation Reserve, the Anderson Road commercial precinct, and Wanaka Town Centre.

36. The argument against the re-zoning centres on the established amenity values of the Low Density residential-equivalent densities that have developed along Kings Drive and Totara Terrace. Higher density development could, as we understand the further submission, potentially be visually disruptive and otherwise detract from what is a suburban neighbourhood defined by spaciouly separated houses. Additional traffic and intensity could also create localised nuisances such as noise.

37. We find that subject to the management of adverse effects on the established residential area around the site, the Medium Density Residential zone would more appropriately implement the PDP's strategic urban form directions and is well justified.

38. Turning then to the matter of environmental effects, we find that the Medium Density Residential zone sought by the submitters would:

- a. Have its public address off Ironside Drive rather than the more prominent Kings Drive. Although Wanaka Primary School has a principal entrance from Ironside Drive, we find that the rezoned land would not prominently place a higher density development pocket where it could detract from an otherwise lower density vista. Users of Kings Drive would not be aware of the area of higher density unless they made a deliberate turn into

Ironside Drive. This results in a degree of effect avoidance by way of limited visual exposure.

- b. Achieve a common-boundary building setback with the Kings Avenue properties comparable with what those existing dwellings achieve (i.e. a like-with-like situation) that is in our view inherently compatible.
  - c. Achieve a comparable character and grain of development, likely to involve detached dwellings or small-scale attached buildings. Were the relief requested for a High Density Residential zone, which has clear built form differences with the Low Density Residential zone, then a more obvious distinction between the 'old' and the 'new' might have been problematic in this respect. But as it stands, as find that as a fundamental matter of the PDP's structure, the Medium Density Housing zone is inherently compatible with and will not significantly detract from the character and amenity values of the Low Density Residential zone. This is why across the PDP maps, across the District, the Medium Density Residential zone directly abuts the Low Density Residential zone.
  - d. Not be of such a large scale that the additional density would give rise to a materially different or worsened magnitude of traffic, infrastructure noise or other adverse effects on the neighbourhood.
39. Our conclusions above have led us to agree with and accept the recommendations of the Council's advisors and to that end we adopt their analysis and conclusions, namely that of Mr Barr in his s.42A report, including for the purposes of s.32AA of the Act. We consider that no further s.32AA analysis is required.
40. Overall and on the basis that the Medium Density Residential zone would better implement the PDP's strategic policy section, will enable more people to be close to their daily-need activities, and will not result in problematic or inappropriate adverse effects, it is the most appropriate option. Because of this, we recommend that the submissions from Iain Weir and the Council be accepted and the further submission of Noel Williams be rejected.

## 5. KIRIMOKO

### WANAKA CENTRAL DEVELOPMENTS LTD (326)

Further Submitter: FS1018 NOEL WILLIAMS

Further Submitter: FS1326 KIRIMOKO PARK RESIDENTS ASSOCIATION INC

Further Submitter: FS1316 CRESCENT INVESTMENTS LTD

#### 5.1 Overall Recommendation

41. Accept the submission of Wanaka Central Developments Ltd in part, and accept the further submissions of Noel Williams, Crescent Investments Ltd, and Kirimoko Park Residents Association in part.

#### 5.2 Summary of Reasons for Recommendation

42. Re-zoning Lots 9 and 10 DP 300734 from Low Density Residential zone to Medium Density Residential zone, while retaining the PDP's Building Restriction Area, will most appropriately enable efficient and high quality development outcomes while managing the potential visual and landscape effects of development.

#### 5.3 Subject of submission

43. This submission relates to land at Lots 9 and 10 DP 300374. The site is 8.3ha in area, on the north side of the roughly horseshoe-shaped Kirimoko Drive.

#### 5.4 Outline of Relief Sought

44. The submission sought to remove a Building Restriction Area identified in the PDP, and change the zone from Low Density Residential zone as shown on Planning Map 20 to Medium Density Residential zone. The submission was opposed by three further submitters: Noel Williams, Kirimoko Park Residents Association Inc, and Crescent Investments Ltd.

#### 5.5 Description of site and environs:

45. The site is an elevated, undeveloped area of land with an outlook to the west over Roys Bay. The area enclosed by Kirimoko Drive has been previously intensified into Low Density Residential-equivalent density development. The outside of the horseshoe remains largely in 4ha blocks, although one (Barclay Place / Mills Rd) has also been developed to Low Density Residential-type density.
46. North of the site is the almost-completed Peninsula Bay development. North-east of the site is land known as Sticky Forest (that is the subject of Report 16.15), while to the east is a large development area enabled through Plan Change 45: Northlake. To the west are the back boundaries of Low Density Residential-equivalent sections fronting Rata Street. We note that the area has already been considerably urbanised through the number of historical 4ha lots that have been intensified into Low Density Residential-equivalent densities.

#### 5.6 The Case for Rezoning

47. The submitter did not appear to provide evidence in support of its submission.
48. In his s.42A report "*Group 1A Urban Wanaka and Lake Hawea*", Mr Barr evaluated the submissions and further submissions. He considered input from Council technical staff, and in particular concerns from the Council's traffic engineer Ms Wendy Banks that any additional density should include high-quality pedestrian and cycle facilities. Mr Barr observed that the PDP subdivision provisions would be sufficient to ensure these were provided. However, Mr Barr concluded that on an overall balance, the argument in favour of Medium Density Residential zone (access to amenities and services) was weaker than that for retention of the Low Density Residential zone (maintaining an established built form pattern).
49. In his s.42A report, Mr Barr's initial opposition to medium density development was premised on a judgement that the modest justification for that additional intensity (based on convenient but less-than-ideal connectivity) was outweighed by the benefits of retaining a consistent built form and suburban character. He did not identify any concerns with the Medium Density Residential zone in terms of the PDP strategic policy approach.
50. In evidence provided on behalf of Crescent Investments Ltd and Kirimoko Park Residents Association Inc, Mr Scott Edgar (planner), set out his view why the Low Density Residential zone should be retained.
51. Summarising Mr Edgar's analysis, a number of PDP strategic objectives and policies relate to development density and urban form, including:

##### Objective 3.2.2.1:

*Ensure urban development occurs in a logical manner:*

- *to promote a compact, well designed and integrated urban form;*
- *to manage the cost of Council infrastructure; and*
- *to protect the District's rural landscapes from sporadic and sprawling development.*

Objective 3.2.3.1:

*Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.*

Objective 3.2.5.3:

*Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.*

Objective 3.2.6.1:

*Provide access to housing that is more affordable.*

Objective 4.2.3:

*Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.*

52. However, Mr Edgar only identified one PDP objective, 8.2.1, as being imperilled by the relief requested. As notified, this objective stated:

*“Medium density development will be realised close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails in a manner that is responsive to housing demand pressures.”*

53. We note our acceptance of Mr Edgar’s analysis of the most relevant PDP strategic policy themes above, and refer to Report 16 for a broader summary of how these times have been translated into revised strategic objectives.

54. We asked questions of both Mr Edgar and Mr Barr regarding their opinions on how significant the established built form pattern was, and how different or incompatible the Medium Density Residential zone would in fact be. We were particularly interested in the extent to which that existing character may change over time in light of the additional density proposed in the Low Density Residential zone anyway (including family flats) compared to what has been developed to date. In summary, the PDP in Chapter 7 proposed that, subject to a land-use consent first and then subsequent subdivision, a density of 1:300m<sup>254</sup> was contemplated per dwelling, which could in turn include an independently occupied family flat<sup>55</sup> as well as a principal house. This amounts to a net ‘real-world’ household density of up to 1:150m<sup>2</sup>, effectively as a permitted land use outcome (with, we note, some location-based exceptions). The notified PDP chapter 8 provided for the same number of houses and family flats per site as Chapter 7<sup>56</sup>, but proposed a minimum land use density of 1:250m<sup>257</sup>. A difference of 50m<sup>2</sup> minimum land use densities between the two zones is not in our view likely to lead to markedly different amenity, visual impact, nuisance (noise etc.), or other adverse effects to the extent that viewers could always readily discern a difference. We note that the Stream 6 Panel, while recommending a variety of changes to the notified text, have recommended retention of the notified densities contemplated in each zone.

55. Both of the planners we heard from accepted that the existing ‘real world’ or net densities around Kirimoko could change in either of the two zone scenarios, and that on this basis it may

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<sup>54</sup> Notified rule 7.5.6.

<sup>55</sup> Notified rule 7.4.9 and 7.4.10.

<sup>56</sup> Notified rules 8.4.10 and 8.4.11.

<sup>57</sup> Notified rule 8.5.5.

not be appropriate to use existing character as grounds to not support the Medium Density Residential zone.

56. Mr Barr reflected on our line of inquiry further and in the Council's right of reply confirmed that he had changed his opinion. He acknowledged that the greenfield nature of the site could lead to a superior outcome if planned for optimum density at the outset, rather than via Low Density Residential development that could fragment and intensify further in a more ad-hoc manner over time. He ultimately then finished in support of the Medium Density Residential zone, stating that<sup>58</sup>:

*"I consider that the MDRZ provisions in the PDP will ensure the development of a greenfield area of land, such as this, will have appropriate urban design outcomes, and would not compromise the amenity values of surrounding residential areas."*

## 5.7 Issues

57. We have determined that the following issues must be addressed in order for us to formulate a recommendation on this submission:
- Is there a case for zoning the land Medium Density Residential zone?
  - If so, would the Medium Density Residential zone be more appropriate than the Low Density Residential zone?

## 5.8 Discussion of issues and conclusions

58. The submitter, while seeking a Medium Density Residential zone for the land, did not express a clear view on whether or not it also sought removal of the Building Restriction Area. Another part of the BRA was the subject of a submission by Alastair Munro<sup>59</sup> seeking its removal. Mr Barr recommended rejection of that submission in his s.42A report<sup>60</sup>, largely based on the landscape values of the terminal moraine that it seeks to protect and which were addressed in the evidence of Ms Mellisop. Mr Munro's submission has subsequently been withdrawn and the further submitters who supported it did not call evidence that would provide a basis for its removal.
59. As above, Wanaka Central Developments Ltd did not provide evidence either on the BRA, or more generally, on its rezoning request.
60. We therefore have no basis to doubt the expert evidence for the Council and for the avoidance of doubt, were it intended by this submitter to have the BRA removed, we recommend this aspect of its submission be rejected for the same reasons as Mr Barr (and Ms Mellisop) provided in their evidence in relation to Mr Munro's submission.
61. This leaves, for that part of the land not affected by the BRA, the question of whether or not the Low Density Residential or Medium Density Residential zone is the most appropriate.

## 5.9 Is there a case for Medium Density Residential?

62. We consider that Mr Edgar's analysis, summarised above suffers from the following:
- There is no definition of the term "close" within the PDP notified Objective 8.2.1 and Mr Edgar offered none that we might consider. It may be that the submitter's land is "close" for the purposes of the objective.

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<sup>58</sup> Reply of Craig Barr, 10 July 2017, paragraph 9.4.

<sup>59</sup> Submission 3: Supported by FS1285 and FS1307, opposed by FS1311, FS1326, FS1334 and FS1335

<sup>60</sup> Section 42A, Report 1A: Urban Wanaka at Lake Hawea at 4.50

- b. Mr Edgar only referred to town centres, local shopping zones, and activity centres in his analysis of notified Objective 8.2.1. But that objective also refers to public transport routes (of which there are none at this time in Wanaka), but also non-vehicular trails. There are non-vehicular trails close (in our judgement) to the submitter's land.
  - c. We find that the words "*... in a manner that is responsive to housing demand pressures*" in notified Objective 8.2.1 must be read as a filter through which the remainder of the objective is interpreted, and this also includes how narrowly (perhaps literally) "close" might mean. Mr Edgar offered no commentary here.
  - d. Lastly, Objective 8.2.1 sits within the Medium Density Residential zone itself; the PDP's strategic framework sits within Chapters 3-6 and, with particular reference to those objectives noted above at section 5.6, we see no clear basis for reasonably excluding the Medium Density Residential zone as an appropriate outcome on the submitter's land (outside of the BRA area).
63. We note that having reviewed the recommended provisions for Chapters 3 and 4 in particular from the Stream 1B Panel summarised in Report 16, our conclusions above have not changed.
64. Overall and in light of the above, we have not been convinced that the Medium Density Residential zone would be inappropriate for the site or incompatible with the PDP's strategic policy framework for managing urban form and density. To the contrary, we find that the Medium Density Residential zone would be appropriate for the land, for the reasons outlined by Mr Barr in his right of reply report.
- 5.10 What is the most appropriate zone for the land?**
65. Having satisfied ourselves that Medium Density Residential zone would be appropriate on the site, in terms of the PDP's strategic policy framework and also the practical characteristics of the site and the land around it, we are in position to determine which of that zone or the Low Density Residential zone would be the most appropriate.
66. We consider that between the Medium Density Residential zone and the Low Density Residential zone, the PDP's strategic policy framework for Wanaka, including considerations of affordable housing, a reduction of sprawl or unnecessary expansion, and the promotion of lifestyles that provide greater transport choice (such as being able to take advantage of non-vehicular trails) would be best implemented by the Medium Density Residential zone.
67. The only factor that would outweigh this preference would be if the adverse character and amenity values effects of Medium Density Residential housing undermined the qualities of existing Low Density Residential-equivalent development around the site. We find that the most fundamental effects are changes to character and amenity values, and these have fundamentally already occurred through the initial wave of urban development in the area to establish the residential suburban environment of today.
68. We find also that the PDP provisions for managing medium density residential development include considerations of character, visual quality, and effects on adjacent land. We find that the densities of development and scale of buildings enabled within the Medium Density Residential zone are not incompatible with the Low Density Residential zone, or the qualities of existing Low Density Residential-equivalent development in the Kirimoko Drive area. We also refer back to our consideration of the Ian Weir (139) and Queenstown Lakes District Council (790) submissions earlier in this respect.

69. In summary, we recommend that the submission should be accepted in part to the extent that the PDP BRA should be retained on the land, but that the balance of the site should be rezoned to Medium Density Residential zone. In addition to our reasons above, we agree with and adopt Mr Barr's rationale in support of this outcome in the Council's Right of Reply and the s.32AA further analysis is provided alongside that. The further submissions should also be accepted in part, to the extent that Medium Density Residential zone would not be appropriate within that part of the site identified within the PDP as a BRA. We consider that no further s.32AA analysis is required.

## 6. SCURR HEIGHTS

ALAN CUTLER (110)

Further Submitter: FS1285: NIC BLENNERHASSETT

INFINITY INVESTMENT GROUP (729)

WILLUM RICHARDS CONSULTING LTD (55)

QUEENSTOWN LAKES DISTRICT COUNCIL (790)

MARGARET PRESCOTT (73)

### 6.1 Overall Recommendation

70. Accept the submission from Queenstown Lakes District Council, and the further submission of Nic Blennerhassett. Accept in part the submissions of Margaret Prescott, Willum Richards Consulting Ltd, and Infinity Investment Group Ltd. Reject the submission of Alan Cutler.

### 6.2 Summary of Reasons for Recommendation

71. The Medium Density Residential zone is the most appropriate enablement for the land given its proximity to schools and the Wanaka Town Centre. In terms of the interface between development and the Scurr Heights walkway, the provisions separately identified through the Stream 6 Hearing process are adequate and no additional measures such as a Building Restriction Area or other mapped limitations are appropriate.

### 6.3 Subject of submissions

72. These submissions relate to land at Lot 110 DP 347413. The land is located between Aubrey Road and McLeod Avenue and is known as Scurr Heights.

### 6.4 Outline of Relief Sought

73. The land the subject of submission is shown as Medium Density Residential on Planning Map 20. The submissions on it seek variously retention of the existing zoning or rezoning to preclude Medium Density Residential development in whole or in part.

### 6.5 Description of site and environs

74. The land at Lot 110 DP 347413 is 10.7ha and similar to land that has been identified in other submissions, the land the subject of these submissions is a largely 'rear' site sitting between north-south ribbons of development that have occurred in recent years. In this case, the 'ribbons' are Kings Drive (west) and Anderson Road (east). The site has been previously earthworked and slopes downwards from east to west. It offers views out across the Wanaka town and Lake Wanaka.

75. Immediately east of the site is the 20m-wide Scurr Heights walkway. This is a designated route that connects Anderson Road with Aubrey Road. It offers high quality views across the subject site to the east, and undulates in elevation along its length. A metalled pathway / trail

meanders through the space within the route's width. Immediately east of the walkway are a number of existing dwellings that in turn overlook the walkway.

76. East, south and west of the site, existing Low Density Residential-equivalent development backs onto the site, with access to Matariki Place (east) and McLeod Place / Farrant Place (west / south). North of the site is Aubrey Road. Overall, the site has options to logically and efficiently connect to existing roads.

## 6.6 The Case for Rezoning

77. In his s.42A report "*Group 1A Urban Wanaka and Lake Hawea*", at paragraphs 5.1 – 5.14, Mr Barr evaluated the submissions. He recommended, based on advice from the Council's technical specialists (landscape, traffic, infrastructure and ecology), that the Medium Density Residential zone was the most appropriate for the land. In terms of Scurr Heights walkway, Mr Barr acknowledged that the question of planning methods to manage the interface between development and the walkway had been traversed by the Stream 6 Hearing. He considered that that separate stream had adequately addressed the matter and that no further changes to the Plan maps should occur (such as a Building Restriction Area).

78. For the various submitters, we received no specific expert evidence at our hearing that addressed the matters. However, from the written submissions we are aware that:

- a. The Council submitted in support of the notified PDP Medium Density Residential zone for the land.
- b. Alan Cutler opposed the 'blanket' zoning proposed, and this was in turn opposed by the further submission from Nic Blennerhassett.
- c. Infinity Investment Group Ltd, Willum Richards Consulting Ltd, and Margaret Prescott submitted that the land should be subject to planning methods that managed the height and location of development relative to the Scurr Heights walkway, including, variously, a removal of some zoned areas (Infinity Investment Group, and also Alan Cutler), or addition of Building Restriction Areas (Willum Richards Consulting Ltd and Margaret Prescott).

79. The submissions address the question of what land use zone is most appropriate and, related to this, the matter of how to best manage the issue of public views and amenity values from the adjacent Scurr Heights walkway.

80. The key planning themes relevant to these submissions are found in PDP strategic chapters 3, 4 and 6. Chapters 3 and 4 relate to the locational framework for residential-dominant zones of lower or higher land use density. Chapter 6 relates to landscape values in the district and is relevant here because of the importance of public views from a public walkway that would look across the site taking in the town and Lake Wanaka. We refer to Report 16 for a more comprehensive summary.

## 6.7 Issues

81. We consider that following issues arising from the submissions and further submissions should be addressed:
- a. Is the Medium Density Residential zone appropriate?
  - b. Should additional methods limiting development relative to the Scurr Heights walkway be imposed?

## 6.8 Discussion of Issues and Conclusions

### 6.9 Is Medium Density Residential zone appropriate?

82. We accept Mr Barr's analysis that the site is appropriately located relative to adjacent schools, the Anderson Bay Business Mixed Use zone, non-vehicular trails, and Wanaka town centre such that the Medium Density Residential zone is justified and the most appropriate zoning. It will allow the most efficient use of the land and not result in inappropriate adverse effects on adjacent land (excluding the Scurr Heights walkway, which will be addressed separately). This finding is also consistent with the conclusions we have reached for other green field land in North Wanaka, discussed previously and including in relation to Chapters 3 and 4 of the PDP.
83. We also note that of the submissions opposed to the PDP zoning, we find that the issue of concern was not the Medium Density Residential zone as much as it was the interface between the land use zone and the views available from the walkway. On this basis, we do not consider that we were actually presented with a clear or viable alternative to the Medium Density Residential zone by the submissions. We are satisfied that the outcomes identified in PDP Chapter 6 can be achieved appropriately with the land zoned Medium Density Residential as per the PDP.
84. We recommend that the submission of Queenstown Lakes District Council and the further submission by Nic Blennerhassett be accepted. As we have agreed with the PDP position on the land's zone, no further s.32AA analysis is required.

### 6.10 Should additional methods be imposed relative to Scurr Heights walkway?

85. We visited the Scurr Heights walkway and experienced the views available from it across Wanaka. We also observed existing dwellings that were in some cases close to the walkway and the undulating quality of the landform (and the walkway).
86. The Stream 6 Hearing Panel's report<sup>61</sup> indicates that it considered a variety of options to manage this matter. In light of this, we consider that our jurisdiction is limited to consideration of District Plan mapping-based methods. These, based on the submissions received, are limited to a Building Area Restriction overlay, or some other similar means of identifying on a map a 'no build' area (which could include some form of open space or rural land use zone).
87. The first challenge we encountered was that the submitters did not clearly identify to us what that exclusion area might look like or what extent it should take. The only expert evidence available to us from the Council's advisors did not support such methods.
88. The second challenge was that on consideration of how to define a 'no build' area (or areas) within the site, we found that the use of land use zones to form 'spot zones' of development restriction (i.e. such as a 'bubble' of Rural zoned land within an area of Medium Density Residential zone) was nothing more than a less-efficient and less-effective form of the PDP's Building Restriction Area method.
89. Accordingly, as we worked through the submissions, we concluded that only a Building Restriction Area overlay would be workable, but that we had no evidential basis to define the shape or location of such an overlay, and a lack of any expert agreement that it was a justified expedition to embark on.

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<sup>61</sup> Recommendation Report 9A

90. North of Aubrey Road, the PDP has included a Building Restriction Area up to Sticky Forest, which effectively follows natural physical features and can be justified on that geomorphological basis. We asked the Council to address in reply whether the same logic might be applied to identification of a BRA on this land. On the Council's behalf, Ms Mellsop advised that earthworks to date and/or consented on the Scurr Heights land will substantially modify the moraine. We therefore conclude that a 'natural features / landform' basis to identifying a BRA is not a viable option.
91. Overall, we consider that there is no simple or obvious BRA that could apply to the site that could be defensible and justified, and effective at addressing the effects of concern to the submitters. Like Mr Barr in his s.42A report and Right of Reply, we find that non-mapping based methods (i.e. rules and consent requirements) within the Medium Density Residential zone are the most appropriate means of managing development proposals on the land. On this basis, we do not consider that there is a need for an additional BRA overlay affecting the site and we rely on the findings of the Stream 6 Hearings Panel.
92. In summary, therefore, we recommend the existing zoning be retained, unamended. The submissions from Willum Richards Consulting Ltd, Margaret Prescott and Infinity Investment Group should be accepted in part to the extent that the submitters agreed that the Medium Density Residential zone would be appropriate in at least some instances on the site.
93. Given that we have not recommended a change to the PDP position, no further s.32AA analysis is required.

## 7. TERRANOVA PLACE

CHRISTOPHER JOPSON, JACQUELINE MOREAU, SHANE JOPSON (287)  
Further Submitter: FS1008 WAYNE HARRAY

### 7.1 Overall Recommendation

94. Accept both the submission and further submission.

### 7.2 Summary of Reasons for Recommendation

95. Re-zoning the sites in Terranova Place from Large Lot Residential zone to Low Density Residential zone will be compatible with local amenity values, enable a more efficient use of the land, and be overall the most appropriate outcome.

### 7.3 Subject of submission

96. The submission and further submission relate to nine lots accessed from Anderson Road by a private access way known as Terranova Place. The properties are titled as Lots 1-9 DP 304376.

### 7.4 Outline of Relief Sought

97. This submission sought rezoning of the properties on Terranova Place to Low Density Residential from Large Lot Residential, as shown on Planning Map 20. One Further Submission, from Wayne Harray<sup>62</sup>, was in support of the requested relief.

### 7.5 Description of site and environs:

98. Terranova Place is an established large-lot residential development of nine sites served by a private access way / cul-de-sac that has been formed as a linear spine road giving access from

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<sup>62</sup> Further submission 1008

Anderson Road. Seven of the lots have been built on. Of note, existing subdivisions to the immediate south, east and west have been developed to consistently higher densities than the Terranova lots.

