

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the
Proposed District Plan

**SECTION 42A REPORT OF NICHOLAS ROBERTS
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

CHAPTER 19A THREE PARKS, PLUS VARIATIONS – TEXT AND MAPPING

18 March 2018

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

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1. PROFESSIONAL DETAILS

- 1.1** My full name is Nicholas Jon Roberts and I am a resource management consultant and director of Barker & Associates Limited, an independent, specialist planning consultancy with five offices throughout New Zealand. I have been in this position since 1997.
- 1.2** I hold the Degree of Bachelor of Planning from the University of Auckland. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association, the Auckland Urban Design Panel, and recipient of the Nancy Northcroft Planning Practice Award.
- 1.3** My relevant experience includes:
- (a) Wellington Regional Policy Statement - preparation of submissions, evidence presentation and mediation in relation to the hierarchy of centres and the distribution of retail activity;
 - (b) Palmerston North City District Plan - preparation of hearing evidence and attendance at mediation in relation to retail activity objectives, policies and methods;
 - (c) Preparation of the Proposed Auckland Unitary Plan (PAUP) City Centre zone objectives, policies and methods, including preparation of planning evidence for Topic 050 City Centre;
 - (d) Lead planner for the Council on the PAUP RPS Quality Built Form provisions, including mediation, preparation of evidence and hearing attendance.
 - (e) Lead planner for Auckland Council on the Residential topics submissions as part of the PAUP process. This included leading mediation, preparation and presentation of evidence for Auckland Council.
 - (f) Preparation of a number of plan changes on behalf of the previous Auckland City Council, including Plan Change 2 to the Operative Plan – implementing urban design controls across the Central City and Plan Change 4 – which provided for the redevelopment of Wynyard Quarter.
- 1.4** Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court

Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. INTRODUCTION

2.1 In this section 42A report, I provide recommendations to the Hearings Panel on the submissions and further submissions received on the Three Parks proposal, notified as part of Stage 3 of the Queenstown Lakes District Proposed District Plan (**PDP**).

2.2 A total of 71 submission points and 35 further submission points were received on these provisions. I have grouped my analysis of these submissions into topics as follows:

- (a) Topic 1: Other submissions;
- (b) Topic 2: HAIL sites and LDSRZ interface;
- (c) Topic 3: Residential yield;
- (d) Topic 4: Three Parks Business Zone;
- (e) Topic 5: Educational facilities;
- (f) Topic 6: Infrastructure;
- (g) Topic 7: Subdivision provisions;
- (h) Topic 8: High Density Residential