## 7.6 The Case for Rezoning

99. This submission and the Council's s.42A response is set out in paragraphs 4.38 to 4.43 of the "Group 1A Wanaka Urban and Lake Hawea" report prepared by Mr Craig Barr. In summary Mr Barr recommended that the submission be rejected and that the PDP Large Lot Residential zone was the most appropriate for the site, although Mr Barr had understood at the time of writing his s.42A report that the submission applied to only Lots 1-4 (the southern side of Terranova Place), and this was material to the conclusions he reached.
100. Mr Barr's s.42A concerns related to how the south side of Terranova Place could accommodate a Low Density Residential outcome with the north side still zoned Large Lot Residential "Area B", a refinement of the notified Large Lot Residential zone recommended separately to Stream 6 by the Council (we note that this has been changed to Area A in the Stream 6 Hearing Panel's recommendation). The effect of the Council's own recommended zone refinement was to reduce the minimum site size that would apply to the submitters' land from 4,000m<sup>2</sup> to 2,000m<sup>2</sup>. We consider that although recorded in the s.42A report as a recommended rejection of the relief sought, in our view it is in fact an 'accept in part' recommendation on the part of Mr Barr, to the extent that the notified 4,000m<sup>2</sup> site size applying to the site could and should be appropriately reduced to at least 2,000m<sup>2</sup>.
101. For the submitters, Mr Duncan White (planner) confirmed that the submission applied to all sites within Terranova Place. He suggested therefore Mr Barr's concerns regarding the north-side / south-side amenity split would not be applicable. Mr White also provided a further s.32AA analysis and concluded that the Low Density Residential zone as requested by the submitters would be more appropriate than the PDP Large Lot Residential zone (either the 4,000m<sup>2</sup> minimum lot size as notified or the 2,000m<sup>2</sup> minimum lot size recommended subsequently by Council staff at the Stream 6 Hearing<sup>63</sup>).
102. By the close of the hearing, and in response to Mr White's evidence, Mr Barr advised through the Council's right of reply that his opinion on this matter had changed. He had come to support the Low Density Residential zone as requested by the submitters.
103. We do not consider that the submissions raise any issues relevant to the PDP's strategic planning framework, or any particular technical challenge to either PDP Chapters 7 (Low Density Residential zone) or 11 (Large Lot Residential zone). We do observe that due to the Council's recommended change to Chapter 11, that in either zone scenario the land will be enabled for further intensification than the PDP as notified accommodates.

## 7.7 Issues

104. We consider that the only issue arising from the submissions and further submissions that need to be addressed is whether the Low Density Residential zone or the Large Lot Residential Zone Area A (as per the Stream 6 Panel recommendation) is the most appropriate.

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<sup>63</sup> We distinguish between the Stream 6 staff recommendation, which was to provide a standard 4,000m<sup>2</sup> lot size as 'Area A', and a 2,000m<sup>2</sup> smaller lot size as an exception on 'Area B' land that was suitable for that higher density. The Stream 6 Panel has recommended that based on the evidence received the vast majority of the Large Lot Residential zone was appropriate for the 2,000m<sup>2</sup> minimum lot size and that should be the zone norm as 'Area A'. The exception, sites where there are clear topographical or other environmental constraints justifying a larger 4,000m<sup>2</sup> minimum, have been recommended by the Panel as forming 'Area B'.

## 7.8 Discussion of Issues and Conclusions

105. We find that the relief requested would be a considerably more efficient use of land that is relatively close to central Wanaka than the Large Lot Residential zone, and that based on the intensity of existing subdivisions adjacent to Terranova Place, any adverse effects on character or amenity values that may arise from the higher density requested would be appropriately diminutive. This is because the density sought by the submitters and further submitter will be sufficiently consistent with the densities achieved around the site as to maintain the established qualities of the environment.
106. Overall and on the basis that two planning experts each recommended that the relief be accepted, that supporting technical analysis by the Council (infrastructure, ecology and traffic) also supported the relief sought, and that Mr White provided the Panel with appropriate s.32AA further analysis to justify the change, we agree with the re-zoning requested. We accept and have adopted the reasons and s.32AA analysis to support the change given to us by Mr White in his pre-circulated planning evidence, and Mr Barr through the Council's right of reply. No further s.32AA analysis is necessary.
107. In reaching this conclusion, we were also comforted by Mr White's confirmation via a question we put to him that, as Terranova Place is a private road with each property owner a part owner, all landowners would need to agree with any actual redevelopment proposal prior to any change occurring. This will ensure that the detailed subdivision design of any intensification of the nine existing lots will not create an inappropriate 'internal' nuisance within Terranova Place.
108. In summary, therefore, we recommend rezoning the nine lots the subject of submission Large Lot Residential Area A (as per the Stream 6 Panel recommendation).

## 8. GOLF COURSE ROAD

TRUSTEES OF THE GORDON FAMILY TRUST (395)

Further Submitter: FS1101 ASPIRING LIFESTYLE RETIREMENT VILLAGE

Further Submitter: FS1212 WANAKA LAKES HEALTH CENTRE

### 8.1 Overall Recommendation

109. Accept the submission and reject the further submissions.

### 8.2 Summary of Reasons for Recommendation

110. The site should be re-zoned to Medium Density Residential as this is more appropriate than the notified PDP Low Density Residential zone. The site is appropriately located to a (proposed) Local Shopping Centre zone and the Wanaka Town Centre and this proximity would be best taken advantage of with a higher density zone as requested.

### 8.3 Subject of submission

111. The land the subject of submission is Lot 2 DP 417191 is 1.93ha in area and is on the south side of Golf Course Road, at its intersection with Cardrona Valley Road

### 8.4 Outline of Relief Sought

112. The submission sought rezoning of the site from Low Density Residential, as shown on Planning Map 23, to Medium Density Residential. The further submitters<sup>64</sup> opposed the relief sought.

### 8.5 Description of site and environs

113. The site has frontage to both Golf Course Road and Cardrona Valley Road, and is of an approximately square shape. The site is vacant.

114. To the north-east wrapping down and around the south-east and south (i.e. all non-road frontage boundaries) is the Aspiring Lifestyle Retirement Village. Further south is the Wanaka Lakes Health Centre, a medical facility. Wanaka Golf Course is on the other side of Golf Course Road from the site.

### 8.6 The Case for Rezoning

115. Mr Craig Barr evaluated the submission and further submissions in paragraphs 6.5 – 6.13 of his *“Group 1 Wanaka Urban and Lake Hawea” s.42A* report. In Mr Barr’s view, the site could be developed to approximately 29 units under the Low Density Residential zone as notified, or up to 52 units under the Medium Density zone requested. As we understand the matter, Mr Barr’s analysis was limited to a purely theoretical division of the site area rather than on an actual concept plan.

116. Mr Barr concluded that the relief requested was justified and that the most appropriate outcome would be to grant the relief requested. In Mr Barr’s view, the proximity of the site to amenities and services including open spaces, and a Local Shopping Centre on Cardrona Valley Road proposed through the PDP, meant that the overall balance of the PDP’s ‘centres-based’ (our term) planning strategy would be better served by the Medium Density Residential zone.

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<sup>64</sup> FS1101 and FS1212

117. The further submitters have interests in the land that immediately abuts the site to the south and east. We received no evidence of substance in support of the outcome preferred by the further submitters.
118. As has been the case with a number of submissions previously discussed relating to north Wanaka, the submission raises issues relating to the PDP's strategic land use planning framework intended to govern the location of higher and lower residential land use zones – notably in Chapters 3 and 4 of the PDP. These are summarised in Report 16 and this is referred to.
119. We have also considered, although have placed little weight on, the Wanaka Structure Plan 2007 (WSP). The WSP is relevant in at least this part of Wanaka because it formed the genesis of what has transpired through Plan Change 16 (Three Parks), and the PDP's proposed Local Shopping Centre zone slightly south of the land that is subject to this submission. In the WSP, the land that is subject to this submission was identified as being suitable for medium density residential activities.

## 8.7 Issues

120. We consider that the only issue arising from the submissions and further submissions that needs to be addressed is whether the Medium Density Residential zone or the Low Density Residential zone is the more appropriate zone for the site.

## 8.8 Discussion of Issues and Conclusions

121. We do not consider that there is a credible trade-competition aspect to the further submissions. However, in our consideration of what effects the Medium Density Residential zone could result in on that abutting land compared to the Low Density Residential zone, it was relevant to us that the existing hospital (south) is unlikely to be detrimentally affected by the higher, but broadly similar densities enabled within the Medium Density Residential Zones. It was also relevant to us that the retirement village to the south and east has been developed at a higher density than the Low Density Residential (subdivision) provisions would enable. On the basis that a Medium Density Residential zone would be compatible with the existing land use activities occurring on immediately neighbouring sites, and even the lower densities of the Low Density Residential zone, we find that the relief sought would be appropriate on the submitter's land from a purely environmental effects perspective. In this respect we refer back to our earlier analysis of the Iain Weir (139), Queenstown Lakes District Council (790), and Wanaka Central Developments Ltd (326) submissions, where our findings regarding the general compatibility between the Low Density and Medium Density Residential zones were set out<sup>65</sup>.
122. Overall, we consider that the argument in support of Medium Density Residential zoning on the land is convincing and well substantiated. The superior efficiency that will be enabled by providing for higher residential densities will contribute to the compact, centres-based urban form sought in the PDP for Wanaka, in a manner whereby the additional adverse effects of that enablement will be manageable and otherwise appropriate. Specifically, medium density residential development will:
- a. Contribute to the vitality of the PDP's Cardrona Local Shopping Centre zone; and
  - b. Provide for compact development within a plausible walking distance (1.6km) from Wanaka centre itself.

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<sup>65</sup> See Sections 4-6 above

123. For the purposes of s.32AA of the Act, we accept and adopt Mr Barr’s s.42A analysis as being appropriate and proportional to the degree of difference proposed between the PDP and the relief requested, and overall, recommend that the submission be accepted and that the further submissions be rejected. No further s.32AA analysis is required.

## 9. **CARDRONA VALLEY ROAD**

WILLOWRIDGE DEVELOPMENTS LTD (249)

Further Submitter: FS1193 TRUSTEES OF THE GORDON FAMILY TRUST

JA LEDGERWOOD (507)

Further Submitter: FS1012 WILLOWRIDGE DEVELOPMENTS LTD

Further Submitter: FS1193 TRUSTEES OF THE GORDON FAMILY TRUST

SUSAN MEYER (274)

Further Submitter: FS1101 ASPIRING LIFESTYLE RETIREMENT VILLAGE

Further submitter: FS1212 WANAKA LAKES HEALTH CENTRE

WANAKA LAKES HEALTH CENTRE (253)

Further Submitter FS 1101 ASPIRING LIFESTYLE RETIREMENT VILLAGE

ASPIRING LIFESTYLE RETIREMENT VILLAGE (709)

STUART IAN AND MELANIE KIRI AGNES PINFOLD AND SATOMI ENTERPRISES LTD (622)

Further Submitter: FS1193 TRUSTEES OF THE GORDON FAMILY TRUST

### 9.1 **Overall Recommendation**

124. The submissions from Willowridge Developments Ltd, JA Ledgerwood and Susan Meyer should be accepted in part. The submission of Stuart Ian and Melanie Kiri Agnes Pinfold and Satomi Enterprises Ltd, should be rejected. The submissions of Aspiring Lifestyle Retirement Village and Wanaka Lakes Health Centre should be rejected.

125. The further submission of Willowridge Developments Ltd should be accepted in part, and the other further submissions should be rejected.

### 9.2 **Summary of Reasons for Recommendation**

126. The proposed Cardrona Valley Road Local Shopping Centre at Lot 1 DP 477622 should be reduced in size from the notified PDP. No additional zone methods (rules) are required to respond to submissions 274 and 622

### 9.3 **Subject of submissions**

127. The submissions relate to a proposed Local Shopping Centre zone on Cardrona Valley Road shown on Planning Map 23. The notified PDP provided for a 2.7 ha area within Lot DP477622 with the balance of the 22ha lot zoned Low Density Residential. Figure 1 following shows the area notified on Map 23.

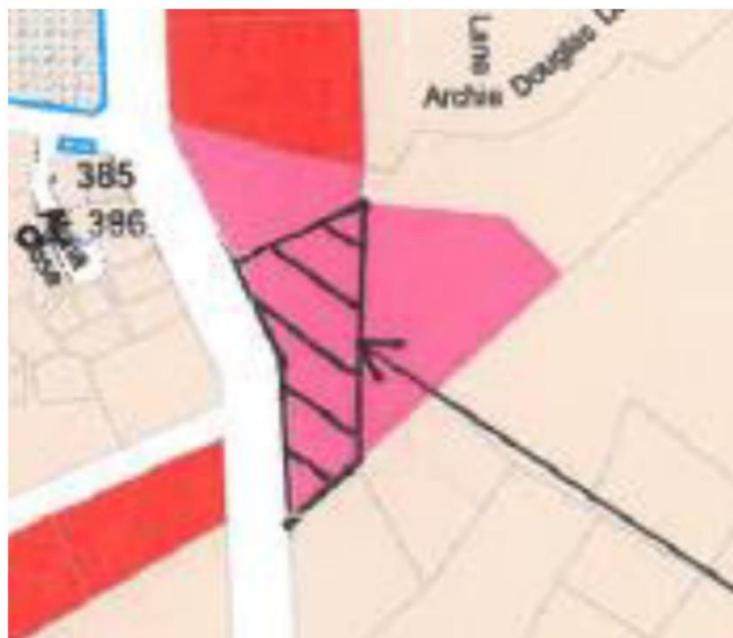
**Figure 1:** Notified PDP LSCZ, Cardrona Valley (Map 23).



**Outline of Relief Sought**

128. A number of submissions made related requests. These are:
- a. Willowridge Developments Ltd and JA Ledgerwood requested that the notified size of the Local Shopping Centre zone be reduced from approximately 2.7ha to approximately 1ha. Willowridge Developments Ltd included in its submission a revised spatial layout and extent for the Local Shopping Centre zone, a copy of which follows as Figure 2. This relief was opposed by the further submission of the Trustees of the Gordon Family Trust.

**Figure 2:** Willowridge recommended LSCZ (submission 249)



- b. JA Ledgerwood and Stuart Ian and Melanie Kiri Agnes Pinfold and Satomi Enterprises Ltd sought the introduction of rules along the notified Local Shopping Centre zone’s southern boundary. The submitters have interests in land immediately south of the notified Local Shopping Centre zone and sought that a 20m buffer strip be imposed along the edge of the Local Shopping Centre zone to mitigate perceived amenity and nuisance effects likely to arise from commercial activities on the adjoining residential zoned land. This was opposed by the Trustees of the Gordon Family Trust.
- c. Susan Meyer requested that the zone rule for building coverage be changed from a 75% maximum to an 80% maximum based on perceived inefficiencies in the notified Local Shopping Centre zone’s shape. This was supported in further submissions from Aspiring Lifestyle Retirement Village and Wanaka Lakes Health Centre.
- d. Aspiring Lifestyle Retirement Village and Wanaka Lakes Health Centre requested the Local Shopping Centre zone be extended to apply to the sites immediately north of the notified Local Shopping Centre zone site, to the existing health centre site, Lot 1 DP 410739 (1ha), and the existing retirement village site, Lot 2 DP 492566 (1.1ha). If accepted, this would increase the Local Shopping Centre zone to 4.8ha in total.
- e. The Trustees of the Gordon Family Trust sought that the zone as notified be retained, although the submitter did recommend a number of refinements to the proposed zone methods<sup>66</sup>.

129. We note here that in respect of the proposed Cardrona Local Shopping Centre zone, our jurisdiction extends to some of the methods that should apply within that zone as well as the mapping matter, the entirety of Submissions 274 and 622 (and the related further submissions) on this zone having been transferred to us from the Stream 8 hearing stream (Business Zones)<sup>67</sup>.

#### 9.4 Description of site and environs

130. Lot 1 DP 477622 is a large (22ha) irregularly shaped site in central Wanaka. Its western end fronts Cardrona Valley Road slightly south of the intersection with Golf Course Road and generally opposite Stone Street and West Meadows Drive. The proposed Local Shopping Centre zone occupies the 2.7ha area of the site that fronts Cardrona Valley Road. It is strategically located to serve the community in west Wanaka where key roads come together at one of the main entrances / departure points for the town.

131. Development of the area has been occurring generally in accordance with the WSP and the more recent Plan Change 16, Three Parks. Of note, this includes planning for a new east-west road to intersect with Golf Course Road through the Local Shopping Centre zone along the site’s northern boundary with Lot 1 DP 410739, occupied by the Wanaka Lakes Health Centre. That road, an arterial linking to Ballantyne Road, has recently been authorised by subdivision consent RM170094<sup>68</sup>.

132. Currently the site of the Local Shopping Centre zone is vacant.

#### 9.5 The Case for Rezoning

133. In her s.42A report, “*Group 1B Wanaka – Business*”, Ms Amy Bowbyes evaluated the submissions in sections 4 and 5 of the report, with input from the Council’s economics expert Mr Tim Heath as well as other technical specialists. Mr Heath’s and Ms Bowbyes’ conclusions were that the notified Local Shopping Centre zone was unjustifiably and inappropriately large.

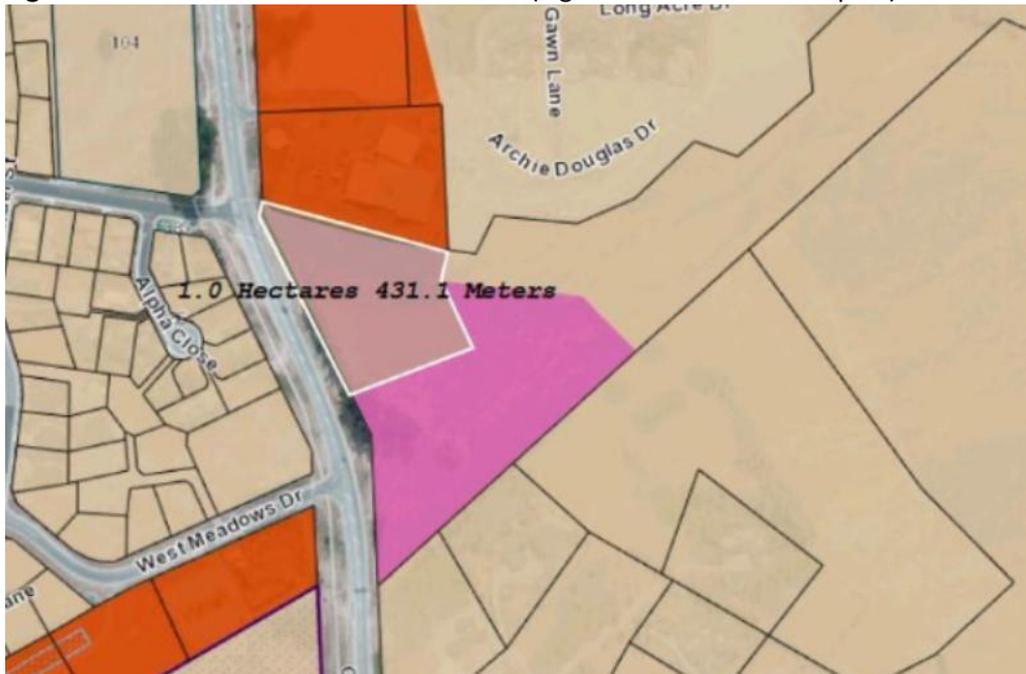
<sup>66</sup> We discuss below whether these requests were within our jurisdiction

<sup>67</sup> Refer the Minute of the Chair of the Stream 8 Hearing Panel dated 2 December 2016

<sup>68</sup> Granted 5 July 2017.

They recommended supporting the submissions seeking to reduce the size of the zone to 1ha based on an appropriate need for 3,000m<sup>2</sup> of ground floor area, which could require a site of approximately 0.7ha net, which when added to land required for access and parking could support the 1ha area requested. However, they did not agree with the reconfigured shape proposed by Willowridge Developments Ltd. They instead preferred a squarer shape, shown as Figure 3 below. This positioned the zone to abut Cardrona Valley Road and the southern boundary of the health centre site to the immediate north. Associated with this were recommendations to add rules to the zone provisions specifying limits so as to ensure that the type of commercial activity that eventuated was appropriate.

**Figure 3:** Council s.42A recommended LSCZ (Figure 4.3 in the s.42A report)



134. Following on from this, the Council staff recommended refusal of the submissions seeking a buffer along the southern side of the zone (because the recommendation was to pull the Local Shopping Centre zone much further from the boundary than the 20m buffer area requested anyway). They also recommended refusal of the request to extend the zone across the health centre and retirement village land to the north, on the basis that it would not be appropriate to enable a local shopping centre of that combined size or extent. They also recommended refusal to the request from Susan Meyer to increase the site coverage limit within the zone.
135. For the submitters, the principal body of evidence came from the Trustees of the Gordon Family Trust. This included analyses from Mr Duncan White (planner) and Mr John Polkinghorne (economics). These experts considered that the notified zone was appropriate based on their interpretation of the purpose of the Local Shopping Centre zone and that the Council's advisors were being overly conservative. To that end, Mr Polkinghorne included in his evidence analysis of various growth and economic statistics, including tourism-related, to support his recommendations.
136. Stuart Ian and Melanie Kiri Agnes Pinfold and Satomi Enterprises Ltd also provided evidence from Mr Dan Curley (planner) and Ms Louise Wright (architect). These witnesses did not attend the hearing and so without the benefit of being able to ask questions and otherwise test the evidence we have given their evidence limited weight. This evidence examined the interface between the Local Shopping Centre zone and the Low Density Residential zone in

support of additional controls to manage cross-zone effects and nuisances. They supported the Council advisors' recommendations, but also provided their own preferred zone methods in the event that we did not agree with that Council advice. We note that our jurisdiction to consider these issues is limited purely to this specific Local Shopping Centre zone; the Stream 8 Hearing Panel considered more general zone methods.

137. Wanaka Lakes Health Centre and Aspiring Lifestyle Retirement Village also called planning evidence from Mr White. In his view, the most appropriate zone for the land the subject of those submissions recognising the commercial nature of the established activities on those sites, was Local Shopping Centre zone. He did, however, appear to concede in his responses to questions from us that the combined size for the zone that could eventuate from the submissions being accepted might struggle to meet the zone policy expectation that the zone be of a small scale. Mr White also accepted that the well- established existing activities on the two sites left little scope in practice for utilisation of zone provisions enabling retail development.
138. At the hearing, Ms Jones appeared on behalf of the Council in the absence of Ms Bowbyes. Ms Jones reached the same conclusions as Ms Bowbyes and also provided us with a reply on behalf of the Council. In her reply, having provided us with a number of alternative shapes the zone might take, Ms Jones confirmed her view that the squarer shape for the reduced zone proposed by the Council was preferable to the more elongated shape proposed by Willowridge Developments Ltd. However, in light of the material presented at the hearing including greater analysis of the intended arterial road through the site, she recommended increasing the size of the zone to 1.25ha. Although not stated, we consider that this, in recognition of the land that would be lost accommodating the east-west arterial road, amounts to a change to accept in part the submission of Susan Meyer. Ms Meyer sought a greater building coverage limit instead of a larger zone area, but the motivation for her request was a concern regarding how much of the land would be lost to roads and access ways.
139. In terms of the zone provisions that would apply within the LSCZ, the key contention between the submitters and the Council staff was the extent to which threshold limit rules on commercial activity were appropriate or desirable. As noted above, Ms Meyer sought a greater building coverage limit and Stuart Ian and Melanie Kiri Agnes Pinfold and Satomi Enterprises Ltd sought 'buffer' protections along the LSCZ edge adjoining their land.
140. The submissions took the strategic focus of PDP on protecting the role of the Wanaka Town Centre as a given. To the extent that that was an issue (or indeed the additional strategic Objective 3.2.1.5 recommended by the Stream 1B Hearing Panel related to Three Parks<sup>69</sup>) the dispute was one of fact - whether a Local Shopping Centre of the size notified would have adverse effects on either the Wanaka Town Centre or Three Parks.
141. It was common ground between the experts we spoke with that the methods of the Local Shopping Centre zone, including its mapped extent, should implement the zone's policy framework. This is found at Chapter 15 of the PDP.
142. The key notified objective relevant to this matter was, in our view:
  - 15.2.1 *Enable a range of activities to occur in the Local Shopping Centre Zone to meet the day to day needs of the community and ensure that they are of a limited scale that supplements the function of town centres.*

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<sup>69</sup> See Report 16 for a summary of the key provisions of the recommended Chapter 3 in particular

Key notified policies, in our view, were:

15.2.1.1 *Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.*

15.2.1.2 *Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.*

15.2.3.4 *Avoid the establishment of activities that are not consistent with established amenity values, cause inappropriate environmental effects, or are more appropriately located in other zones.*

143. At a higher level, notified Policy 3.2.1.2.2 sought to reinforce the role local shopping centres fulfil “*in serving local needs*”.

144. We note that we have reviewed the recommended provisions for Chapter 15 identified by the Stream 8 Panel, and we find that they do not materially change the issues or assessment that follows. Likewise, the revised version of Policy 3.2.1.2.2 recommended by the Stream 1B Panel (as Policy 3.3.9) retains the reference to local shopping centres serving local needs, and links the size of such centres to that purpose.

## 9.6 Issues

145. After considering all of the evidence and visiting the area, we determined that the submissions should be considered concurrently. We find that the issues they raise they should be addressed as follows:

- a. What is the intended purpose and role of the Local Shopping Centre zone?
- b. What should the extent of the Cardrona Valley Road Local Shopping Centre zone be?
- c. What additional methods (of the matters within our jurisdiction) should apply *within* the zone to ensure it achieves appropriate outcomes?

## 9.7 Discussion of Issues and Conclusions

### 9.8 Purpose and role of the Local Shopping Centre zone

146. Having regard to the notified provisions of Chapter 15 quoted above against the background of the higher order provisions in Chapter 3, and after considering the arguments put to us by the parties, we find that the words “*day to day*” and “*of a limited scale*” in the objective; “*meet the needs of the local community*” in policy 15.2.1.1; and “*remain at a small scale*” in policy 15.2.1.2 are unambiguous and together mean that the Local Shopping Centre zone:

- a. Caters to the whole community including visitors, but predominantly those that reside close by in a more permanent fashion.
- b. Emphasises daily-need conveniences rather than destination shopping or large-scale employment activities.
- c. Is intended to be of a limited extent, in terms of both zone area and the typical size of commercial premises – reflecting that the activities are not envisaged as serving a large-scale customer catchment, but smaller and inherently more localised ones.

147. We find that the Local Shopping Centre zone is not intended to provide for large-scale commercial centres or large-format commercial activities. These are clearly the domain of Town Centre zones within the PDP’s structure. The Local Shopping Centre zones are intended to provide ‘local / corner shop’ type outcomes that support local residential areas in a way that still relies on major town centres for weekly-shop functions, destination activities, and civic activities.

148. As such, the “local” in Local Shopping Centre zone” refers to the immediate neighbourhood around it. It does not mean the entire settlement within which the zone in question is located relative to the District as a whole (i.e. it relates a sub-part within Wanaka, not Wanaka as a whole).

149. We find that the approach taken by Ms Bowbyes, Ms Jones and Mr Heath, and also Willowridge Developments Ltd and JA Ledgerwood, is the most compatible with the envisaged role and purpose of the zone within the PDP. We remain unconvinced by Mr Polkinghorne’s view that the Local Shopping Centre zone serves the entire community (in this case of Wanaka) including tourist and one-off shopping activities on a more or less equal footing with the local catchment; that is in our opinion better-reflective of the Town Centre zone, as envisaged by the strategic chapters of the PDP.

#### 9.9 What is the appropriate extent of the Cardrona Valley Road centre?

150. On the basis of the above finding, we readily find that the approach recommended by Mr Bowbyes, Ms Jones and Mr Heath on behalf of the Council, and in support of the relief requested (in part) by Willowridge Developments Ltd and JA Ledgerwood is the most appropriate. This is shown in Appendix 3, on “Map Option 3” of Ms Jones’ reply on behalf of the Council, a copy of which we have included below as Figure 4. It will enable a centre that is subordinate to the Town Centre zones, and meet the needs of the local (close-by) community. We consider that as proposed, and especially as would result from the combined notified PDP + Wanaka Lakes Health Centre + Aspiring Lifestyle Retirement Village, a scale of commercial activity much closer to a town centre would be enabled.

151. Having established that the notified PDP Local Shopping Centre zone was not supportable, we also readily find that the submissions of Aspiring Lifestyle Retirement Village and Wanaka Lakes Health Centre are also not appropriate. These are established activities that have minimal practical opportunity to accommodate further complementary development, and the resultant zone area of almost 5ha would not in our view be compatible with the zone’s policy framework.

152. Those submitters also left open alternative relief that could reflect and provide for community activities on these existing sites. However, in the absence of any recommended provisions that could reflect this outcome we are left with what is in our view a bridge too far from what we have been able to discern the submitters seek. Specifically, we remain unsatisfactorily uncertain as to whether the outcomes sought by the submitters could be accommodated in the Large Lot Residential zone through the addition of discrete methods, or methods and additional policies, or new methods policies and objectives.

**Figure 4:** Our recommended LSCZ / “Map Option 3” from the Council reply statement of Ms Vicki Jones



**9.10 What additional methods should apply?**

153. We found the analysis of Mr Heath convincing and the related planning analysis of Ms Bowbyes (s.42A report only) and Ms Jones useful in understanding the relationship between commercial unit sizes and the zone purpose. Having determined that the zone should predominantly serve the needs of those residing nearby, and be of a limited scale, we struggled with the position advanced on behalf of the Trustees of Gordon Family Trust that stores up to 1,500m<sup>2</sup> GFA should be enabled. We consider that to be a large store of a scale that is not in our view necessary or appropriate for a facility that predominantly serves the local population’s day-to-day needs.
154. Counsel for the Trustees of the Gordon Family Trust, Mr Hardie, raised questions of scope and jurisdiction to support the recommended provisions of the Council. For the Council’s part, it was satisfied that there was scope within the submissions and further submissions to support the proposed rules limiting the scale and extent of retail and commercial activity.
155. We do not find it necessary to enter into a detailed analysis of Mr Hardie’s submissions (or the response of counsel for the Council) on this point. The Stream 8 Hearing Panel has already heard from the submitter on these points (the Chair’s Minute dated 2 December 2016 recorded that the submitter had the option of having its submissions transferred to the Stream 12 hearing and elected not to do so). It would be inappropriate for us to second - guess the recommendations of the Stream 8 Hearing Panel on the basis of Mr Hardie’s submissions in those circumstances.
156. What were before us were the submissions 274 and 622, together with any consequential changes to the text of Chapter 15 resulting from our recommendation that the size of the Cardrona Valley Local Shopping Centre Zone should be reduced.

157. Addressing those submissions, we consider that the additional methods proposed by Stuart Ian and Melanie Kiri Agnes Pinfold and Satomi Enterprises Ltd (and JA Ledgerwood) to be without practical necessity. The submissions are specific to the Cardrona Valley Local Shopping Centre Zone and, having repositioned the zone boundary away from their properties, there is no need for such a buffer to protect the amenity values of their properties. The submissions do not provide jurisdiction for a consideration of boundary issues in the case of other Local Shopping Centre Zones.
158. In terms of the submission of Susan Meyer, we have not been convinced that there is any defect in the zone methods that would be served by changing the site coverage limit from 75% to 80%, and find the break-down provided by Mr Heath comforting in assuring that the 1ha zone area we prefer will be able to accommodate its predicted GFA, including space for parking areas, roads and other services. However, we accept that our recommended outcome, at 1.25ha and as per Ms Jones' right of reply position, does accept in part Ms Meyer's concerns by recognising the need to allow for land likely to be lost within the zone for new roads.
159. Council staff recommended a rule restriction on the total Gross Floor Area (GFA) of retail and office space (of 3000m<sup>2</sup>). We accept that this is both desirable and within jurisdiction. The inter-relationship between GFA and Gross Site Area was the subject of some contention on the evidence. The reasoning of Council staff for recommending a Gross Site Area of 1ha, excluding provision for the new road, as above, was premised on 3000m<sup>2</sup> GFA being consistent with the Zone purpose and provisions. Specifying a rule limiting GFA accordingly, locks in that relationship, and ensures that actual development on the ground remains consistent with those provisions.
160. Having accepted the appropriateness of a rule, the desirability of having a Cardrona Valley Local Shopping Centre Zone-specific policy supporting the rule follows in our view.
161. Accordingly, we recommend:
- a. A new policy underneath notified Objective 15.2.1 (Local Shopping Centre zones) specific to the Cardrona Valley Road zone. This should state: *"Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road to ensure that the commercial function of Wanaka Town Centre and Three Parks is not adversely affected."*
  - b. A new rule in notified Chapter 15.5 specific to the Cardrona Valley Road zone. This should state:
 

***"Retail and office activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka***  
*The total combined area of retail and office activities shall occupy no more than 3,000m<sup>2</sup> gross floor area.*

**Note:**  
*For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road, and shall not be interpreted as applying to individual sites within the zone."*

- c. The contravention or “non compliance” status of the above rule described in (b) above should be Discretionary and this will allow for resource consent-based exemptions to the cap to be considered on merit, over time.

162. Overall and in light of the above, we recommend the following:
- a. The submission of Willowridge Developments Ltd seeking a reduced area of Local Shopping Centre zone in a specified location should be accepted in part and the further submissions of the Trustees of the Gordon Family Trust should be rejected.
  - b. The submission of JA Ledgerwood seeking a reduced area of Local Shopping Centre zone should be accepted; the further submission of the Trustees of the Gordon Family Trust should be rejected, and the further submission of Willowridge Developments Ltd should be accepted.
  - c. The submission of Susan Meyer should be accepted in part. The further submissions of Aspiring Lifestyle Retirement Village and Wanaka Lakes Health Centre should be rejected.
  - d. The submissions of Aspiring Lifestyle Retirement Village and Wanaka Lakes Health Centre should be rejected. The further submission of Aspiring Lifestyle Retirement Village should be rejected.
  - e. The submission of JA Ledgerwood and Stuart Ian and Melanie Kiri Agnes Pinfold and Satomi Enterprises Ltd relating to additional zone controls (buffer setbacks) should be rejected. The further submissions of the Trustees of the Gordon Family Trust should also be rejected.
  - f. The Local Shopping Centre zone provisions recommended by the Council and set out in the previous paragraph be accepted.
163. In respect of the above findings, we note that in addition to the preceding analysis and reasons, and those within the Council’s reply statements which we agree with and adopt, in terms of s.32AA RMA:
- a. There are no other reasonably practical alternatives;
  - b. Enabling a larger than appropriate Local Shopping Centre zone would be inefficient in terms of the role and function of other centres, particularly the Town Centre and Three Parks, within Wanaka.
  - c. Enabling a larger than appropriate Local Shopping Centre zone would be ineffective in terms of not implementing the zone’s policy purpose.
  - d. We find that limiting the size of the zone will not materially affect economic development or employment in Wanaka, as our decision to limit the size of this zone will support the same employment and development outcomes occurring in the Town Centre and at Three Parks as envisaged by the PDP.

JA LEDGERWOOD (562)

#### 9.11 Overall Recommendation

164. The submission should be rejected.

#### 9.12 Summary of Reasons for Recommendation

165. The notified PDP Low Density Residential zone is more appropriate for the land and its current built form characteristics than the requested Local Shopping Centre zone. A second Local Shopping Centre zone along Cardrona Valley Road is not appropriate and would undermine the better-located PDP zone north of and close to Golf Course Road.

### 9.13 Subject of submission

166. The land the subject of submission is at Lots 10, 11 and 14 DP 309977 and Lot 15 DP 491094. It is located on Cardrona Valley Road and totals 2.4ha.

### 9.14 Outline of Relief Sought

167. The submission sought to change the notified Low Density Residential zone, as shown on Planning Map 23, to Local Shopping Centre zone (or a Business Mixed Use zone) on the basis that the land has been used as a boutique commercial facility for many years and will not be put to Low Density Residential activities.

### 9.15 Description of site and environs:

168. The site is used to accommodate a variety of commercial activities (Florences Café and The Venue function facility) in a spread-out, garden-type arrangement. The site sits at the corner of Cardrona Valley Road and Orchard Road.

169. A Local Shopping Centre zone proposed in the PDP sits approximately 330m north of the subject site near Golf Course Road. At this time, the activities adjacent to the submitter's site have not been urbanised and in the PDP it is not proposed that this will occur. Land to the north-east is proposed to be zoned Low Density Residential and over the life of the Plan develop into an expansion of Wanaka. However the needs of this land have been catered to in the PDP by the Cardrona Valley Road Local Shopping Centre Zone to the north.

### 9.16 The Case for Rezoning

170. The submitter outlined his vision for the land to us, including retention of the existing park-like setting, open spaces, small-scale buildings and a variety of small-scale commercial activities. A concern for Mr Ledgerwood was that he felt he was being charged annual Council rates on the basis of a commercial activity, but was only able to undertake residential-style development. It was not lost on us that this was the type and scale of commercial development he stated he wished to develop.

171. Ms Bowbyes recommended rejection of the submission on a range of grounds in her s.42A report "*Group B Wanaka – Business*". She drew our attention to the intensity of development enabled within the LSCZ which, in her view, was not consistent with the submitter's vision for the land, and raised questions regarding possible effects on the notified Local Shopping Centre Zone further up Cardrona Valley Road. Rezoning was also opposed on technical grounds (traffic and infrastructure capacity). Ms Bowbyes also opposed the alternate relief sought. She was of the view that the proposed development would not be consistent with the purposes of the Business Mixed Use Zone.

172. The submission raises a number of strategic planning questions relating primarily to PDP Chapter 4: specifically, questions regarding the nature and purpose of the Local Shopping Centre zones, how frequently they should occur (the PDP proposes one approximately 330m north at Cardrona Valley Road near the intersection with Stone Street), and where they should locate relative to the communities they serve. Of note is that the submitter's site is located at the southern edge of the proposed Wanaka Urban Growth Boundary with rural-zoned land from that point. Some of those matters have already been discussed in the preceding section of our report.

### 9.17 Issues

173. After considering all of the evidence and visiting the area, we determined that this submission should be considered concurrently with the submissions discussed above, related to the

Cardrona Valley Road Local Shopping Centre. We find that the additional issue this submission raises is as follows:

- a. Is the submitter's site appropriate for the Local Shopping Centre Zone given its location at the edge of the Urban Growth Boundary, its rural land context and that another Local Shopping Centre Zone approximately 330m north has been provided for in the PDP to meet the needs of locals in this western part of Wanaka?

#### 9.18 Discussion of Issues and Conclusions

174. Overall, we consider that the submitter has not provided a compelling argument or adequate analysis demonstrating that two Local Shopping Centre zones along Cardrona Valley Road would be appropriate; we consider it would not be. The existing activities on the site are furthermore of a scale and have characteristics that make them very compatible with the adjacent Low Density residential zoned land; we consider that a change to the scale and bulk of activities provided for in the Local Shopping Centre zone would be problematic and inappropriate in this respect. We are particularly concerned with the appropriateness of a Local Shopping Centre Zone adjoining rural-zoned land that is very unlikely to provide a sufficient local catchment to support the zone as intended by the PDP and the purpose of the Local Shopping Centre Zone as set out in Chapter 15 of the Plan.
175. The alternative relief sought, of a mixed use commercial zone, would not in our view be appropriate and could result in a moderately large-scale employment outcome eventuating on the site. The rural adjacency and peripheral location of the site in Wanaka's urban area are insurmountable difficulties in terms of the compact, convenient settlement pattern promoted by the PDP's strategic chapters and summarised in Report 16.
176. The key issue is that both the existing environment and the future ambition of the submitter, as we understand it, are considerably more in line with the built form expectations of the Low Density Residential zone. Both the Local Shopping Centre and Business Mixed Use zones provide for much greater height, development scale generally, and a much more 'urban' building arrangement including buildings built at or very close to front boundaries. We find that neither of those would be desirable on this land or reflect the outcomes sought by the submitter.
177. For these reasons, the submission should be rejected. We agree with and adopt Ms Bowbyes' s.42A recommendation and reasons. No further s.32AA analysis is required.

SATOMI ENTERPRISES LTD (619)

#### 9.19 Overall Recommendation

178. The submission should be rejected, without prejudice to reconsideration of the suitability of the site for visitor accommodation activity as part of the Stage 2 Variations notified by the Council on 23 November 2017.

#### 9.20 Summary of Reasons for Recommendation

179. The request for a 'visitor accommodation overlay' on top of the Low Density Residential zone was accompanied by no details as to what the overlay would contain or how that would or would not be appropriate for the Low Density Residential zone.

#### 9.21 Subject of submission

180. The site at Lot 1 DP 356941 is 2.5ha in area and fronts Cardrona Valley Road just south of West Meadows Drive.

## 9.22 Outline of Relief Sought

181. The submission accepted the Low Density Residential zone shown on Planning Map 23 for the land the subject of submission, but sought the addition of a 'visitor accommodation overlay' allowing visitor accommodation activities to occur.
182. Given that the Council withdrew all visitor accommodation provisions from the PDP<sup>70</sup>, the default activity status for any proposal for visitor accommodation on the site would otherwise be Non-Complying.

## 9.23 Description of site and environs

183. The site is close to the Wanaka UGB on Cardrona Valley Road, immediately north of a site that has been developed into a visitor accommodation activity (and zoned Large Lot Residential). The site is the subject of an approved subdivision consent (RM140525) for 21 lots ranging from 700m<sup>2</sup> to 1000m<sup>2</sup>, served via a single central cul-de-sac road. Further north and west, detached residential housing has been recently developed. On the other side of Cardrona Valley Road, a Local Shopping Centre zone has been proposed in the PDP.

## 9.24 The Case for Rezoning

184. In his s42A report "*Group 1A Urban Wanaka and Lake Hawea*", at paragraphs 6.26 – 6.31, Mr Barr evaluated the submission and concluded that it should be refused. A key issue for him was that the submitter had provided no detail of what the requested overlay would provide for, or how.
185. At one end of a spectrum, the overlay could simply provide an activity status enabling visitor accommodation as a land use category, as either a Permitted, Controlled, Restricted Discretionary or Discretionary activity (as above, the PDP default is non complying). At the other end of that spectrum, a change of activity status as well as alternative bulk and location (and other) controls may have been sought.
186. The submitter did not appear before us to clarify these points.
187. The PDP lacks a planning framework that explicitly enables visitor accommodation activities due to these being withdrawn by the Council on 25 November 2015. The Council indicated to us that it intends revisiting visitor accommodation as part of its Stage 2 PDP process (and this has since occurred via the variations notified on 23 November 2017). However, this does not prevent submitters to the Stage 1 process seeking relief at this time, or us from considering those submissions. However, it is fair to state that in the absence of a clear framework within the PDP to rely on, the burden falls on submitters to make a compelling resource management case in terms of any necessary policies across the Plan that may be required in addition to detailed rules or other methods. Report 16 discusses the point in greater detail.

## 9.25 Issues

188. After considering all of the evidence and visiting the area, we determined that the submission requires us to reach a view only on the appropriateness of a visitor accommodation overlay applying to the site that would retain the PDP's underlying Low Density Residential zone. The request is of itself unremarkable save for the complete withdrawal of visitor accommodation provisions from the PDP by the Council.

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<sup>70</sup> Council resolution, 25 November 2015.

## 9.26 Discussion of Issues and Conclusions

189. We find that the uncertainty regarding what the overlay sought by the submitter may or may not include, and the extent of any assumptions we may have made regarding what was requested, remains insurmountable. The submitter also did not identify any necessary zone or Plan objectives or policies that may be required to enable the requested overlay.
190. We are also concerned that the provision of visitor accommodation in Wanaka at least should be determined from the point of view of a more coordinated strategy taking into account the PDP strategic policy framework as a whole. This is not something that we are able to do on the basis of this single request (and others like it).
191. We were told by Ms Scott in response to our questions that the Council, in Stage 2 of the PDP, intends to propose a visitor accommodation strategy for the district, including specific objectives and policies as appropriate, and plan methods to enable visitor accommodation. That has now occurred in the variations notified on 23 November 2017 and as discussed in Report 16, the Council has confirmed that it will receive submissions as part of those variations seeking to rezone land that is before us as Visitor Accommodation. This is in our view the more reliable approach, and in the absence of a clear pathway for us to take the current submission any further, it remains the most appropriate solution.
192. We recommend that the submission be rejected, without prejudice to any reconsideration of the visitor accommodation activities on the submitter's site as part of the Stage 2 Variation process. No further s.32AA analysis is required.

## 10. ORCHARD ROAD /RIVERBANK ROAD

### ORCHARD ROAD HOLDINGS LTD (249)

Further Submission: FS1027 DENISE AND JOHN PRINCE

Further Submission: FS1131 JACKIE AND SIMON REDAI

### JACKIE REDAI AND OTHERS (152)

Further Submission: FS1013 ORCHARD ROAD HOLDINGS

Further Submission: FS1136 IAN PERCY

### IAN PERCY AND FIONA AITKEN FAMILY TRUST (725)

Further Submission: FS1013 ORCHARD ROAD HOLDINGS LTD

## 10.1 Overall Recommendation

193. Reject the submissions and accept the further submissions.
194. In addition, the Council is recommended to consider preparing a strategic structure plan for the land bound by Riverbank Road, Cardrona Valley Road and Ballantyne Roads, including the land at Lot 3 DP 17123, setting out a long-term zone staging plan, indicative road network and land use distribution. That should be the basis of future plan changes at an appropriate rate.

## 10.2 Summary of Reasons for Recommendation

195. The requests for re-zoning raise a number of concerns relating to infrastructure servicing and availability, a coordinated and suitably connected network between and across different submitter properties, and the appropriateness of enabling land for activities that within a short time frame may prove unsuitable for the land. While the land is very likely to be appropriate for urban development, the most appropriate densities, distributions, and new transport networks have not been adequately resolved to the extent that we could have confidence in

re-zoning now. The Percy/Aitken submission was not supported by evidence so as to satisfy us that the suggested rural character zone might be the most appropriate zoning.

### 10.3 Subject of Submissions

196. The submissions address the area of land south of the PDP Urban Growth Boundary for Wanaka, and bound by Orchard Road (southwest), Riverbank Road (south east) and Ballantyne Road (northeast). The land subject to the Orchard Road Holdings Ltd submission is Lot 3 DP 374697. It is approximately 24ha in area and has road frontage to Orchard Road.
197. South-east of the Orchard Road Holdings and PC46 land is the land of interest to the Redai et al submission. This submission covers approximately 39ha across multiple landowners of land that fronts Riverbank Road.
198. The Percy/ Aitken property is one of the properties the subject of the Redai et al submission and is located at 246 Riverbank Road.

### 10.4 Outline of Relief Sought

199. The submissions of Orchard Road Holdings and Ms Redai and others address the extent to which the land should be zoned for a greater density of residential housing than would be possible under the notified PDP Rural zone which currently applies to the land, as shown on Planning Map 23. The Percy/ Aitken Family Trust's submission seeks a rural character zone rather than the existing rural zoning and relocation of the UGB.
200. The further submissions oppose the re-zoning sought by the primary submitters. The essence of the opposition relates to a loss of the rural amenities of this part of Wanaka and that, as and when change happens, it should be carefully planned for as to maintain existing amenity values.
201. It was not clear whether or not Mr Percy and Ms Aitken opposed the proposed re-zoning. This was clarified through the hearing to the effect that Mr Percy sought protections for his existing activity, but did not fundamentally oppose the re-zoning.

### 10.5 Description of site and environs:

202. The Orchard Road Holdings property sits immediately south of the PDP's Urban Growth Boundary for Wanaka. It is vacant. Immediately northeast of the site is land that is subject to ODP Plan Change 46, also controlled by Orchard Road Holdings Ltd.
203. The land the subject of submission by Redai and others has been subdivided historically into approximately 4ha lots, each containing a dwelling. As is characteristic of rural lifestyle type living, the properties include a number of shelterbelt type hedges demarcating individual lots. Ian Percy operates a vineyard activity on his property, but to the best of our knowledge his is the only commercial use of one of the submitters' sites.
204. Across Riverbank Road is Rural Lifestyle zoned land in the PDP. However, this land is atypical inasmuch as while the density of development is in accordance with the Rural Lifestyle zone proposed, the actual built form makes this appear much denser from Riverbank Road. This is because the land forms a shallow terrace at the upper Riverbank Road level, before dropping sharply down to the Cardrona River. This makes each site much less developable than the lot site areas might suggest, and dwellings have crowded at the upper level close to the road.

## 10.6 The Case for Rezoning

205. The argument for the submitters was that development has been and is occurring across Wanaka and that ultimately the flat land between the rivers would form the natural boundary for the Wanaka settlement. This is loosely in line with the Wanaka Structure Plan's approach.
206. For Willowridge Development Ltd, Mr Dippie explained how Three Parks came about and suggested that planning for its outward growth should be undertaken now, and in a structure-planned manner. This was to ensure that development was co-ordinated and delivered on market expectations for quality and affordability.
207. For the Redai et al group, Mr Edgar gave planning evidence suggesting that the Rural Zoning was anomalous given the extent of existing development and suggested that a Rural Residential zoning would be consistent with the relevant higher order provisions, including the National Policy Statement on Urban Development Capacity.
208. The PDP has zoned the land Rural, expecting low-density dwellings and small-scale rural-compatible outdoor activities or commercial activities. The relevant planning matters raised by the submissions relate to the strategic provision of urban zoned land to accommodate growth, and also (as above) the implementation of the National Policy Statement on Urban Development Capacity. As such, the strategic provisions in Chapter 4 of the PDP summarised in Report 16 are of relevance.

## 10.7 Issues

209. After considering all of the evidence and visiting the area, we determined that the submissions should be considered concurrently. We find that the issues they raise they should be addressed as follows:
- a. What is the most appropriate land use outcome for land zoned rural in the PDP?
  - b. What is the most appropriate means of enabling this large area of land to be developed in a coordinated and efficient manner?

## 10.8 Discussion of Issues and Conclusions

210. The key context of this land is that it is plainly the most important 'next' growth area for Wanaka. Eventually, the settlement will likely encompass the entire river terrace between Lake Wanaka and Riverbank Road. If it is to retain its intimacy and village character, more successful planning than has previously occurred will be necessary. We consider that examples of recent strategic planning initiatives that demonstrate this principle include the Three Parks Plan Change (PC16), and to an extent the Northlake Plan Change (PC45). These included comprehensive analysis, and detailed structure plans that include a variety of information relating to land use type and density, transport networks and road hierarchies, open spaces and staging.
211. In terms of the Orchard Road Holdings Ltd submission, we find that it lacks sufficient evidence for us to consider rezoning to be supportable at this time. Mr Barr estimated in his s.42A report that it could potentially accommodate 600+ residential units. Mr Alan Dippie, director of Orchard Road Holdings Ltd, did not disagree with Mr Barr's estimation. In discussion with us, Mr Dippie agreed that some form of structure plan would be ideal to manage development of the land.
212. In his reply on behalf of the Council, Mr Barr proposed a possible structure plan, were we of a mind to support the relief requested. We consider that Mr Barr's efforts are commendable, but that more detail and technical analysis than has been undertaken to date is required.

213. We are concerned that zoning for 600+ units, which is significant in terms of Wanaka, when there has been no confirmation of how the necessary infrastructure would or even could be accommodated does not reflect sound resource management practice.
214. In terms of the Redai et al submission, we have greater concerns. There is already a degree of land fragmentation. However, for almost 40ha of land, an agreed plan relating to future road linkages, open spaces, and other land use outcomes is in our view essential. Although these submitters only sought a Rural Residential zone, we consider that the land is already at the highest possible density that can be justified before more strategic planning is warranted.
215. We are concerned that providing for greater fragmentation now without the benefit of such a plan could plausibly enable long-term inefficiencies and adverse effects arising from not 'locking in' a vision for how to manage what is, in our view, the very probable scenario that higher density such as Low Density Residential zone (or higher) will in the (reasonably foreseeable) medium term be desirable on the land. Short term intensification that precludes what will be the most appropriate medium to long term outcome on the land is not in our view likely to promote sustainable management in this part of Wanaka. We note the Environment Court's comments in the context of the Northlake Plan Change appeal where it observed that planning density from the outset will likely deliver superior urban form outcomes compared to progressive intensification<sup>71</sup>.
216. Mr Percy and Ms Aitken seek a rural character zone akin to the Gibbston-Character Zone. While they provided suggested permitted activities with their submission, they provided no supporting evidence that would have enabled us to assess the relief they sought in terms of s32AA and Mr Barr did not support it. Accordingly, we have no basis on which to consider it further. Likewise the alteration to the UGB also sought.
217. The obvious difference in objectives between Mr Percy and Ms Aitken (given the relief sought in their submission) and their neighbours, however, supports a need for strategic planning to optimise the outcome.
218. Ultimately, we find that the land that is the subject of these submissions is strategically very significant for Wanaka and that it is very likely it will be most appropriately utilised for urban density residential and commercial activities in the reasonably foreseeable future. There remains a significant information gap relating to infrastructure serviceability and cost, staging and urban form opportunities. Given that Wanaka is subject to firm and fixed long-term growth boundaries the promotion of sustainable management would be best served by subjecting the land to a more strategic and long-term development planning exercise. Based on the information before us, neither the Council nor the submitters have undertaken this satisfactorily.
219. Overall, we recommend the submissions be rejected, but that the Council, working with the landowners, consider developing a structure plan for the land and also including Lot 3 DP 17123 (subject to a submission from Willowridge Developments Ltd and addressed separately in the next section of this report). That should include land staging, transport networks and connectivity, infrastructure supply and timing, land use mix and densities. That structure plan would form in our view the most suitable framework for zoning the land for urban development. We therefore recommend that the further submissions that opposed the relief sought should be accepted.

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<sup>71</sup> *Appealing Wanaka Inc v QLDC* [2015] NZEnvC 139 at [192]

220. We consider that no further s.32AA RMA analysis is required given that we have concluded in support of the notified PDP zoning for this land.

WILLOWRIDGE DEVELOPMENTS LTD (249)

#### 10.9 Overall Recommendation

221. Reject the submission.

#### 10.10 Summary of Reasons for Recommendation

222. Zoning the 12.3ha site at Lot 3 DP 17123 to Rural zone as per the notified PDP will most appropriately give effect to the PDP's objectives and policies, however, an eventual re-zoning of the land as part of a broader structure planning exercise could be appropriate.

#### 10.11 Subject of submission

223. The submission relates to Lot 3 DP17123, a 12.3ha site at the north-eastern corner of Riverbank Road and Ballantyne Road, Wanaka.

#### 10.12 Outline of Relief Sought

224. The submission sought to re-zone the subject site Industrial B (an ODP zone) rather than the Rural zone shown on Planning Map 18 and 23.

#### 10.13 Description of site and environs

225. The site sits immediately south of the former Wanaka Oxidation Ponds that have been re-zoned under the ODP into a Mixed Use zone. The eastern boundary of the site also adjoins the Three Parks zone, with Low Density Residential development approved to the common boundary. The boundary of the site with the adjacent Mixed Use and Three Parks zoned land also serves as the UGB.

226. West of the site, across Ballantyne Road, is a combination of Industrial A and B zoned land within the UGB, and also Rural zoned land outside the UGB that is used as a public dog park. To the south, is a combination of Rural and Rural Lifestyle zoned land, which includes a former landfill and transfer station.

227. Riverbank Road is the outermost road within Wanaka, and it links State Highways 6 and 84 (north east) with Cardrona Valley Road (south-west) running along the upper terrace of the Cardrona River. Ballantyne Road intersects with Riverbank Road and forms a spine road running through the centre of the Wanaka flat through to SH84 very close to Lake Wanaka and the town centre. In terms of urban structure, this is a key part of the road network and the site will likely remain commercially relevant on that basis.

228. The site is currently vacant, but may soon be used for a (consented) yard-based activity comprising a 50m long x 8m high service / administration building and a 36m long and 5m high parking structure for trucks.

#### 10.14 The Case for Rezoning

229. This submission and the Council's s.42A response is set out in section 11 of the "*Group 2 Wanaka Urban Fringe*" report prepared by Mr Craig Barr. In summary, Mr Barr recommended that the submission be rejected and that the PDP Rural zone was the most appropriate for the site. By the close of the hearing, Mr Barr confirmed that his opinion on this matter had not changed.

230. For the submitter, the principal argument in support of an Industrial B zone was that the site is currently consented to be used as a contractors' yard and truck depot. On this basis, the industrial activities enabled within the Industrial B zone would be compatible with the established visual amenity and character values of the area. At the hearing, no expert evidence was called but Mr Alan Dippie, Director of Willowridge Developments Ltd, and Ms Alison Devlin, In-house planning adviser, addressed us on a number of different sites the company submitted on.
231. For the Council staff, Mr Barr's key concerns related to the lack of s.32 or related analysis provided by the submitter. In Mr Barr's view, as the Council was deferring consideration of industrial zones to Stage 2 of the PDP process, the submitter was not able to rely on an alternative Council analysis and this left the submission somewhat stranded. Mr Barr did however note that it could be possible to accommodate industrial activities on the site in a way that was appropriate. However, Mr Barr qualified that by noting a number of site-specific considerations that would be relevant, such as yard setbacks, buffers or bunds, and visual amenity screens with adjacent sites to the north (Mixed Use) and in particular east (Low Density Residential).
232. The Council has excluded industrial zones from Stage 1 PDP and as such, there is no proposed policy guidance to assist consideration of those submitters seeking an industrial land use zone on land that had otherwise been identified for the Stage 1 process, other than high level guidance from the policies of Chapter 4 summarised in Report 16 – see in particular, Policy 4.2.2.2. In the PDP, the land is zoned Rural. The policy framework does allow for commercial use of Rural zoned land, restricted to those associated with rural activities and which are more characteristic of rural activities. Outdoor components of some industrial uses are in our view compatible with this where they retain much vegetation and only a very small part of a site accommodates buildings.

#### 10.15 Issues

233. The proposal raises a strategic resource management issue relating to the appropriateness of importing a zone framework from the Operative District Plan into the PDP over and above the question of whether an industrial land use zone is the most appropriate for the land.

#### 10.16 Discussion of Issues and Conclusions

234. While Mr Barr noted additional avenues we might consider, such consideration needs to be against a background where the submitter was clear in its request for the ODP Industrial B zone. In any event, Mr Barr's analysis was intended to signal a defect with the submitter's request, not to establish a framework of specific methods and analysis on behalf of the submitter. This leaves us uncertain as to what additional restrictions or controls, if any, would actually be appropriate. This of itself reiterates the lack of necessary substantiating analysis to justify the request.
235. While we accept that the submitter is entitled to propose any land use they wish on any area of land, the onus is also on the submitter to provide necessary statutory justification. For the purpose of this mapping stream, and as we have set out in Report 16, we approached the matter of alternative zonings as if they represented methods that could give effect to the higher strategic and district-wide sections of the PDP. The promotion of an ODP zone without any analysis demonstrating how it may (or may not) fit with the objectives and policies of the PDP remains a significant barrier in front of us.

236. We find that it would be possible to accommodate some form of intensive industrial activity on the site. But we have not been satisfied that the ODP Industrial B zone is appropriate. We find that the most appropriate resource management outcome at this time is for the land to be zoned Rural as per the notified PDP. For this reason, we recommend the submission be rejected. Our key reasons are:
- a. The only available s.32 analysis and evaluation of alternatives against the PDP objectives and policies supports a Rural zone, and we have adopted that (and Mr Barr's further s.42A report evaluations).
  - b. We are not satisfied that the ODP Industrial B zone provisions are compatible with the PDP objectives and policies, since no evaluation has occurred, and we have had no means to undertake such an evidential, rather than deliberative, task ourselves.
  - c. We disagree that a resource consent for a contractors' yard is of itself sufficiently determinative that potentially higher intensity general industrial activity would also be appropriate. We note that the approved resource consent RM160218 includes extensive open space areas and a dense landscape screen around the site's boundary. This is in our view broadly compatible with the amenity sought within the Rural zone and as such the resource consent can sit adequately within the Rural zone framework. It is in summary not compelling evidence that the Rural zone is misplaced.
  - d. The former oxidation pond land and southern edge of the Three Parks structure plan area could result in land use outcomes at the property boundary with this submitter's site that are not compatible with industrial activities. While this does not lead to the conclusion that industrial activity would be inappropriate on the submitter's land, it does highlight the lack of any evaluation of likely effects or management methods (i.e. site-specific conditions or requirements) that could address these.
237. We recommend that the zoning of this site and whether the Wanaka Urban Growth Boundary should be expanded to include it should be revisited as part of the broader Structure Plan process we have separately recommended in the previous section of this report. That exercise, presuming the Council proceeds with it, should also include a program or staging for future plan changes and would include all Rural land north of Riverbank Road southwest to Cardrona Valley Road.

## 11. ANDERSON ROAD

MURRAY FRASER (293)

### 11.1 Overall Recommendation

238. Accept the submission in part.

### 11.2 Summary of Reasons for Recommendation

239. The most appropriate minimum lot size (method) to implement the PDP objectives and policies within the Large Lot Residential zone at 115 Anderson Road is 2,000m<sup>2</sup> rather than the 4,000m<sup>2</sup> set out in the notified PDP.

### 11.3 Subject of submission

240. This submission relates to Lot 2 DP12562, a 4.3 ha site at 115 Anderson Road.

### 11.4 Outline of Relief Sought

241. The submission stated that the notified Large Lot Residential zone minimum lot size of 4,000m<sup>2</sup> was excessive, and sought that a 2,000m<sup>2</sup> minimum apply. While the matter of general planning provisions for this residential zone was a matter for the Stream 6 Hearing, the Council

officers' recommendations arising out of that was to split the zone into two sub-zones, one requiring a 4,000m<sup>2</sup> minimum and one requiring a 2,000m<sup>2</sup> minimum. Although subject to some changes from the officer recommendation, the Stream 6 Panel has also recommended acceptance of that Area A / Area B sub-zone approach.

242. But any spatial queries relating to what areas of land each sub-zone should or should not apply to do sit, to some extent, within our jurisdiction. For the purposes of the submission, the relief sought amounts to a request that the submitter's site be within the 2,000m<sup>2</sup> minimum lot size (Area A in terms of the Stream 6 recommendations).

#### 11.5 Description of site and environs

243. 115 Anderson Road is a long site on the eastern side of Anderson Road and some 4.3ha in area. It is surrounded by lifestyle-type residential developments, typically of 4ha. However, of note is that the land to the south forms part of Terranova Place that we have found elsewhere within this report<sup>72</sup> to be appropriate for Low Density Residential outcomes. Land north of that, and including the submitter's site, is proposed to sit within the 2,000m<sup>2</sup> minimum lot size Area A sub-zone of the Large Lot Residential zone on the basis of the Stream 6 Hearing process.

#### 11.6 The Case for Rezoning

244. In the PDP this site was proposed to be zoned Large Lot Residential. The submitter supports this, but not the 4,000m<sup>2</sup> minimum site size that was notified. Evidence was provided on behalf of the submitter by Mr Scott Edgar, planner. Mr Edgar confirmed that the submitter sought a minimum site size of 2,000m<sup>2</sup> and that the recommendations made to the Stream 6 Panel by Ms Amanda Leith on behalf of the Council addressed the relief sought by Mr Fraser.
245. As above, in the Stream 6 process, the Large Lot Residential zone has been proposed to be split into sub-zones, one allowing 2,000m<sup>2</sup> minimum site sizes and one requiring 4,000m<sup>2</sup> site sizes. In Ms Leith's advice to the Stream 6 Panel, she recommended that 4,000m<sup>2</sup> be the 'norm' for the zone, with 2,000m<sup>2</sup> being available for those parts of the zone where additional intensity would be appropriate.
246. The Stream 6 Panel has taken Ms Leith's advice further, primarily on the basis of the evidence received including from the Council's urban design consultant Mr Garth Falconer, that 2,000m<sup>2</sup> should be the 'norm', with 4,000m<sup>2</sup> used where environmental constraints justify it, such as on the lower slopes of Mt Iron.
247. Although the submitter has not sought a change of zone, we accept that the matter of which Large Lot Residential sub-zone should apply to the land falls within our jurisdiction.

#### 11.7 Issues

248. The submission raises no strategic planning matters, and requires us to consider only whether the Area A or Area B Large Lot Residential sub-zones is the more appropriate.

#### 11.8 Discussion of Issues and Conclusions

249. As a consequence of Ms Leith's Stream 6 recommendations, the submitter's land would fall into the 2,000m<sup>2</sup> sub zone (Area A in the Stream 6 Panel's recommendations). On the basis of Mr Edgar's planning evidence, which confirmed that this would meet the relief sought by the submitter, we recommend that the submission be accepted in part, to the extent that the Large Lot Residential zone still includes provisions and requirements for 4,000m<sup>2</sup> minimum lot

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<sup>72</sup> In response to the submission of Christopher Jopson, Jacqueline Moreau and Shane Jopson (submission 287)

sizes in some locations, but 2,000m<sup>2</sup> more generally (and including specifically Lot 2 DP12562). We adopt the reasoning of the Stream 6 Panel for this purpose, and in respect of Mr Fraser's land specifically, confirm our view that the site exhibits no sensitive features that would trigger the 4,000m<sup>2</sup> sub-zone (Area B in the Stream 6 Panel's recommendations) becoming the more appropriate.

250. As noted by Mr Edgar, the submission strictly speaking applied to the entirety of the Large Lot Residential zone. We record that we are only able to recommend accepting his submission in part given the Stream 6 Panel's retention of a 4,000m<sup>2</sup> minimum lot size in the Area B sub-zone.
251. We are in effect agreeing with the Council's and the Stream 6 Panel's recommendations, and to that end we consider no further s.32AA analysis is required.

## 12. STUDHOLME ROAD AREA

HAWTHENDEN LTD (776)

CALVIN GRANT & JOLINE MARIE SCURR (160)

GLENYS & BARRY MORGAN (161)

DON & NICOLA SARGESON (227)

AW & MK MCHUTCHON (253)

ROBERT & RACHEL TODD (783)

JOANNE YOUNG (784)

MURRAY STEWART BLENNERHASSETT (322)

Further Submission: FS 1156 PATTERSON PITTS PARTNERS (WANAKA) LTD

Further Submission: FS 1135 GLENYS AND BARRY MORGAN

### 12.1 Overall Recommendation

252. Accept the submissions in part and accept the further submissions in part.

### 12.2 Summary of Reasons for Recommendation

253. Area A within the Hawthenden Ltd land should remain Rural zone as per the notified PDP. Areas B and C within the Hawthenden Ltd land are most appropriate for Rural Lifestyle development. The land of interest to the remaining submitters, the "Studholme Road" group, should also be zoned Rural Lifestyle. Together, these submissions will provide for an appropriate development opportunity that will maintain character, landscape and amenity values and not create inappropriate pressure for urban infrastructure services to be provided by the Council outside of the Wanaka Urban Growth Boundary.

#### Subject of submission

254. The Hawthenden land is part of a 229ha farm comprising the following titles: Part Section 10 Block III Lower Wanaka Survey District held on Computer Freehold Register OT16A/341; Lot 1 Deposited Plan 300235 and Lot 3 Deposited Plan 20199 held on Computer Freehold Register 1839; Section 27 Block III Lower Wanaka Survey District held on Computer Freehold Register OT9C/622; and Part Section 30 and Section 44 Block III Lower Wanaka Survey District held on Computer Freehold Register OT16A/342. The farm is shown as Rural on PDP planning maps 18, 22 and 23.
255. The balance of the above-named submitters make up the "Studholme Road group". Their submissions relate to 18 separate properties comprising 55ha in total (ranging from 1.1ha to

6.1ha) also zoned Rural that are located either side of the corner of Cardona Valley Road and Studholme Road immediately to the east of the Hawthenden property.

### 12.3 Outline of Relief Sought

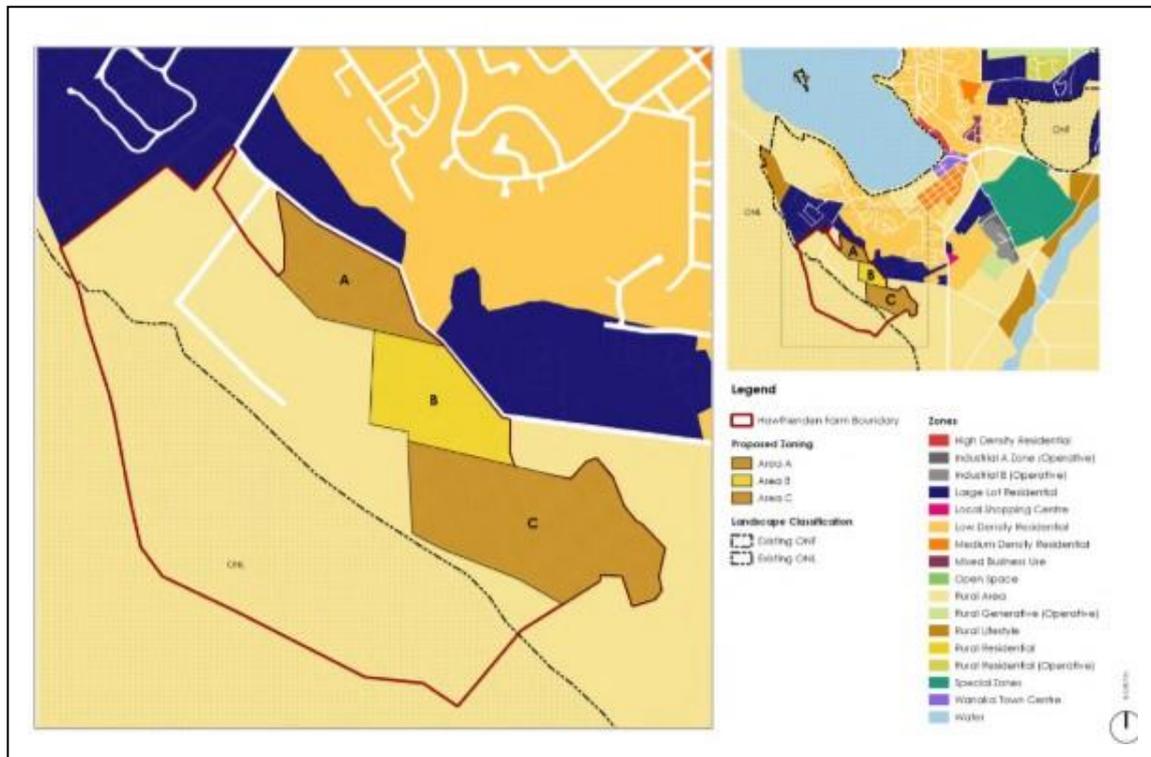
256. The submissions sought that land currently proposed to be zoned Rural, be zoned for greater, but still rural-density, residential activities, variously as Rural Lifestyle or Rural Residential. The separate question raised in the Hawthenden Ltd submission of where a proposed Outstanding Natural Landscape boundary should be located is addressed in Report 16.1. The further submissions relate to the Studholme Road group of submitters, and support of the relief requested.

### 12.4 Description of site and environs:

257. The Studholme Road group properties are existing rural lifestyle sections, with established dwellings, that wrap around Cardona Valley Road and Studholme Road. Studholme Road marks the UGB and there is a mix of Large Lot Residential and Low Density Residential zoned land on the north side of Studholme Road in the process of being developed.

258. The Hawthenden Ltd land is an elevated series of historically farmed terraces that include the lower slopes of Mount Alpha. The part of the site that is the subject of the submission seeking rezoning is part of a substantial alluvial fan system, the Alpha Fan. We refer to the detailed geological evidence or Mr Stephen Leary provided on behalf of Hawthenden Ltd for more information in that respect. Together the property is 229ha in area. It includes the south-western extent of developable land in Wanaka, and parts of it are prominently exposed to public view, including from Mt Iron. The site affords some superb elevated views across Wanaka town to Lake Wanaka. The land the subject of submission sits between the UGB (immediately to the north) and the ONL line, further up the hill and is made up of three adjoining areas – Area A of 14.2 ha, Area B of 15.8 ha and Area C of 35 ha. These three areas are identified in **Figure 5**, taken from the landscape assessment prepared on behalf of the submitter by Ms Hannah Ayres (sheet 7)

**Figure 5** – Areas A, B and C to the Hawthenden submission, from Sheet 7, landscape assessment of Ms Hannah Ayres, 22 October 2015.



259. Due to the landform, Area A is the most prominent from the Wanaka urban area and Lake Wanaka, with its slope also presenting much of its depth, as well as just width, to viewers. As one moves east, Areas B and C become increasingly screened from public view and are closer to flat terraces that do not present a visible or obvious slope to the Wanaka urban area. Area C is effectively invisible from the Wanaka urban area. All three areas offer elevated and very high-quality north-facing views over the town and to Lake Wanaka.

#### 12.5 The Case for Rezoning

260. Mr Barr addressed the Studholme Road submissions in section 10 of his s42A report “*Group 2 Wanaka Urban Fringe*”, recommending that they be accepted subject to the introduction of a 60m deep Building Restriction Area along Cardrona Valley Road. Mr White, giving planning evidence for the submitters concurred with Mr Barr’s recommendations.

261. In terms of the Hawthenden Ltd submission, the applicant’s evidence came from Mr Stephen Leary (geology), Ms Hannah Ayres (landscape), and Mr Scott Edgar (planning). These experts supported the relief requested, including a repositioning of the notified ONL boundary further upslope that is discussed in Report 16.1.

262. The Council’s s.42A recommendations from Mr Barr (planning), Ms Mellsoop (landscape) and Mr Glasner (infrastructure) identified a variety of concerns but overall took an accept-in-part position for 2 of the 3 areas proposed to be re-zoned through the submission.

263. Through the Council’s right of reply, Mr Barr confirmed his opposition to the relief requested for Areas A and B of the site. He considered that were we to prefer a Rural Residential outcome for the latter, it would be more desirable to shift the Wanaka Urban Growth Boundary to include the land, and use the Large Lot Residential Area B zone to manage what was in his view

a potential for urban-type density outside of the Urban Growth Boundary. Mr Barr indicated that Rural Lifestyle zone for the Area B land could be appropriate. For Area C of the site, Mr Barr confirmed his agreement with the requested Rural Lifestyle zone.

264. Excluding the ONL request made by Hawthenden (discussed in Report 16.1), the submissions raised modest strategic planning issues. In the PDP the land was proposed to be zoned Rural and the submissions sought rural-based land use zones. The key planning issues come down to which of the rural zone frameworks is the most appropriate for the different sites based on their characteristics, and adverse environmental effects. The key zones are the Rural Residential and Rural Lifestyle zones, and we refer to our Report 16 for a summary of these two zones.

265. Related to the above, one factor relevant in our minds relates to how the zones requested would impact (or not) on the integrity of the Wanaka Urban Growth Boundary, established under Chapter 4 of the PDP. The UGB runs along the north-eastern edge of the Hawthenden Farm and urban-character development close to it could potentially undermine its integrity as a planning tool.

#### 12.6 Issues

266. We need to form a view on the most appropriate zoning for each area of land. We find that we can consider the Studholme Road properties as a group, acknowledging Mr Blennerhassett has different relief that we need to consider, but each of the Hawthenden Ltd development areas (Areas A, B and C respectively) need to be considered separately.

#### 12.7 Discussion of issues and conclusions

##### 12.8 Studholme Road Group

267. We find that the relief sought by the Studholme Road group of submitters, augmented by the additional recommendations made by Mr Barr in his s.42A report and accepted by the submitters at the Hearing, will be an appropriate and efficient use of the land, that will also not undermine the built form outcomes identified for the urban part of Wanaka. Although one member of the group (Murray Blennerhassett) sought a Rural Residential Zone, Mr Blennerhassett did not present evidence supporting that position. We consider that the Rural Residential zone he sought would be unjustifiably anomalous relative to neighbouring sites and that including that land in the Rural Lifestyle zone is the more appropriate solution.

268. In the absence of any evidential contention or opposing argument, we accept what became an effectively agreed position between the Council staff and submitters for the reasons outlined by Mr Barr. We therefore recommend that these submissions and the further submissions in support be accepted in part, to the extent that we agree with a partial relief for the Murray Stewart Blennerhassett submission. The addition of a Building Restriction Area Mr Barr recommended (and Mr White for the submitters agreed with) along Cardrona Valley Road also amounts to a partial rather than full acceptance of the other submissions.

269. We adopt Mr Barr's s.42A recommendations and reasons, including his s.32AA analysis. No further analysis in this respect is required.

##### 12.9 Hawthenden Area A

270. The 14.2ha Area A is a sloping face that will in our view be widely visible across Wanaka. It is in our view visually very sensitive and the submitter has not adequately demonstrated how the relief requested would acceptably manage those effects. Mr Barr preferred to retain the Rural zone, including on the basis that the zone contains a detailed rural landscape assessment

framework for considering subdivision and development applications and that this would be the most appropriate assessment framework given the sensitivity of the site.

271. We did not find the submitter's arguments in respect of Area A persuasive; we consider that the elevation and prominence of this part of the site has the potential for problematic and permanent adverse effects (including light-spill at night). We find that the relief sought is likely to result in the upper slope having a built character that is inappropriately closer to an urban environment than a rural one and which would be out of place. We find that the elevated table of the Hawthenden farm that includes the slope of Area A should continue to form part of the natural bowl that encloses the settlement and from which substantial character and amenity values are derived and contribute to Wanaka's social and economic wellbeing. While development that can be significantly or entirely screened from view could be appropriate (such as by being set back from the edge of the terrace in a way that would still allow occupants to enjoy views out and above any screening vegetation), our observations from our site visits looking to the site from numerous parks and roads, and Mt Iron, have left us with considerable concerns regarding how, in the absence of the rural character framework within the Rural zone that Mr Barr identified, a suitable balance might be struck.
272. In that light, we prefer Mr Barr's analysis. He focused on a number of Ms Ayres' conclusions regarding how to ensure development in Area A will be appropriate<sup>73</sup>. These include care in the location of building platforms, importance of other development occurring around the site to soften new development, and the careful management of driveways, amongst others. We consider that his analysis of this issue is balanced and logically justifies why the discretionary activity, design-led consent framework of the Rural zone is the more appropriate.
273. We acknowledge the evidence of Mr Edgar for the submitter, who outlined reasons why in his view the concerns of Mr Barr were appropriately addressed within the Rural Lifestyle zone framework (with reference to numerous policies). We were very interested in the provisions Mr Edgar raised with us, including the (notified) zone purpose (our emphasis added):

*"The Rural Lifestyle zone provides for rural living opportunities, having a development density of one residential unit per hectare with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. **The potential adverse effects of buildings are controlled by height, colour and lighting standards.**"*

274. In light of the significance of subdivision to ensure subsequent (and often permitted) development of dwellings in the Rural Lifestyle zone, Mr Edgar might have taken us to Chapter 27 of the PDP to outline those relevant provisions referred to in Chapter 22. He did not, and as will be discussed presently, this was detrimental to our ability to agree with his conclusions. When we considered Chapter 27 for ourselves, we noted the following material facts:
- a. The notified rule 27.4.1 required all subdivision activities to be fully discretionary activities unless otherwise stated. No exemption or alternative status was provided for the Rural Lifestyle zone, and the submitter did not identify to us any objection or request to change that; this means that there is little practical difference between the consents that would be required in either zone scenario that was put to us.
  - b. At Chapter 27.7 we identified a series of location-specific objectives and policies for Rural Lifestyle zoned areas. We surmised that this may be how the zone could be appropriate on more visually or otherwise environmentally sensitive areas of land. The

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<sup>73</sup> S.42A report of Craig Barr, paragraph 9.13

submitter proposed no such provisions for Chapter 27 that could have helped manage the effects of concern to Mr Barr (and ourselves) in a way that retained the Rural Lifestyle zoning.

- c. The subdivision chapter contained no guidance at all relating to the general Rural Lifestyle zone in terms of the matters described in Chapter 22. In essence, notified PDP Chapter 22 uses a policy framework to state that subdivision will be managed to ensure certain outcomes are achieved for the zone, including in some instances site-specific controls on development. This was implemented by a blanket Discretionary activity, but there were no policies, criteria, guidelines or other methods in Chapter 27 to guide the exercise of that discretion.
275. On reading both Chapters 22 and 27, we did not take the same degree of comfort that Mr Edgar did in terms of how the Rural Lifestyle zone would be superior to the Rural zone in a planning sense or in terms of how Area A's visual sensitivity, would be managed.
276. Considering Chapter 27 as the Stream, 4 Hearing Panel has recommended it be amended, suggested Rule 27.5.8 would make the subdivision of Rural Lifestyle Zoned land a Restricted Discretionary Activity, with discretion reserved over the location and design of building platforms and in respect of any buildings, among other things, visibility from public places and landscape character. The ambit of that discretion means, we believe, that point (a) above is still relevant. In addition, point (c) remains valid – the absence of policies in Chapter 27 to guide the exercise of the discretion along with the implied development right occasioned by a Rural Lifestyle Zone, as discussed in Report 16, gives rise to legitimate concerns in our view as to whether the sensitivity of this site would be appropriately managed under that zoning.
277. Overall, we came to prefer Mr Barr's preference for the Rural zone, not because the Rural Lifestyle zone did not provide for recognition of landscape and character values in the design of at least subdivision (as pointed out by Mr Edgar), but because the Rural zone framework preferred by Mr Barr possessed the superior, and ultimately more appropriate, one - including the ability to provide more proactive design management of actual building designs as well as subdivisions rather than subdivision-based predictions or broad brush design restrictions on future building designs that were then subject to little further oversight.
278. Overall, we prefer the Council staff recommendation that the Rural zone should remain. Any development proposal in this part of the Hawthenden Ltd land should be assessed in light of the Rural zone policy and landscape framework, and if very sensitively designed could enjoy the granting of consent. In reaching this conclusion, we note that we are not suggesting that no development should occur on the Area A site; our finding at this level of District Plan provisions is more nuanced than this and relates to the most appropriate consent framework and design checks and balances that will manage the future design and layout of subdivision and dwellings.

#### 12.10 Hawthenden Area B

279. We disagree with Mr Barr's reply recommendation that, instead of Rural Residential zone (were we to agree with the submitter), we should in preference shift the Wanaka UGB and zone the land Large Lot Residential. We do not consider that the Rural Residential zone being placed close to a UGB is inherently problematic. Ultimately the Council has proposed and satisfied itself (at least to the Plan notification stage) that its policy framework can be implemented by having an urban residential zone and a rural residential zone on either side of an Urban Growth Boundary; this is after all what it has done and argued in support of before

different compositions of the Hearings Panel and what is contemplated in the notified zone purpose for Chapter 22 of the PDP<sup>74</sup>.

280. However, we do note that the Council's officers' and then subsequently the Stream 6 Hearing Panel's recommendations to make 2,000m<sup>2</sup> the 'default' lot size in the Large Lot Residential zone will ensure that there is a clear and easily distinguishable difference between the intensity of development within a UGB, and that outside of one, assisting maintenance of the integrity of the UGB line.
281. Similar to our consideration of Area A above, we find that the issue is not whether or not development should be enabled within Area B, but through what policy and procedural framework it should be managed. This should in our view be guided by the potential environmental effects that could result. By agreeing with a Rural Residential zone, we would be confirming that, subject to satisfactory realisation and detail – which is not a given – the landscape, amenity and built form outcomes enabled within that zone would be appropriate for the land. As discussed in Report 16, an implied development right accompanies rezoning. By preferring the Rural zone, we would not be foreclosing on the option of land development, but we would be making no initial presumption of what scale or density of development is appropriate.
282. In light of this, we find that the 15.8ha of Area B land will be visible from some viewpoints around Wanaka and has sufficient potential for adverse visual and landscape effects that the Rural Residential zone would not be appropriate. However, we also consider that defaulting back to the Rural zone would be unjustified in light of the technical work that the submitter has provided, that has addressed many practical development questions and satisfied us that the Rural Zone may not be the most appropriate zoning of the land. By contrast with Area A, Area B is less conspicuous and will present less development to the wider area. As such, we consider there is much less sensitivity attached to the management of environmental effect risks for Area B.
283. We consider that we have scope to consider an alternative outcome, provided it sits between what was notified in the PDP (Rural) and what was requested (Rural Residential). The obvious candidate is Rural Lifestyle, which is what has been proposed for Area C by the submitter.
284. We find that the Area B land could be developed to the Rural Lifestyle zone outcomes in a manner that we have much greater certainty would not give rise to inappropriate environmental effects. This would still leave open to the submitter the option of a higher intensity subdivision by way of a resource consent application and, with reference to the evidence of Mr Edgar on behalf of the submitter where he described the landscape-based provisions of the Rural Lifestyle zone<sup>75</sup>, we note that the Rural Lifestyle zone provisions for subdivision and development will be appropriate in light of the lesser visibility of Area B in and around Wanaka. We therefore recommend that Area B of the Hawthenden Ltd land be zoned Rural Lifestyle.
285. This recommendation sits outside either of the submitter's experts or the Council's advisors. We have therefore undertaken a s.32AA analysis to support our conclusion. In summary:
- a. There are three alternatives (Rural Residential, Rural Lifestyle or Rural), and in our view these represent the realistic range of options before us;

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<sup>74</sup> See notified zone purpose, chapter 22.1 of the PDP.

<sup>75</sup> Evidence of Scott Edgar, 4 April 2017, paragraphs 56-62.

- b. Retaining the Rural zone would be inefficient in light of the generally accepted position that some form of rural-compatible residential development would be appropriate for the land and that the subject land is not highly visible within and around Wanaka.
- c. Supporting the Rural Residential zone would be inconsistent in terms of the PDP's framework for managing rural landscapes and character and amenity values in and around Wanaka.
- d. The Rural Lifestyle zone offers greater certainty as to likely environmental effects and rural-related policy considerations, and provides greater development opportunity to the landowner than the Rural zone.
- e. The Rural Lifestyle zone will be a considerably more efficient use of the land than the Rural zone.
- f. The site will provide a unique lifestyle choice allowing north-east facing, sunny and elevated views across the town to Lake Wanaka. This will provide for new amenity values to be created and derived from future residents.
- g. Overall, the Rural Lifestyle zone will better promote economic development and employment (construction, land development, and subsequent maintenance such as private wastewater system maintenance) than the Rural zone.

#### 12.11 Hawthenden Area C

286. We find that the 35ha Area C land is compatible with and appropriate for the Rural Lifestyle zone. This would enable a more efficient use of the land than the Rural zone in a way that would present almost no discernible effects to the remainder of Wanaka, and also reinforce the Urban Growth Boundary. The experts for the submitter and the Council agreed on this point, and as such, there was no disagreement before us.
287. The Area C terrace is elevated and set back such that it would be largely invisible from Wanaka town. We find that the use of this flat land with a superior, sunny aspect for Rural Lifestyle purposes will be a most suitable outcome.
288. In this respect, we accept and adopt the evidence of Mr Barr on behalf of the Council and Mr Edgar on behalf of the submitter, and also the further s.32AA analyses prepared by each. No further s.32AA evaluation is necessary.

#### 12.12 Cumulative Overall Assessment

289. Overall, we find that Hawthenden Ltd's 'Area A' would be visually prominent and not appropriate for the Rural Lifestyle consent framework sought, although we consider that an optimum solution can be identified through a Rural-zone resource consent process that can more comprehensively consider subdivision and built form outcomes from a landscape values and character perspective. We recommend that area of land remain zoned Rural. Areas B and C are however in our view appropriate for low-density rural living, and to that end we have identified that the Rural Lifestyle zone is the most appropriate for each. In these respects, we recommend the Hawthenden Ltd submission be accepted in part. Where our recommendation aligns with the Council officers', we accept and adopt their reasons and s.32AA analyses as set out within the s.42A report and reply statement, with the exception of our additional analysis supporting our recommendation for Area B.
290. In terms of the Studholme Road group of submitters, we find that with the addition of a Building Restriction Area as proposed by Mr Barr, this would be an efficient and appropriate outcome for the land, it would also integrate logically with the Area B and C land in the Hawthenden Ltd submission and contribute to a logical and coherent western edge to Wanaka and its Urban Growth Boundary. For these reasons, we recommend these submissions be

accepted in part. We agree with and adopt the reasons outlined in Mr Barr's s.42A report and reply statement. No further s.32AA analysis is required.

### **13. WEST MEADOWS DRIVE**

WILLOWRIDGE DEVELOPMENTS LTD (249)

NIC BLENNERHASSETT (INCLUDING ANDERSON FAMILY TRUST AS SUCCESSOR IN PART (335)

JOHN BLENNERHASSETT (65)

#### **13.1 Overall Recommendation**

291. The submissions should be accepted in part.

#### **13.2 Summary of Reasons for Recommendation**

292. The submitters seek a relatively modest adjustment of the boundary between Low Density Residential zone and Rural Residential zone west of West Meadows Drive. This will facilitate a road connection being achieved from West Meadows Drive to Studholme Road and is overall the most appropriate and efficient means of delineating the boundary between the two zones, provided development is undertaken in conjunction with that road connection.

#### **13.3 Subject of Submissions**

293. The Blennerhassett submission related to part of Lot 1 DP 499252 and part of Lot 2 DP 99250. The Willowridge Developments Ltd submission related to the land in multiple titles immediately east of the Blennerhassett land, adjoining West Meadows Drive. Mr Barr quantified the area of land affected by the two submissions, excluding roads and sections to the north of West Meadows Road that are already developed as 4.7935 hectares.

#### **13.4 Outline of Relief Sought**

294. The submissions sought to shift the proposed boundary between the Low Density Residential zone and the Rural Residential zone shown on Planning Map 23 south, so as to expand the area zoned Low Density Residential. The submitters provided maps showing their preferred boundary that overlapped in part.

295. In the notified PDP, the zone boundary between the Low Density Residential Zone and the Large Lot Residential Zone south and west of West Meadows Drive did not follow a cadastral title boundary and based on our site visit, it did not entirely follow a natural environmental edge or feature either.

#### **13.5 Description of site and environs**

296. The environment of the area the subject to the submissions is transitioning and has been in recent times becoming increasingly characterised by suburban residential character and amenity values. These parties have been collaborating on land subdivision within the Low Density Residential zone north and west of the end of the West Meadows Drive. At the hearing, they showed us more detailed plans than we had hitherto seen illustrating their shared vision.

#### **13.6 The Case for Rezoning**

297. In his s.42A report Mr Barr evaluated the submissions and recommended that they be rejected. Reliance was placed on the traffic analysis of Ms Banks and her concerns regarding traffic capacity at the intersection of West Meadows Drive and Cardrona Valley Road.

298. We were concerned with the potentially selective way that Ms Banks had been allocating available road network capacity; she had presumed that up-zoning proposed by the Council in

the notified PDP would occur and be acceptable, which would in turn consume capacity and place the submitters seeking 'additional' rezoning in the position where they would inherit the network capacity problem and be tasked with funding the solution. Although we accept that Ms Banks did not intentionally hold such a view, it was nonetheless apparent that her analysis had had that effect. The difficulty is that we did not regard a zone outcome proposed by the Council as having any inherent superiority to an outcome proposed by a submitter<sup>76</sup>. On that basis, there is no justification for an analytical filter that presumes Council-proposed changes will be accepted and that submitter requests must be considered overlaid on that position.

299. Ms Banks' approach was therefore problematic to us, and we asked the Council staff numerous questions relating to the apparent problem of the West Meadows Drive / Cardrona Valley Road intersection and why these particular submitters, and not any other party enjoying an up-zoning in the vicinity through the PDP, should be responsible for addressing it. Both Mr Barr and counsel for the Council (Ms Scott) accepted that there was no presumed superiority in the zones sought by the Council compared to the zones sought by submitters.
300. At the hearing, it also became apparent that the submitters were working together to facilitate a subdivision pattern that included linking West Meadows Drive to Studholme Road. The location of the link road was tabled to us by Mr Alan Dippie, Director of Willowridge Developments Ltd, at the hearing, and also spoken to by Nic Blennerhassett.
301. This was not apparent to the Council's officers when they had undertaken their s.42A report and was of particular interest to Ms Banks, since it ameliorated the traffic issues she had identified as being of concern.
302. By the time of the Council's reply, Mr Barr had come to agree with the submitters, and in his mind the new road link connecting to Studholme Road was a key aspect of this. To that end, he recommended accepting the submissions, subject to including a structure plan that included the link road.
303. We consider that the proposal does not raise any strategic policy issues relating to the PDP. We accept that this is a rapidly-changing part of Wanaka and that the PDP may not have entirely kept up with this change. The Structure Plan method identified by Mr Barr in his reply statement is also not in our view problematic from the point of view of Plan structure or administration, provided it is incorporated into Chapter 27.

### 13.7 Issues

304. Given Mr Barr's recommendation that a structure plan might greater detail about the project's road connection back to Studholme Road, the sole issue in our mind is whether with that addition to the PDP, the alteration to the Zone boundary sought by the submitters would be appropriate.

### 13.8 Discussion of Issues and Conclusions

305. The effect of the combination of submissions before us, if accepted, is shown on the Figure 6 below, taken from Mr Barr's reply evidence for the Council.
306. Given how discrete this area is, and that in this instance, the purpose of the structure plan method Mr Barr recommended (also shown in Figure 6) is confined to a single road link, it is appropriate that the Structure Plan be rather skeletal. It would not be appropriate if the subject land area was larger or included additional resource management considerations.

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<sup>76</sup> Refer our discussion of this point in Report 16 at section 2.2.

Accordingly, we recommend to the Stream 4 Hearing Panel (hearing submissions on Chapter 27 (subdivision) that a Structure Plan as attached to this report as Appendix 2 be inserted into Chapter 27 together with a supporting policy, rules, and assessment criteria. Mr Barr recommended text for a suggested policy and rules, designed to fit into the revised structure of Chapter 27 recommended by the reporting officer in the Stream 4 hearing. While we agree with the substance of Mr Barr's recommendations, we think that his draft policy and rules require amendment to be more precise about the area to which they relate. Consequential changes will also be required by way of renumbering and expression to fit into the revised structure of Chapter 27 recommended by the Stream 4 Hearing Panel. Our recommended provisions are set out at Appendix 2.

307. We note also that Mr Barr did not provide the wording of suggested assessment criteria to us and so Appendix 2 includes criteria that we have drafted for the consideration of the Stream 4 Hearing Panel.

**Figure 6** – Recommended area to be re-zoned to Low Density Residential between West Meadows Drive and Studholme Road, from reply statement of Craig Barr. Top: area to be re-zoned. Bottom: recommended structure plan for the rezoned area, showing indicative road alignment.



308. In summary, we find that in this instance the submitters and the Council have reached a practical understanding and we agree with it. We recommend that the submissions be accepted in part for the reasons and as outlined by Mr Barr in his reply on behalf of the Council, including the proposed “West Meadows Drive Structure Plan” Mr Barr attached as Appendix 6 to that reply statement. Subject to amendment in the manner identified above, we agree with and adopt Mr Barr’s recommendations and supporting s.32AA analysis. No further s.32AA analysis is necessary.

309. We note that position necessarily addresses also (and recommends acceptance) of the submissions we heard from Mr Richard Anderson on behalf of the Anderson Family Trust as successor in part to Ms Blennerhassett.

#### 14. STATE HIGHWAY 84

RANCH ROYALE ESTATE LIMITED (EX SKEGGS) (412);

Further Submission FS1012 Willowridge Developments Limited

WINTON PARTNERS FUNDS MANAGEMENT NO 2 LIMITED (653)

Further Submission FS1166.1 Sir Clifford and Lady Marie Skeggs;

##### 14.1 Overall Recommendation

310. The submission of Ranch Royale Estate Ltd should be accepted in part along with the further submission of Willowridge Developments Ltd. That for Winton Partners Funds Management No 2 Ltd rejected along with the Skeggs further submission.

##### 14.2 Summary of Reasons for Recommendation

311. The topography of the Ranch Royale site is such that part can accommodate a low density (Large Lot Residential A) residential zoning. Retaining the balance of the site as Rural and subject to a Building Restriction Area notation will protect the amenity of the entrance to Wanaka. The UGB line should move correspondingly to include the rezoned land, but we heard no evidence supporting extension of the UGB line over the neighbouring Rural zoned land.

##### 14.3 Subject of Submissions

312. These submissions relate to Lot 1 DP 303207 and Lot 1 DP 15227. Both sites are located on State Highway 84, opposite Mount Iron. Submission 412 (and FS 1166) was made by the previous owners of the land in question, Sir Clifford and Lady Marie Skeggs. Ranch Royale Estates Ltd is their successor, having purchased the site and taken over the submission (and Further Submission).

##### 14.4 Outline of Relief Sought

313. Submission 412 sought the rezoning of Lot 1 DP 303207 from Rural, as shown on Planning Maps 8 and 18, to Three Parks Special Zone, with inclusion in the Three Parks Structure Plan for Tourism and Community Facilities and/or Commercial activities, along with the realignment of the UGB to include the site.

314. Willowridge Developments Ltd supported that submission.

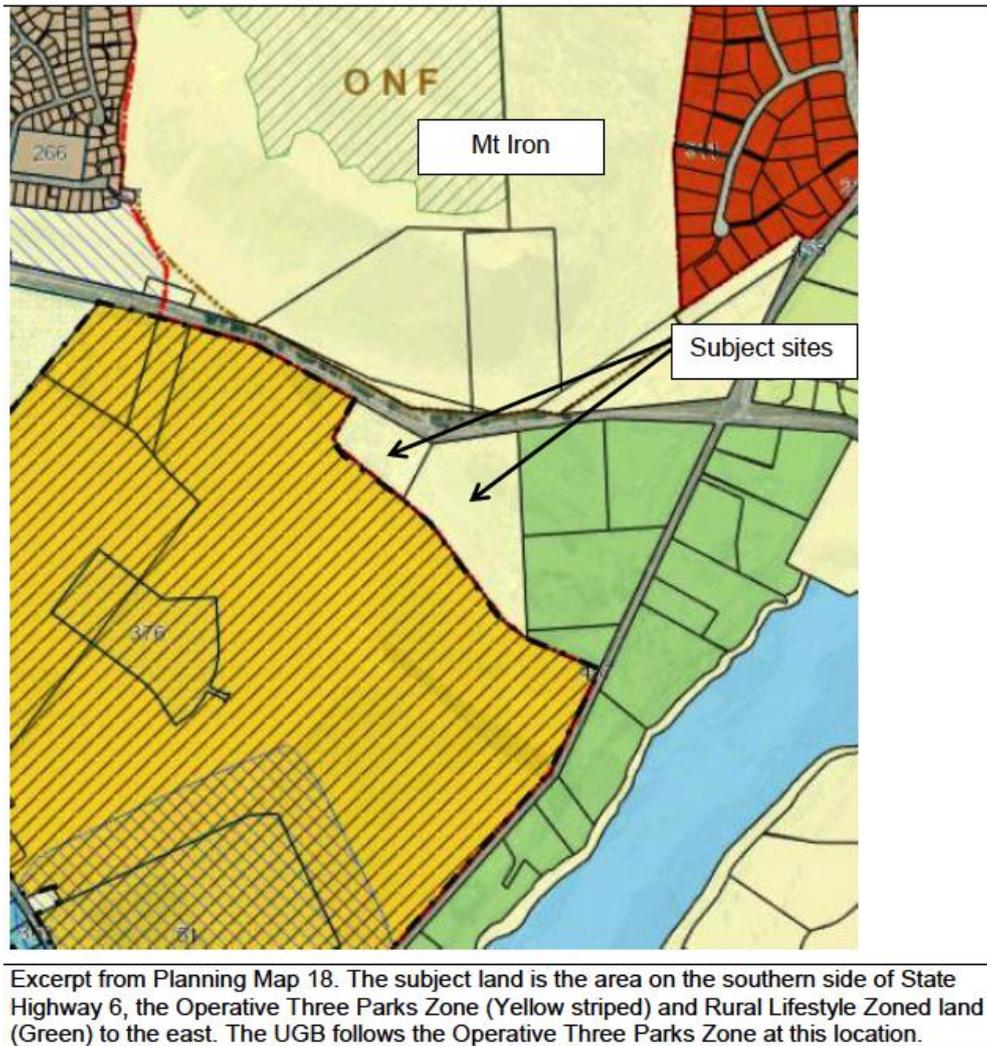
315. As will be discussed further below, the submitter revised the relief sought, initially to seek imposition of the Three Parks Low Density Residential Sub Zone and ultimately, the Large Lot Residential B zone.

316. Submission 653 sought that the UGB, shown on Planning Maps 8 and 18 as excluding both properties, be drawn to include them both. It did not seek any rezoning.

317. Sir Clifford and Lady Marie Skeggs supported that relief.

##### 14.5 Description of the Site and Environs

318. The land which is the subject of the submissions is shown on Planning Maps 8 and 18, and is located as illustrated in Figure 7 below.



**Figure 7** NB the site fronts the Wanaka-Luggate Highway which is State Highway 84. The Highway becomes State Highway 6 at the intersection of the Albert Town - Lake Hawea Road

319. The Ranch Royale land is aptly described as follows in the evidence presented at the hearing by Mr Duncan White on behalf of the submitter:

*"Lot 1 DP 303207 is a 7.3 hectare site situated east of Puzzling World and adjacent to the Wanaka – Luggate Highway SH84 as shown on the plan in Appendix A. The site contains a central ridge that runs in a north-west to southeast direction. This ridge blocks views into the site from the highway and means that only the northern face of the ridge and a narrow vista through the existing gate can be seen only briefly when travelling along the highway. The site contains a private short length golf course, a large house, a second house, swimming pool, tennis court and clubhouse. Access to the houses comes from the entrance on the western boundary, along a tree and shrub lined paved driveway which follows a low ridge. To the north-east of the driveway is a low flat bottomed gully. To the south of the driveway the land slopes to the south and west to Three Parks. Land to the east of the site is zoned Rural Lifestyle under both the Operative and Proposed District Plans. Land immediately to the south of the site is zoned Three Parks Special Zone with the Deferred Commercial Core sub-*

*zone which provides for a future plan change for an alternative use. The site to the west is zoned Rural General but houses the popular visitor attraction Puzzling World which has existed on the site for approximately 40 years".<sup>77</sup>*

320. The second property the subject of submission 653 is the property located immediately to the west, occupied by Puzzling World.

#### 14.6 The Case for Rezoning

321. Mr Barr undertook an assessment of the merits of the Ranch Royale submission in his section 42A analysis/evidence based on the original relief sought by the submitter, recommending its rejection, along with the related Winton Partners submission. However, the submitter changed its position as outlined in Mr White's evidence, in which the revised relief was rezoning to Low Density Residential subzone (of the Three Parks Special Zone) with lot sizes of 1500 - 2000m<sup>2</sup> and retention of the visually prominent terrace adjacent to SH 84 as Rural. An infrastructure assessment prepared by Patterson Pitts was appended to Mr White's evidence. That report concluded that water and waste water services would be possible once Three Parks was developed and that stormwater could be provided within each lot. Mr Glasner agreed with that assessment in his rebuttal evidence, noting that modelling would be required to confirm that there is sufficient capacity for both water and wastewater. In regard to stormwater, Mr Glasner advised that geotechnical investigations would be necessary to determine permeability of the ground<sup>78</sup>. On that basis he did not oppose the revised rezoning proposal.

322. Mr Barr responded in some detail in his rebuttal evidence and concluded, having regard to the opinions of Ms Mellsop, Ms Banks and Mr Glasner on landscape, traffic and infrastructure respectively, that Large Lot Residential B zoning allowing for lot sizes of 2000m<sup>2</sup> would be appropriate, subject to a BRA to ensure that the roofs of dwellings were below the upper moraine terrace and not visible from SH 84. Mr Barr had also considered whether or not a higher density of Low Density Residential could be supported given the potential benefits of a more efficient housing product in terms of servicing and spreading the subdivision and development costs over a larger number of allotments. His estimate was that there could be approximately 81 lots over the 5.4 ha not excluded by the BRA, compared with approximately 33 x 2000m<sup>2</sup> lots if zoned LLRB, but he concluded that the higher density could not be supported, largely based on the landscape assessment of Ms Mellsop.

323. Mr White concurred with Mr Barr's recommendation.

324. Winton Partners did not appear in support of its submission and accordingly Mr Barr did not address it further. Mr Barr did, however, recommend that the UGB be redrawn around the Ranch Royale site, as part of his revised rezoning recommendation.

#### 14.7 Discussion of Planning Framework

325. Mr Barr provided us with input on the planning background to the issues as above. Of necessity, he had to work off the latest version of the PDP available (that recommended in the staff reply on each chapter). In our Report 16, we summarised the key background provisions in the PDP, as recommended by the Hearing Panel, that is to say, a further iteration along from that considered in the planning evidence.

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<sup>77</sup> Evidence of Duncan White dated 4 April 2017 at paragraph 3.1

<sup>78</sup> Rebuttal evidence of Ulrich Glasner dated 5 May 2017 at paragraphs 4.3 - 4.5

326. Focussing on the most relevant provisions, there are specific policies applicable to the Urban Growth Boundaries ('UGBs'), being the application of UGBs around the urban areas of the Wakatipu Basin (including Jacks Point), Wanaka, and Lake Hawea Township (Policy 3.3.13) and the application of provisions that enable urban development within the UGBs and avoid urban development outside the UGBs (Policy 3.3.14).
327. Chapter 4 provides further direction on urban development. Recommended Objective 4.2.1 relates to use of UGBs: *"Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges."* This is supported by Policy 4.2.2.2 - to *"allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use."* Land allocation for particular purposes is to be undertaken with regard to a wide range of factors including topography, connectivity and integration with existing urban development, and the need to provide a mix of housing densities and forms within a compact and integrated urban environment.
328. Recommended policy 4.2.2.12 should also be noted: *Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary."*
329. The stated purpose of the Rural zone in Chapter 21.1 encapsulates in summary form a number of objectives and policies as referred to in Report 16. As recommended by the Stream 2 Hearing Panel, the statement of the zone's purpose in Chapter 21.1 reads: *"The purpose of the Rural zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity."*
330. Read in the context of the Plan as a whole, the Rural zone is not intended to provide for residential activities that have an urban character, and the Plan does not (with some limited exceptions) generally include Rural zoned land within the UGB.
331. The purpose of the Large Lot Residential zones is stated in Chapter 11.1 as being the provision of low density living opportunities within defined Urban Growth Boundaries, with the zone also serving as a buffer between higher density residential areas and rural areas that are located outside Urban Growth Boundaries. As discussed earlier in this report, the zone density recommended by the Stream 6 Hearing Panel of one residence every 2000m<sup>2</sup> (except in areas where environmental constraints dictate a lower density of urban development) is to provide for a more efficient development pattern to utilise the Council's water and wastewater services (Policy 11.2.1.1) while residential character and amenity are to be controlled through various methods as outlined in Policies 11.2.1.2 - 11.2.1.3.

#### 14.8 Issues

- a. Whether a low density residential zoning is appropriate;
- b. Whether there is scope to apply that zoning;
- c. Access;
- d. Consequential implications for the UGB boundary.

#### 14.9 Discussion of Issues and Conclusions

332. We agree with Mr Barr's conclusion that rezoning part of the site to enable low density residential development can be supported and, having regard to the landscape sensitivity of the upper moraine terrace as discussed by Ms Mellso and accepted by the submitter, a Large Lot Residential (A) zone is appropriate (we note once again that consequent on the

recommendations of the Stream 6 Hearing Panel, the nomenclature of the Large Lot Residential Zones has been reversed from that recommended by Council Officers so A = 2000m<sup>2</sup> and B= 4000m<sup>2</sup>). This zoning would provide for a greater degree of rigour in assessing adverse effects than a Three Parks Low Density Residential subzone proffered by the submitter and would fit into the hummocky landform. Another potential option, Low Density Residential zoning, would be more likely to result in extensive earthworks and greater modification of the landscape than the recommended zoning of Large Lot Residential(A).

333. We find further that the landscape values of the sensitive area on the State Highway side of the property can be addressed, as recommended by Mr Barr, by retaining that area as Rural zoned land subject to a BRA.
334. Options for access into the site cannot be fully resolved as part of the PDP process. Whilst we agree with Council officers that access from Three Parks rather than SH 84 is to be preferred, in order to avoid visual and amenity effects of development from the state highway<sup>79</sup>, the submitter does not own the Three Parks land, there is no access shown between the sites in the Three Parks Structure Plan and the Ranch Royale site already has a formed access to SH 84. We anticipate that, should access to SH 84 be proposed in the absence of a viable alternative, its location and detailed design would form part of the assessment undertaken at subdivision stage. As SH 84 is a limited access road, NZTA approval will also be required. Accordingly, we are satisfied that as part of the subdivision and development process, access matters can be appropriately considered.
335. The more difficult issue is whether the relief the submitter ultimately supported, Large Lot Residential, is within the scope of the original submission that sought ODP Three Parks Special Zone and a Tourism and Community Facilities and/or Commercial subzone.
336. The evidence of Mr White was in support of a Three Parks Low Density Residential subzone that would allow 1500m<sup>2</sup> - 2000m<sup>2</sup> lots. Instead, Council staff recommended Large Lot Residential(B) - ie minimum 2000m<sup>2</sup> lots. Ms Scott in her opening submissions for Council made the point that the recommended relief is a less intensive activity than that originally sought, which she submitted was in scope.
337. The amended relief recommended by Council staff also had the benefit of avoiding the issues discussed in our Report 16<sup>80</sup> around submissions seeking imposition of ODP zones, particularly in this case given that the Three Parks Special Zone is framed around a Structure Plan that we have no jurisdiction to change. Mr White did not explain how the residential subzone he was supporting could be integrated into the balance of the Three Parks zone, or how the Three Parks Special Zone, with the proposed additional Low Density Residential Subzone component fitted into the PDP as a whole.
338. Ms Scott's reply helpfully set out in table form a comparison between listed activities in the Three Parks Tourism and Community Facilities (TCF) and Low Density Residential subzones<sup>81</sup>, and submitted that:

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<sup>79</sup> As stated in Ms Mellsop's rebuttal evidence at paragraph 3.7 and referred to in Mr Barr's rebuttal evidence

<sup>80</sup>At Section 3.10

<sup>81</sup> She did not examine the characteristics of the alternative Commercial Sub-zone sought, presumably because residential development is only permitted in that sub-zone if it is located on the first floor of any building or above- refer Rule 12.26.7.3 of the ODP

*"Both zones have activities that are less restrictive than the same activity in the other and vice versa. Consequently, there is no clear answer on scope and the submitter has not given any legal submissions justifying this amended relief. Given the uncertainty, the Council continues to recommend the land be rezoned to Large Lot Residential B zone".<sup>82</sup>*

339. Ms Scott did not explicitly say so, but we inferred that she continued to consider the Council's recommended relief to be in scope.
340. Given that the submitter supported the Council's recommendation, we will focus on the scope for the latter. However, we find the case for the Council's recommended relief being in scope as equivocal as the Three Parks Low Density subzone discussed in Ms Scott's submission.
341. On the one hand, both the TCF sub-zone and the Large Lot Residential B zone anticipate and provide for residential activities. However, the TCF sub-zone does not provide for the type of low density activity that the Large Lot Residential(B) (now A) zone would provide for. Rule 12.26.5.2(13) of the ODP makes it clear that within the TCF sub-zone, a minimum density of 25 residential units per ha must be achieved. It goes further, stating that "For the avoidance of doubt, this rule is to make low density housing non complying."
342. Although not directed at this specific point, both Ms Scott and Mr Todd (for Ranch Royale) submitted that the varied relief they supported was in scope, because it permitted less intensive development than the zone originally sought.
343. Read literally, we consider that is correct, but the TCF sub-zone clearly categorises less intensive residential development as less desirable or acceptable in the context of the Three Parks Special Zone, hence the non-complying status.
344. Reverting to general principle, the relief sought in the submission provides the outer limit of our discretion - that outer limit provides in this case for residential development of greater than 25 residential units per ha as a permitted activity. Between that outer limit and the notified Rural zone (which as recommended by the Stream 2 Hearing Panel, would make residential development on the site a discretionary activity), there is a continuum of zoning options that are within scope<sup>83</sup>.
345. We have determined that the submission is in scope on the basis that residential activity in various forms is anticipated within the Three Parks TCF sub-zone requested within the original submission. The requirements for minimum density/above ground floor location are to achieve outcomes specific to the main purpose of each sub-zone primarily being mitigation of reverse sensitivity effects, as stated in Chapter 12, Policy 9.3 of the ODP.<sup>84</sup> Those issues do not arise on the Ranch Royale site. Accordingly, we can say with confidence that residential development of this site at the density provided by the Large Lot Residential(A) zone (i.e. 2000m<sup>2</sup>) will result in a lower level of adverse effects than would development at the density permitted within the TCF sub-zone. We find that it is within the permitted continuum, and therefore within scope.
346. We find that the zoning of the lower land as Large Lot Residential(A) with the imposition of a BRA is the most appropriate method, and is an efficient and effective way of enabling this

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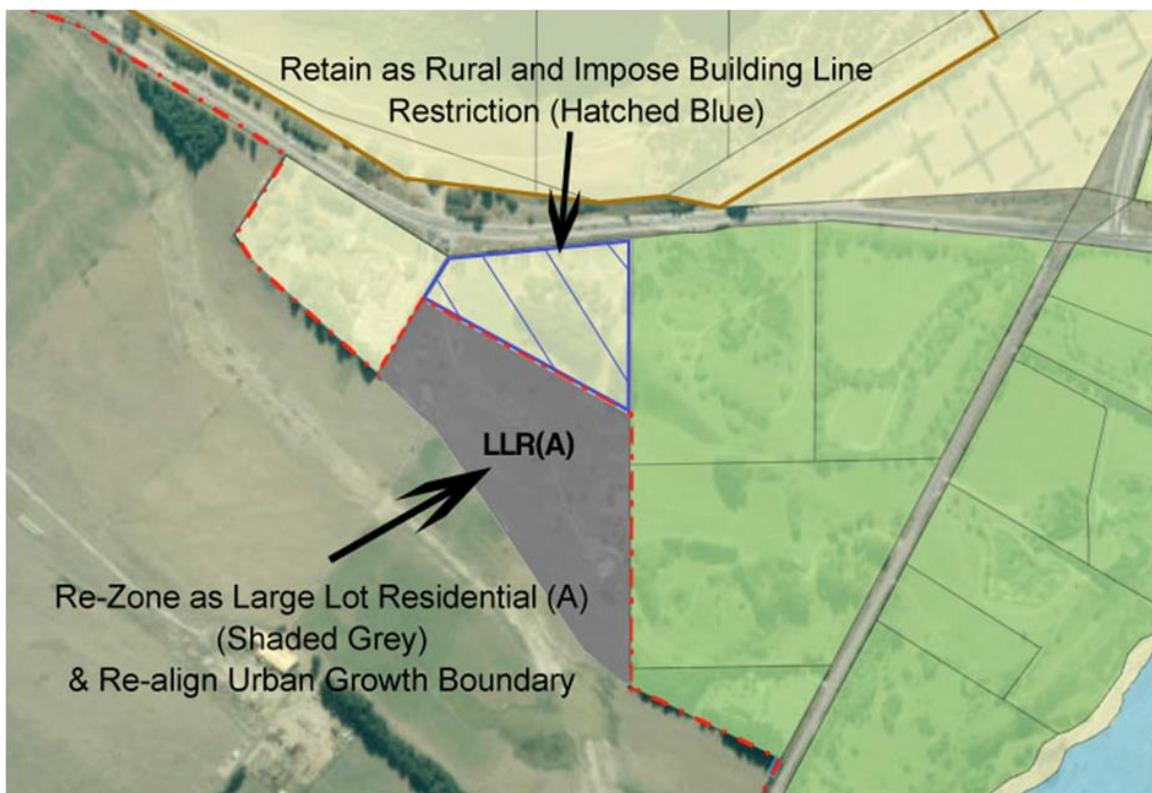
<sup>82</sup> Right of reply legal submissions of Sarah Scott dated 10 July 2017 at paragraph 20.1

<sup>83</sup> See e.g. *Guthrie v Dunedin City Council* C 174/2001 at 17-18

<sup>84</sup> This reads "To minimise reverse sensitivity issues by avoiding low density residential development from locating in the TCF subzone."

urban fringe land to be developed at an appropriate density. We adopt Mr Barr's s.32AA analysis in this regard.

347. Having reached this conclusion, we find that the options for relocating the UGB, as sought by the submitter and its neighbour, Winton and Partners, are:
  - a. The status quo, with both properties outside the UGB;
  - b. Shifting the UGB, so it aligns with the edge of the Large Lot Residential(A) Zone we are recommending (as recommended by Mr Barr);
  - c. Shifting the UGB so it includes the entire Ranch Royale property;
  - d. Shifting the UGB so it includes both properties.
348. The first option would be inconsistent with recommended Policy 4.2.1.3 because it would leave urban zoned land sitting outside the UGB. We discount that option on that basis.
349. By the same token, having an area of Rural zoned land within the UGB is also anomalous- Mr Barr advised that the only examples of that in the PDP as notified arose in the case of land the subject of zoning or other mechanisms effectively precluding development. The submission by Winton and Partners sought to relocate the UGB, but did not seek any zoning change. We had no evidence in relation to the requested inclusion of the Puzzling World site in the UGB and its present, longstanding use for an outdoor recreation activity within land zoned Rural is supported by the objectives and policies for that zone (for example Objective 21.2.10 ,which states "*Commercial Recreation in the Rural Zone is of a nature and scale that is commensurate to the amenity values of the location*" and related policies). Accordingly, we do not find the fourth option appropriate.
350. One of the examples of Rural zoned land within the UGB Mr Barr gave us is where land is subject to a BRA - the Allenby Farms land diagonally opposite the site and the subject of our Report 16.14 is an obvious example. In this case though, the inclusion of the Ranch Royale BRA we have recommended within the UGB might signal that at some future point in time, the BRA could justifiably be removed to enable the land to be developed for an urban use. On the evidence before us, that is not supportable on landscape grounds and would be inconsistent with the view we have taken in regard to the Allenby submission seeking removal of the BRA on the opposite side of SH 84. We find the BRA will assist in maintaining the sense of arrival into Wanaka from Luggate and Albert Town.
351. Accordingly, we have formed the view that the UGB line should follow the boundary between the recommended Large Lot Residential(A) zone and Rural zoned areas, even though it appears to zigzag around the submitters' properties in a haphazard manner. We recognise that this results in the Ranch Royale site being divided by both the UGB and the new zoning; however, the submitter did not oppose Mr Barr's recommendation which we consider represents the most appropriate outcome in terms of the section 32 tests as well as being more consistent with the PDP overall than including Rural zoned land within the UGB.
352. In summary, we recommend:
  - a. That the area of land identified below be rezoned Large Lot Residential(A), with a BRA over a portion of the upper terrace (to remain in the Rural zone) to ensure buildings are inconspicuous from SH84 as shown in Figure 8 below;
  - b. That the UGB be amended to include the rezoned area, also as shown in Figure 8 below;
  - c. That the submission by Winton and Partners relating to the Puzzling World site, seeking that the UGB be extended to include the site, be rejected.



**Figure 8:** Planning maps 8 and 18: Area recommended to be rezoned and consequential amendment to the UGB

## 15. UGB AT WATERFALL PARK

BLENNERHASSETT FAMILY TRUST (413)  
 MURRAY STEWART BLENNERHASSETT (322),  
 RN MACASSEY, M G VALENTINE, LD MILLS & RIPPON VINEYARD AND WINERY  
 LAND CO LIMITED (692)

### 15.1 Overall Recommendation

353. We recommend the submissions be rejected

### 15.2 Summary of Reasons for Recommendation

354. There is no resource management reason for relocation of the UGB to align with the ONL line along Ruby Island Road and there was no evidence from the submitters in support of their requested relief.

### 15.3 Subject of Submissions

355. Submission 413 relates to 280 Wanaka-Mt Aspiring Road (Lot 1 DP 303207) which is zoned Rural, outside the Wanaka UGB and classified RLC, as shown on Planning Maps 18 and 22.

356. Submissions 322 and 692 are from landowners including Rippon Winery adjacent to the Wanaka UGB, with land fronting the northern side of Wanaka-Mt Aspiring Road.

#### 15.4 Outline of Relief Sought

357. Submission 413 supported the location of the ONL as it relates to the submitter's property; however, it also sought the amendment of the UGB line at the western end of Wanaka to follow the ONL. No rezoning has been requested.
358. Submissions 322 and 692 are similar and requested that:
- a. The UGB line is moved to coincide with the ONL line;
  - b. The ONL line is moved to follow Waterfall Creek rather than Ruby Island Road.
359. As no evidence was provided by any of the above submitters in support of their submissions, the approach adopted in this report is to firstly address the issues raised in the Blennerhassett Family Trust submission 413, having regard to the legal submissions by Mr Todd at the hearing, followed by our recommendation on the first submission point (the UGB) in submissions 322 and 692. The second submission point (the ONL line) is addressed in a separate report<sup>85</sup>.

#### 15.5 Description of the Site and Environs

360. The land which is the subject of submission 413 fronts the northern side of the Wanaka-Mt Aspiring Road and the eastern side of Ruby Island Road, as illustrated in an excerpt from the section 42A (Urban Fringe) report (Figure 9 below). It has an open, rural character with extensive views of Lake Wanaka and surrounding mountains. The proposed ONL line begins at the lake below the property, follows the boundary of the site with the Waterfall Creek Reserve, then follows the eastern boundary of Ruby Island Road before crossing the Wanaka-Mt Aspiring Road and doglegging around the rural lifestyle zoned land west of the road, to follow the lower contours of Mt Alpha to the south.
361. The land affected by submissions 322 and 692 is immediately west of the proposed UGB between existing urban development off Bills Way/ Sunrise Bay Drive and the Blennerhassett Family Trust property the subject of submission 413. It includes the Rippon vineyard and winery, and 'Barn Pinch Farm', totalling approximately 100 ha. The properties are gently undulating, with mature trees and open areas of pasture also providing lake views and the mountains encircling the lake. Opposite the properties, on the south side of Wanaka-Mt Aspiring Road, development comprises large lot residential and rural lifestyle areas.

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<sup>85</sup> Report 16.1



**Figure 9:** the Blennerhassett Family Trust property is outlined in blue and the land to which submissions 322 and 692 relate is between that site and existing urban development.

#### 15.6 The Case for Relocating the UGB

362. Submission 413 does not provide reasons for requesting that the UGB line should follow the ONL line along Ruby Island Road. However, in his submissions at the hearing Mr Todd, counsel for the submitter, contended that the UGB should be consistent with the ONL and more importantly should be consistent with the Wanaka 20/20 report, which identifies what is now known as the UGB.
363. Mr Todd argued that the 20/20 report reflects community input and it would be short sighted for the PDP to not give effect to it. He emphasised that the submitter has no proposal for rezoning, but that it is prudent to think ahead. In response to the Hearing Panel's questions, Mr Todd confirmed that the Wanaka 20/20 report in fact identified both an Inner Growth Boundary which corresponds to the UGB and an outer UGB beyond that. He accepted that there is an argument for a buffer between the UGB and ONL, but noted that immediately on the other side of the line, the Council had recently approved a dwelling and there is now only one property on the lake side between Ruby Island Road and Glendhu Bay that does not have a resource consent for a dwelling. That property is the McRae land north of the Teal property.
364. Mr Todd also suggested that the ONL represents a spectrum from Ruby Island Road all the way to Mt Aspiring. Some properties have dwellings whereas some are more remote and would not support a dwelling. He submitted that the submitter did not want the same situation as has occurred in the Wakatipu Basin.

365. Responding to a further question from the Hearing Panel, Mr Todd agreed that the inference to be drawn from the submitter's case is that a dwelling would be the extent of development envisaged, noting that no one has sought to subdivide.

#### 15.7 The Council's Position

366. Mr Barr undertook an assessment of the merits of the submission in his section 42A analysis/evidence, recommending its rejection, along with the related submissions to which we have referred above.

367. He considered that the land uses, pattern of development and character of the land is consistent with its Rural zoning and that it was not appropriate to extend the PDP Wanaka UGB to follow the ONL line, because there are no sound resource management reasons to justify doing so and the submitter had not provided any reasons for extending the UGB, or sought any urban zoning.

368. Mr Barr also considered whether the UGB needed to be extended to the west to provide for growth in the short to medium term, and concluded that this was not necessary as there is sufficient land to accommodate growth within the UGB.

369. He referred to notified Policy 4.2.2.4, which acknowledges that not all land within the UGB will be suitable for urban development, but observed that in the submitter's case, there is no case for its inclusion based on factors such as the land being a buffer area associated with urban development, or a park or reserve that cannot practically be separated from the wider urban area. In his opinion, the urban limit and UGB as notified provided a necessary and distinct transition between rural and urban, which is a valued part of the approach to and from Mt Aspiring National Park into Wanaka.

370. Mr Barr also pointed out that notified Policy 4.2.8.1 refers specifically to the importance of the transition between rural and urban to protect the quality and character of the environment and visual amenity.

#### 15.8 Planning Framework

371. In our Report 16, we summarised the key background provisions in the PDP, as recommended by the Hearing Panel, that is to say, a further iteration along from those considered in the planning evidence. For the purposes of our discussion here, we have not repeated the reference to every objective, policy or other provision to which we have had regard.

372. The provisions of the NPSUDC and Strategic Chapters 3 and 4 of the PDP, which we have discussed in some detail in Report 16, are in principle relevant to consideration of any extension of the UGB. Many of the objectives set out in the NPSUDC relate to the operation of urban environments and thus focus primarily on the activities that may occur within those environments, whereas submission 413 does not refer to land use within the UGB.

373. Focussing on the most relevant provisions within the PDP, there are specific policies applicable to the Urban Growth Boundaries ('UGBs'), being the application of UGBs around the urban areas of the Wakatipu Basin (including Jacks Point), Wanaka, and Lake Hawea Township (Policy 3.3.13) and the application of provisions that enable urban development within the UGBs and avoid urban development outside the UGBs (Policy 3.3.14). There are also several policies relating specifically to how UGBs are defined.

374. Chapter 4 provides further direction on urban development. Recommended Objective 4.2.1 relates to use of UGBs: “Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.” This is supported by Policy 4.2.2.2 - to *“allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use.”* Land allocation for particular purposes is to be undertaken with regard to a wide range of factors including topography, connectivity and integration with existing urban development, and the need to provide a mix of housing densities and forms within a compact and integrated urban environment as well as appropriate provision of infrastructure.
375. The first three policies of Chapter 4 expand on the policies of Chapter 3 related to definition of UGBs, focussing urban development within UGBs, and to a lesser extent within smaller rural settlements, and ensuring UGBs operate as effective boundaries to urban development.
376. Policy 4.2.1.4 might particularly be noted:
- “Ensure Urban Growth Boundaries encompass a sufficient area consistent with:*
- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
  - b. ensuring the ongoing availability of a competitive land supply for urban purposes;*
  - c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting*
  - d. the ability of the land to accommodate growth;*
  - e. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
  - f. a compact and efficient urban form;*
  - g. avoiding sporadic urban development in rural areas;*
  - h. minimising the loss of the productive potential and soil resource of rural land.”*

377. The recommended Chapter 4 also provides two related objectives for management of development within UGBs as follows:

*“4.2.2.A A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.*

*4.2.2.B Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects outstanding natural landscapes and outstanding natural features and areas supporting significant indigenous flora and fauna.”*

378. Policies particularly relevant to zoning choices within UGBs include:

“4.2.2.1 *Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.*

4.2.2.2 *Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use, having regard to a range of physical, functional, geographical, urban design and community parameters*

4.2.2.12 *Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.”*

379. Recommended Policy 4.2.2.22 should also be noted:

*“Define the Urban Growth Boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps that:*

- *are based on existing urbanised areas;*
- *identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;*
- *have community support as expressed through strategic community planning processes;*
- *utilise the Clutha and Cardrona Rivers and the lower slopes of Mount Alpha as natural boundaries to the growth of Wanaka; and*
- *avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.”*

## 15.9 Issues

380. The sole issue we have identified is whether there is a case for the requested extension of the UGB.

## 15.10 Discussion of Issues and Conclusions

381. In terms of the relief sought in the Blennerhassett Family Trust's submission, we conclude that identification of the UGB is not merely a matter of drawing a line on the planning maps, but requires a considered approach to the land use either side of that boundary having regard to the extensive and detailed policy framework set out in Chapters 3 and 4 to which we have referred above. The objectives and policies of those chapters in turn give effect to the NPSUDC which we have discussed at some length in the context of our assessment of the adequacy of the Council evidence on future demand for housing and the extent to which the PDP provides for that future demand in Report 16.

382. It is also apparent to us that all of the submitters seeking relocation of the UGB along Ruby Island Road are relying on the Outer Development line in the Wanaka 20/20 report, which was intended to serve a different purpose from the Inner Growth Boundary that has become the UGB in the PDP. In terms of recommended Policy 4.2.2.22, it is the latter that Wanaka 20/20 supports.

383. We had no evidence before us which addressed these matters and it follows from the conclusions we reached in Report 16 that we would not support a significant extension of the UGB based on any demand issues.
384. We find that there is no nexus between the UGB and the ONL line, which are employed to achieve quite separate resource management objectives and we agree with Mr Barr that in the case of the submitters' properties there are sound reasons for maintaining separation between them. In particular, while in some locations in the District, there is no other option but to have the ONL and UGB lines aligning<sup>86</sup>, recommended Policy 4.2.2.12 suggests that where possible, the two should diverge, to enable the transition the policy seeks.
385. For the above reasons, we recommend that submission 413 is rejected insofar as it requests the relocation of the UGB line along Ruby Island Road and it therefore follows that for the same reasons, the relief sought in Submissions 322 and 692 as they relate to the UGB line, should likewise be rejected.
386. Given our conclusion supports the status quo, no further analysis is required under section 32AA.

## PART C: HAWEA

### 16. LAKE HAWEA TOWNSHIP

JUDE BATTSON (460)

JOEL VAN RIEL (462)

Further Submission: FS1138 AND FS1141 DARYL AND MELANIE ROGERS

STREAT DEVELOPMENTS LTD (697)

Further Submission: FS1138 AND 1141 DARYL AND MELANIE ROGERS

WILLOWIDGE DEVELOPMENTS LTD (249)

JAN SOLBACK (816)

LAURA SOLBACK (119)

HAWEA COMMUNITY ASSOCIATION (771)

ROBERT DEVINE (272)

GAYE ROERTSON (188)

Further Submission: FS1012 WILLOWRIDGE DEVELOPMENTS LTD

#### 16.1 Overall Recommendation

387. The submissions of Jude Battson and Joel Van Riel and further submissions of Dayle and Melanie Rogers should be accepted.
388. The submissions of Streat Developments Ltd, Hawea Community Association and Willowridge Developments Ltd should be accepted in part and the further submissions of Daryl and Melanie Rogers and Willowridge Developments Ltd should be accepted in part.
389. The submissions of Jan Solback, Laura Solback, Robert Devine and Gaye Robertson should be rejected and the further submission of Willowridge Developments Ltd should be accepted

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<sup>86</sup> Queenstown Hill is an obvious example.

## 16.2 Summary of Reasons for Recommendation

390. Hawea's southern extent should be coordinated with the inclusion of an Urban Growth Boundary generally aligned with Cemetery Road. The land generally east of Grandview Road has been developed previously to a density of approximately 4,000m<sup>2</sup> lots and while limited additional intensification, down to 2,000m<sup>2</sup> lots via the Large Lot Residential Area A zone<sup>87</sup>, can be appropriately accommodated, density beyond this would not be appropriate. The Willowridge Developments Ltd land generally west of Grandview Road is in various stages of greenfield subdivision and would be appropriately enabled for Low Density Residential zone.
391. Together, the above will enable the most appropriate framework to manage growth in Hawea.

## 16.3 Subject of submissions

392. The land subject to the submissions relates to the southern side of Hawea, generally north of Cemetery Road and between Muir Road (east) and Domain Road (west). The Streat Developments Ltd submission also addresses Lot 1 DP 304937, a triangular corner of land on the south side of Cemetery Road with frontage to Domain Road.

## 16.4 Outline of Relief Sought

393. The submissions addressed the extent to which the land generally north of Cemetery Road immediately behind the existing Hawea township shown on Planning Map 17, including areas zoned and in places developed for rural residential densities, should provide for development at urban densities. Included in this is the question of whether an Urban Growth Boundary should apply to Hawea, and if so, where it should be located.
394. In summary:
- Willowridge Developments Ltd sought land zoned Rural Residential in the notified PDP to be instead zoned Low Density Residential zone. A nuance of the submission is that part of the site that is subject to the submission is zoned in the ODP as Township zone, and this raised a procedural question as to whether that portion of the submitter's site was or was not within the scope of the Stage 1 PDP process (the Council has excluded all land zoned ODP Township from Stage 1 of the PDP, even though the zone sought by the submitter for that land is of itself a subject of the Stage 1 PDP).
  - Streat Developments Ltd sought land currently zoned Rural Residential to be instead zoned Township as per the ODP. This applies to its land on both the north and south sides of Cemetery Road.
  - Joel Van Riel and Jude Battson sought that the land east of Grandview Place be enabled to support lot sizes of a minimum 2,000m<sup>2</sup>.
  - Jan Solback, Laura Solback, Hawea Community Association, Robert Devine and Gaye Robertson supported retention of the PDP rural residential / 4,000m<sup>2</sup> minimum lot size requirement.
  - Hawea Community Association requested that an Urban Growth Boundary be added to the District Plan around Hawea. This was supported in the further submission of Willowridge Developments Ltd.

## 16.5 Description of site and environs

395. The land subject to the submissions is generally flat and mostly in cleared pasture, or large-lot residential density developments.
396. The land east of Grandview Road and north of Cemetery Road has been developed to rural residential densities (lots around 4,000m<sup>2</sup>), served by a combination of culs-de-sac. These are

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<sup>87</sup> As per the Stream 6 Panel recommendations.

Lichen Lane, Sam John Place, and Grandview Road (this may become a crescent in the future that links through land being developed by Streat Developments Ltd, back to Cemetery Road). The land east of Grandview Road is in the process of being developed. Notably, both Streat Developments Ltd and Willowridge Developments Ltd have subdivision consents enabling ODP Township zone densities on their land (down to 800m<sup>2</sup> lots). This land is predominantly still in pasture but is likely to change considerably in the coming years.

397. This land is also the subject of recommendations within the Hawea 2020 document, a Council-led community plan developed in 2003. The extent to which the Hawea 2020 plan was relevant or should be implemented formed one strand of the arguments put to us.
398. North of the land the subject of submissions, a low moraine ridge and established urban areas (zoned Township under the ODP) separate the land from Lake Hawea. Land north of Cemetery Road is in transition, with urban development varying from conventional suburban density to lifestyle lot-scale development readily visible from the road.
399. Beyond Mill Road to the east, and Cemetery Road to the south, the landform is of an unmistakably rural production character and shows virtually no evidence of urban-scaled buildings or subdivision for some distance.
400. The contrast between the northern and southern sides of Cemetery Road makes the road act as an informal edge to the Hawea settlement at this time, in our view.

#### 16.6 The Case for Rezoning

401. In his s.42A reports "*1A Wanaka Urban and Lake Hawea*" (sections 10 and 11), and "*Strategic Overview and Common Themes*" (section 18), Mr Barr evaluated these submissions. He combined elements of concurrent and individual-submitter analysis. He took advice from the Council's technical specialists in terms of traffic, infrastructure and ecology, and landscape. Generally, the Council witnesses, including Mr Barr, did not support the submissions, preferring the PDP Rural Residential zone. In terms of the land east of Grandview Road, Mr Barr felt the 'die had been cast', and that as existing roads and blocks had not been designed or placed with future intensification in mind, such intensification could not occur in a satisfactory manner.
402. At the hearing, the matter of how to intensify this area while also maintaining the amenity values of existing property owners was accepted as being the key issue. Jude Battson, in agreement with Joel van Riel, identified that a minimum lot size of 2,000m<sup>2</sup> would strike an appropriate balance between those favouring and opposing further change, and would better implement the Hawea 2020 plan than has occurred to date.
403. Maintaining the character and amenity values (and infrastructure / servicing) of existing development, however, remained the principal concern of those submitters that opposed changing the PDP Rural Residential zone.
404. By the time of the Council's reply, Mr Barr had reconsidered his view. He came to agree with those submitters seeking greater development enablement, and supported the Large Lot Residential Area B zone (2,000m<sup>2</sup> minimum lot size) for the land east of Grandview Road. Mr Barr felt that at such densities, the amenity and character values of the existing environment would be adequately maintained, infrastructure and servicing issues could be overcome, and no landscape effects of concern would arise.

405. Streat Developments Ltd requested the Operative Township zone as recommended in the Hawea 2020 plan. However, there is no Township zone included in the PDP zones and the submitter provided no analysis or evidence to demonstrate whether and to what extent that ODP zone was compatible with the PDP policy framework.
406. Willowridge Developments Ltd sought the Low Density Residential zone across its entire site, including that part currently zoned Township in the ODP.
407. Mr Barr remained of the view that Rural Residential remained the most appropriate zone for both the Streat Developments Ltd and Willowridge Developments Ltd land. However, Mr Barr did acknowledge the logic of the Willowridge Developments Ltd submission, observing that an urban zoning could be considered during the Stage 2 PDP process.
408. In terms of the planning framework, the submissions raise strategic growth management questions relating to the role and appropriateness of an urban growth boundary. This is a matter that relates to Chapter 4 of the PDP, and we refer to our Report 16 for a summary of that chapter. We also refer to that report for a description of key aspects of the Rural Residential, Large Lot Residential, and Low Density Residential zones.
409. We also note that as it relates to the Willowridge submission, there is a jurisdictional limitation inasmuch as only part of the land falls within the scope of Stage 1 PDP. Much of that submitter's land is zoned Township in the ODP and that zone has been excluded from the Stage 1 process. As a result, we are only able to consider the portion of the site that has been identified as being within Stage 1.

## 16.7 Issues

410. We find that these submissions raise overlapping resource management issues that would benefit from a concurrent determination and we have approached them on this basis. In approaching the submissions, we have considered the following issues:
- a. How relevant is the Hawea 2020 Plan and its spatial recommendations for Hawea?
  - b. What is the most appropriate zone for the land east of Grandview Road, already developed at a generally rural-residential density?
  - c. What is the most appropriate zone for the land west of Grandview Road, that is either undeveloped or in the process of being developed, including at densities consistent with the ODP Township zone and down to 800m<sup>2</sup> lots?
  - d. What is the most appropriate zone for the Streat Development Ltd land south of Cemetery Road?
  - e. If there is to be an urban growth boundary around Hawea, where should it be located?

## 16.8 Discussion of Issues and Conclusions

### 16.9 Hawea 2020

411. Hawea 2020 is a non-statutory community plan undertaken by the Council in the early 2000s. Its purpose was to identify with the community where and how Hawea should grow. It includes a map of the town including annotations indicating where future growth could locate, and what sort of development that could be. We record that some submitters, including Jude Battson, considered that it was a very relevant and important document that we should be guided by. Other submitters, including Hawea Community Association, considered it was nothing more than a point-in-time plan that did not necessarily represent the community's current views, at least as regards upzoning of the Rural Residential land.

412. We accept that it is entirely at our discretion whether to place weight on Hawea 2020 and if so to what extent. Of note, Hawea 2020 included a recommendation for an Urban Growth Boundary, and proposed residential zoning across the land that is the subject of the majority of the submitters' land. Hawea Community Association relied on it for that purpose in its submission on the subject (seeking imposition of an urban growth boundary).
413. We find that Hawea 2020 is logical and, most significantly, has proven quite accurate in predicting how (or at least where) Hawea should grow over time. We also observe that its content is reasonably well correlated with the recommendations given to us by Mr Barr through his s.42A evaluation of the submissions and the analysis of the Council's technical specialists.
414. Hawea 2020 remains the only strategic planning document looking at the settlement as a whole that is before us, and it has the benefit of having been through at least some form of community consultation process. It contains a coherent and well-explained process and of most significance, we received no evidence that explained exactly how its recommendations were deficient, unreliable or incorrect.
415. We find that the Hawea 2020 recommendations are relevant and credible – although not determinative. In other words, while there are no grounds to expect the Hawea 2020 vision to be compulsorily implemented, its vision is nonetheless convincing and well substantiated, in our view. We therefore find that Hawea 2020 outcomes have some relevance to how we should view the submissions.
416. In relation to the specific issue of the urban growth boundary, we note that recommended Policy 4.2.2.22 makes community support as expressed through strategic community planning processes (such as Hawea 2020) is a relevant factor to their location in the Wanaka and Hawea context.

#### 16.10 The Land east of Grandview Road

417. This land has been developed and presented the greatest contention between the submitters. The existing lots are generally around 4,000m<sup>2</sup>, and while we find that this is relevant to our consideration of the submissions, it is not of itself determinative of how we should respond to the submissions; there is no policy presumption within the Act or PDP that the existing environment should be inherently conserved. But it does form a starting point of the character and amenity values that existing residents derive and enjoy. The adverse effects on those parties that could result from enabling substantial changes to those values must be considered carefully against the benefits, including to the community and future residents, that could result from enabling change.
418. Our analysis of the residential area of Hawea is that it is a product of its time, and one characteristic of this is the presence of numerous curvilinear culs-de-sac rather than a well-connected network based on some manner of grid. While we agree with Mr Barr regarding the desirability and benefits of the more connected urban structure outcomes now promoted by the Council through the PDP provisions (notably subdivision), we find that intensification of the land east of Grandview Road could occur in a manner that would be satisfactorily compatible with much of existing Hawea's character values. On that basis, we find that a less-than-ideal road network is not sufficient to reject submissions seeking intensification.
419. We find that the pragmatic position taken by the submitters was helpfully constructive as to the level of intensification that might be appropriate.

420. Through the Council's right of reply, Mr Barr confirmed a change in his view to support the 2,000m<sup>2</sup> minimum lot sizes that were discussed with the submitters at the Hearing, and that the Large Lot Residential Area B zone would be appropriate to achieve this. We agree with Mr Barr's conclusion that this would adequately maintain amenity and character values, and that at 2,000m<sup>2</sup> minimum lot size, the existing subdivision pattern could relatively comfortably accommodate new development on the basis of discrete site-by-site subdivisions. Some landowners would take advantage of this, while others would likely remain at the existing 4,000m<sup>2</sup> sizes. We consider that the amenity and character values of occupants of the existing 4,000m<sup>2</sup> lots would not be inappropriately degraded by 2,000m<sup>2</sup> lots being developed around them. We also accept that enabling such an outcome, even if landowners did not all seek to utilise it, would still result in a form of benefit to those landowners (property values and utility, which form one component of amenity values).
421. Having determined that a 2,000m<sup>2</sup> Large Lot Residential Area zone could achieve this satisfactorily, we turned our minds to the more strategic considerations around whether this would be more appropriate than the notified PDP's Rural Residential zone.
422. Having found that the Hawea 2020 plan was reasonably helpful in a technical sense, we referred to it when considering the submissions. It recommended the land in question ultimately be zoned ODP Township. This would have enabled 800m<sup>2</sup> lots. We consider that this would now be very difficult to accommodate in light of the development that has occurred to date, and it would create a number of practical character and amenity values conflicts between existing homeowners and new development across the existing culs-de-sac. However, to the extent that Hawea 2020 identified that this part of the town could logically and appropriately accommodate higher density, we have found it lends support to the 'middle ground' Large Lot Residential Area B zone proposal from Ms Battson, Mr van Riel and Mr Barr. We also consider that this zone would better contribute to a compact and contained settlement for Hawea that connected people to their daily needs and contributed to a prevention of unnecessary outward expansion.
423. We find that the 2,000m<sup>2</sup> minimum lot size enabled by the Large Lot Residential Area A zone<sup>88</sup> is the most appropriate outcome and we recommend it for the land north of Cemetery Road, East of Grandview Road and West of Muir Road. The Rural Residential zone is not warranted and would be an inefficient use of land well connected and close to Hawea.
424. Therefore, we recommend that the submissions of Jude Battson and Joel Van Riel, and the further submissions of Daryl and Melanie Rogers be accepted. If Council accepts that recommendation, the submissions of Jan Solback, Laura Solback, Robert Devine and Gaye Robertson should be rejected and the further submission of Willowridge Developments Ltd should be accepted.
425. In this respect we accept and adopt Mr Barr's analysis and s.32AA evaluation that was included in his right of reply statement. No further evaluation in this respect is considered necessary.

#### 16.11 The land west of Grandview Road

426. This land includes land that is the subject of submissions from Streat Developments Ltd and Willowridge Developments Ltd.

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<sup>88</sup> As previously noted, the Stream 6 Hearing Panel has recommended that the nomenclature for the two Large Lot Residential zones recommended by Council Officers be reversed so the A zone enables 2000m<sup>2</sup> density development, and the B zone 4000m<sup>2</sup>.

427. Mr Barr's view that the ODP Township zone would not be appropriate for the Streat Developments Ltd land forms the whole body of expert evidence before us on the matter. We accept this advice and consider it would not be sound resource management practice to insert an ODP zone into the PDP framework without considerably more analysis and justification than has been available to us. We note that this is consistent with the position taken in Wanaka for a Willowridge Developments Ltd / Industrial B submission earlier in this report.
428. However, we are not limited to only consider the ODP Township zone. We find we have the scope to accept the submission in part, to the extent that we could find any outcome that was between the notified Rural Residential zone and the requested ODP Township zone would be possible. While this means we could not, for instance, consider the PDP Low Density Residential zone as this has a minimum lot size of 600m<sup>2</sup> (compared to 800m<sup>2</sup> in the Township Zone) and that is more than the relief sought by the submitter, we could consider the Large Lot Residential Area A zone as recommended by the Stream 6 Hearing Panel, which has a minimum of 2,000m<sup>2</sup>. This is also what we determined would be appropriate east of Grandview Road.
429. The Streat Developments Ltd land is subject to an approved subdivision resource consent (RM050083) for 90 residential lots. These would be typically 800m<sup>2</sup> – 1000m<sup>2</sup> in area. Clearly this, if implemented, would be different to all of the ODP zoning, the PDP Rural Residential zone, or the Large Lot Residential Area A zone that we have identified could give partial relief to the submitter.
430. We find that in respect of the Streat Developments Ltd submission, the most appropriate overall outcome would be the Large Lot Residential Area A zone. This would be suitable in this location having regard to our findings for the land east of Grandview Road and in light of the Hawea 2020 plan and PDP strategic framework. It would also come closest to the subdivision consent already granted by the Council and that is likely to become part of the existing environment in the near term.
431. In terms of the Willowridge Developments Ltd submission, part of that site, zoned Township in the ODP, sits beyond the areal scope of the Stage 1 PDP. The remainder of the site, proposed to be zoned Rural Residential in the PDP, is within the Stage 1 PDP and we have jurisdiction to consider submissions thereon.
432. The submitter sought the Low Density Residential zone across its entire site. We find that we cannot grant the relief sought on that part of the site that sits outside the Stage 1 PDP. As we have noted, Mr Barr's analysis was that urban development could be appropriate for the site, but that it should be revisited as part of the Stage 2 PDP. We had difficulty with Mr Barr's suggestion for the following reasons:
- a. We have no certainty as to what land will or will not be considered in a subsequent stage of the District Plan review process. We do know the Willowridge Township zone land is not part of the variations notified on 23 November 2017. It could be that in the same way that part of the site is currently excluded from Stage 1 now, that the part of the site that is subject to Stage 1 now will be in turn excluded from a later stage. This may mean the submitter does not get any opportunity for its site to be considered in its entirety. While the Council has ensured such issues do not arise as a result of the interrelationship of the PDP and the Stage 2 Variation processes, we cannot rely on that stance being adopted for future variations.

- b. We see no reason why we cannot or should not consider, for the land that is within Stage 1 PDP, which of the zones that are the specific subject of Stage 1 PDP would be the most appropriate. This includes the majority of the submitter's site and the Low Density Residential zone requested.
433. We are aware that Willowridge Developments Ltd, like Streat Developments Ltd, is in the process of consenting and developing land at the ODP Township zone density across the land. Some consents have been granted and others are being planned. Willowridge Developments Ltd has already established residential development down to Cemetery Road on land immediately west of that which is the subject of this submission. The land also has a connection to Noema Terrace and from there into the heart of Hawea town.
434. We find that in light of the urban densities to the immediate north and west, the Low Density Residential zone would be a more compatible fit than the Rural Residential zone proposed in the PDP.
435. We have previously identified our acceptance of the core thinking behind the Hawea 2020 plan and its vision for ODP Township zone density across the land north of Cemetery Road (800m<sup>2</sup> lots). In light of the 'undershot' achievable for the land east of Grandview Road and also the Streat Developments Ltd land, a balancing 'overshot' on the Willowridge Developments Ltd land would serve a helpful and pragmatic purpose of contributing, overall, to the scale of urban change that was envisaged within the Hawea 2020 plan. We similarly find that the Low Density Residential zone will by some margin better implement the PDP's strategic policy framework than the Rural Residential zone.
436. The Council's advisors, including for infrastructure and traffic, were not supportive of zoning greater than Rural Residential on the land. We found these views effectively impossible to reconcile with the reality that the Council has been granting subdivisions for 800m<sup>2</sup> lots on much of the land (e.g. Streat Developments Ltd and the already implemented Willowridge Developments Ltd subdivisions), with the developers making necessary investments with the Council in enabling trunk infrastructure. Based on the approved subdivisions that we witnessed in Hawea, including on land that is subject to these submissions, we are satisfied that satisfactory infrastructure capacity exists to support our recommendations. In terms of the LLRZ Area A, these lots would be large enough to contain on-site water and waste-water services if necessary and would not necessarily require use of existing network infrastructure capacity. In respect of the Low Density Residential zone (Lower Density Suburban Residential zone in the Stream 6 recommendations), we are satisfied that the extent of development already enabled for the submitters site on the Township Zoned portion is evidence that the land can be serviced and developed.
437. Overall, we therefore find, in agreement with the submitter, that the Low Density Residential zone would be the most appropriate outcome for that part of the site that is subject to Part 1 of the PDP. The submission should therefore be accepted in part. While the remainder of the site sits outside our jurisdiction, we record our view that it forms an 'L' shape that would have established 800m<sup>2</sup> lots to its north and west, and an enablement for 600m<sup>2</sup> lots to its east and south (the effect of our current Stage 1 PDP recommendations). This strongly suggests that the land should either have a continuation of the Low Density Residential zone, which is the request of the submitter, or some other Stage 2 PDP zone that approximates the current Township zone. We recommend that the Council address this in a future stage of the District Plan review.

#### 16.12 The land south of Cemetery Road

438. This is limited to the Streat Developments Ltd land at Lot 1 DP 304937, at the corner of Cemetery Road and Domain Road. The rezoning is opposed by all of the Council's officers. The submitter did not produce expert evidence or any other response to the Council's s.42A reporting.
439. We consider that, consistent with our previous findings, we have no real ability to consider the ODP Township zone in the absence of any analysis demonstrating its compatibility with the PDP policy framework. However, we would have scope to consider any PDP zone that provided residential outcomes at densities between the PDP Rural Residential zone that was notified, and the 800m<sup>2</sup> density that the ODP Township zone would enable. This effectively allows for Large Lot Residential Area A zone (2,000m<sup>2</sup>).
440. We find that in the absence of any expert evidence that explains why the Large Lot Residential Area A zone would be more appropriate than the Rural Residential zone, especially in terms of any adverse effects likely from urban development 'jumping' Cemetery Road at this time, it is difficult for us to see past the Council staff recommendations. We also consider that whereas the land north of Cemetery Road could be developed in a manner that was not dependent on a clear decision being made by the Council on the management of Cemetery Road, 'jumping' to the south side would raise a number of practical safety and planning questions that we do not have the ability to determine at this stage. This includes a safe and suitable pedestrian crossing facility to connect people into their community.
441. While we consider that there may be some 'gateway' benefits in presenting a consistent urban form on both sides of Cemetery Road at its intersection with Domain Road, we are also in agreement that a 'hard' boundary along Cemetery Road is also appropriate. We also note that Hawea 2020 plan also excluded land south of Cemetery Road at the 'gateway'.
442. Overall, we have concluded that with the outcomes determined for the land north of Cemetery Road, a significant additional enablement of development beyond the notified PDP scenario will eventuate. This will be more than sufficient to meet the needs of the National Policy Statement on Urban Development Capacity<sup>89</sup> and the PDP's strategic planning framework. The lack of justification in support of the re-zoning is at this point insurmountable.
443. We recommend that this aspect of the Streat Developments Ltd submission be rejected and that the land south of Cemetery Road should remain zoned Rural Residential as per the notified PDP. Given that we are in agreement with the Mr Barr, we adopt his s.42A conclusions and s.32AA RMA evaluation. No additional analysis or evaluation is necessary.

#### 16.13 An Urban Growth Boundary for Hawea?

444. Our site visits in and around Hawea reinforced the point made by many submitters that Hawea's character was substantially influenced by its small-scale and contained extent. In our view, these qualities help give it the charm and quality of an urban village surrounded by an immense, open landscape. That compactness and 'hard' transition from rural to urban contribute significantly to its character and amenity values.
445. We consider that Hawea's character and amenity values would be unacceptably weakened if resource management methods were not in place to actively protect this compactness and clear edge, while also recognizing the need for growth and expansion over time. We consider

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<sup>89</sup> Refer the discussion of the NPSUDC in Report 16 at Section 3.9

that strategic decisions such as providing for urban density development to ‘jump’ the general town edge of Cemetery Road should be taken with care and only in a well-planned, coordinated fashion. This would be best enabled by an Urban Growth Boundary that could be changed (shifted) as necessary through a future plan change premised on the settlement’s resource management needs and opportunities at that time.

446. We received no environmental effects or ‘real world’ argument against an urban growth boundary; the main issue was in Mr Barr’s opinion one of how such a method could be justified in light of the PDP position on urban growth boundaries (and where they should be used) in the strategic chapters of the Plan. We are aware that the Stream 1B Panel has considered submissions on that matter, and is recommending that the Plan’s strategic policy framework be amended to incorporate reference to a Hawea UGB
447. For ourselves, we find the argument for an Urban Growth Boundary around Hawea to be very compelling. It would reinforce and support the zone pattern we have determined would be most appropriate for Hawea, as well as send a clear message to the community that Hawea was a contained and purposefully planned community.
448. We have considered our view in light of recommendations made by the Stream 1B Panel regarding (now) Policy 4.2.2.22. This policy guides location of urban growth boundaries for Wanaka and Hawea. We consider that our proposed Hawea UGB is consistent with that policy.
449. We recommend that an Urban Growth Boundary should be shown on the planning maps, located in the area bound by Cemetery Road, Muir Road, Lake View Terrace / Capell Avenue and Domain Road, including developed land on the north side of Lake View Terrace / Capell Avenue including Flora Dora Parade and Skinner Crescent.
450. It follows that in our view, this aspect of the Hawea Community Association’s submission should be accepted, along with the further submission in support of a Hawea Urban Growth Boundary made by Willowridge Developments Ltd.

## PART D: OVERALL CONCLUSIONS AND RECOMMENDATIONS

451. In summary, for the reasons set out in detail in our report, we make the following recommendations on the submissions we had before us:

### 17. WANAKA

- a. Beacon Point:
  - i. Anzac Trust<sup>90</sup>- Accept in part
- b. Kellys Flat:
  - i. Iain Weir<sup>91</sup> and Queenstown Lakes District Council<sup>92</sup>- Accept
- c. Kiromoko:
  - i. Wanaka Central Developments Ltd<sup>93</sup>- Accept in part
- d. Scurr Heights
  - i. Alan Cutler<sup>94</sup>- Reject

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<sup>90</sup> Submission 142

<sup>91</sup> Submission 139

<sup>92</sup> Submission 790, opposed by FS1019

<sup>93</sup> Submission 326, opposed by FS1018, FS1326, and FS1316

<sup>94</sup> Submission 110, opposed by FS1285

- ii. Willum Richards Consulting Ltd<sup>95</sup>, Infinity Investment Group Ltd<sup>96</sup>, and Margaret Prescott<sup>97</sup>- Accept in part
    - iii. Queenstown Lakes District Council<sup>98</sup>-Accept
  - e. Terranova Place:
    - i. Christopher Jopson, Jacqueline Moreau, Shane Jopson<sup>99</sup>- Accept
  - f. Golf Course Road:
    - i. Trustees of the Gordon Family Trust<sup>100</sup>- Accept
  - g. Cardrona Valley Road
    - i. Willowridge Developments Ltd<sup>101</sup>, JA Ledgerwood<sup>102</sup>, Susan Meyer<sup>103</sup>- Accepted in part
    - ii. Wanaka Lakes Health Centre<sup>104</sup>, Aspiring Lifestyle Retirement Village<sup>105</sup>- Reject
    - iii. Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Ltd<sup>106</sup>- Reject
    - iv. JA Ledgerwood<sup>107</sup>- Reject
    - v. Satomi Enterprises Ltd<sup>108</sup>- Reject
  - h. Orchard Road/Riverbank Road:
    - i. Orchard Road Holdings Ltd<sup>109</sup> and Jackie Redai & Others<sup>110</sup>, and Ian Percy and Aitken Family Trust<sup>111</sup>- Reject
    - ii. Willowridge Developments Ltd<sup>112</sup>- Reject
  - i. Anderson Road:
    - i. Murray Fraser<sup>113</sup>- Accept in part
  - j. Studholme Rd area:
    - i. Hawthenden Ltd<sup>114</sup>- Accept in Part
    - ii. Calvin Grant & Joline Marie Scurr<sup>115</sup>, Glenys & Barry Morgan<sup>116</sup>, Don & Nicola Sargeson<sup>117</sup>, AW and MK McHutchon<sup>118</sup>, Robert & Rachel Todd<sup>119</sup> and Joanne Young<sup>120</sup>- Accept in part

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<sup>95</sup> Submission 55

<sup>96</sup> Submission 729

<sup>97</sup> Submission 73

<sup>98</sup> Submission 790

<sup>99</sup> Submission 287, supported by FS1008

<sup>100</sup> Submission 395, opposed by FS1101 and FS1212

<sup>101</sup> Submission 249, opposed by FS1193

<sup>102</sup> Submission 507, opposed by FS1193 and supported by FS1012

<sup>103</sup> Submission 274, supported by FS1101 and FS1212

<sup>104</sup> Submission 253, supported by FS1101

<sup>105</sup> Submission 709

<sup>106</sup> Submission 622, opposed by FS1193

<sup>107</sup> Submission 562

<sup>108</sup> Submission 619

<sup>109</sup> Submission 249, opposed by FS1027 and FS1131

<sup>110</sup> Submission 152, opposed by FS1013 and opposed in part by FS1136

<sup>111</sup> Submission 725, opposed by FS1013

<sup>112</sup> Submission 249

<sup>113</sup> Submission 293

<sup>114</sup> Submission 776

<sup>115</sup> Submission 160

<sup>116</sup> Submission 161

<sup>117</sup> Submission 227

<sup>118</sup> Submission 253

<sup>119</sup> Submission 783

<sup>120</sup> Submission 784

- iii. Murray Stewart Blennerhassett<sup>121</sup>- Accept in part
- k. West Meadows Drive:
  - i. Willowridge Developments Ltd<sup>122</sup>, Nic Blennerhassett<sup>123</sup>, Jon Blennerhassett<sup>124</sup>- Accept in part
- l. State Highway 84:
  - i. Ranch Royale Estate Ltd (ex Skeggs)<sup>125</sup>- Accept in part
  - ii. Winton Partners Funds Management No 2 Ltd<sup>126</sup>- Reject
- m. UGB at Waterfall Park:
  - i. Blennerhassett Family Trust<sup>127</sup>, Murray Stewart Blennerhassett<sup>128</sup>, RN Macassey, M G Valentine, LD Mills & Rippon Vineyard and Winery Land Co Limited<sup>129</sup>- Reject

## 18. HAWEA

Hawea Urban Area and UGB:

- a. Jude Battson<sup>130</sup>, Joel Van Riel<sup>131</sup>, Jan Solback<sup>132</sup>, Laura Solback<sup>133</sup>, Robert Devine<sup>134</sup>, and Gaye Robertson<sup>135</sup>- Accept
- b. Streat Developments Ltd<sup>136</sup>, Willowridge Developments Ltd<sup>137</sup>- Accept in part
- c. Hawea Community Association HCA<sup>138</sup>- Accept in part,

452. Our recommendations for further submissions reflect, in each case, the recommendation on the principal submission to which they relate

453. Throughout this report, where we recommend acceptance of submissions in whole or in part, we have recommended amendments to the Planning Maps. Those recommended changes are shown on the face of the revised maps attached to Report 16.

## 19. ADDITIONAL RECOMMENDATIONS

454. In addition, we have recommended
- a. That Chapter 15 be revised to include additional policies and rules governing development of the Cardrona Valley Road Local Shopping Centre Zone as set out in Appendix 1 attached.
  - b. The Council, working with landowners and the community, should develop a structure plan for the land generally bound by Orchard Road (southwest), Riverbank Road (south east) and Ballantyne Road (northeast). This structure plan would identify a long-term

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<sup>121</sup> Submission 322, supported by FS1156 and FS 1135

<sup>122</sup> Submission 249

<sup>123</sup> Submission 335; includes Anderson Family Trust as part successor

<sup>124</sup> Submission 65

<sup>125</sup> Submission 412: Supported by FS1012

<sup>126</sup> Submission 653: Supported by FS1166

<sup>127</sup> Submission 413

<sup>128</sup> Submission 322

<sup>129</sup> Submission 692

<sup>130</sup> Submission 460

<sup>131</sup> Submission 462, supported by FS1138 AND FS1141

<sup>132</sup> Submission 816

<sup>133</sup> Submission 119

<sup>134</sup> Submission 272

<sup>135</sup> Submission 188, opposed by FS1012

<sup>136</sup> Submission 697, supported by FS1138 AND FS1141

<sup>137</sup> Submission 249

<sup>138</sup> Submission 771

urban form outcome, staging / timing sequence, and a platform for timely Plan Changes as appropriate<sup>139</sup>.

- c. That Chapter 27 be revised by the Stream 4 Hearing Panel to include the “West Meadows Drive Structure Plan” proposed by Mr Barr in his reply statement, together with consequential amendments as set out in Appendix 2 to this report.
- d. That Council consider imposition of an appropriate urban zoning for the Willowridge land at Hawea currently zoned Township in the ODP as part of a future stage of the District Plan review process, taking account of our recommendations as to the zoning of the balance of the Willowridge land<sup>140</sup>.

For the Hearing Panel



Trevor Robinson, Chair  
Dated: 27 March 2018

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<sup>139</sup>Discussed in sections 10.8 and 10.16 above.

<sup>140</sup> Refer section 16.11 above

## Appendix 1

### Recommended Amendments to Chapter 15:

- a. Insert a new policy underneath notified Objective 15.2.1 (Local Shopping Centre zones) as follows:

*“Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road to ensure that the commercial function of Wanaka Town Centre and Three Parks is not adversely affected.”*

- b. Insert a new rule in notified section 15.5 as follows:

***“Retail and office activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka***

*The total combined area of retail and office activities shall occupy no more than 3,000m<sup>2</sup> gross floor area.*

*Note:*

*For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road, and shall not be interpreted as applying to individual sites within the zone.”*

with non-compliance stated to be a Discretionary Activity.

## Appendix 2

### Recommended amendments to Chapter 27

- a. Insert a new location-specific objective and policies, worded as follows:

*“West Meadows Drive*

*Objective - The integration of road connections between West Meadows Drive and Meadowstone Drive.*

**Policies**

*Enable subdivision at the western end of West Meadows Drive which has a roading layout that is consistent with the West Meadows Drive Structure Plan.*

*Enable variances to the West Meadows Drive Structure Plan on the basis that the roading layout results in the western end of West Meadows Drive being extended to connect with the roading network and results in West Meadows Drive becoming a through-road.”*

- b. Insert a new location-specific Controlled Activity rule worded as follows:

*“Subdivision of lots zoned Lower Density Suburban Residential at the western end of West Meadows Drive identified in Section 27.13 which is consistent with the West Meadows Drive Structure Plan in Section 27.13.*

*Control is reserved to:*

- a. the matters of control listed under Rule 27.7.1; and  
b. roading layout.”*

- c. Insert a new location-specific Discretionary Activity rule, worded as follows:

*“Subdivision of lots zoned Lower Density Suburban Residential at the western end of West Meadows Drive identified in Section 27.13 that is inconsistent with the West Meadows Drive Structure Plan in Section 27.13.”*

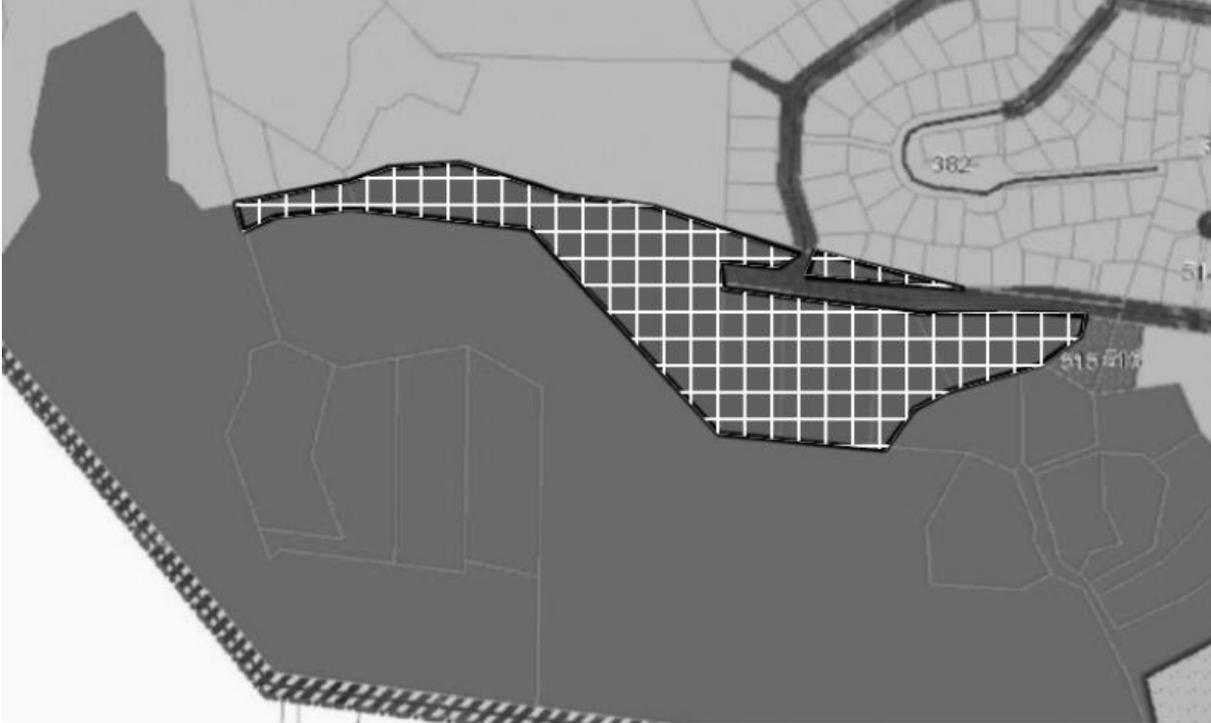
- d. Insert Assessment Criteria for the Controlled Activity rule in b) above, worded as follows:

*“a. the assessment criteria identified under Rule 27.7.1 as they apply to the West Meadows Drive area.*

*b.the extent to which the roading layout integrates with the operation of West Meadows Drive as a through-road.”*

- e. Insert the following diagrams and accompanying text into Section 27.13:

Area of Lower Density Suburban Residential land the subject of the West Meadows Structure Plan



West Meadows Drive Structure Plan

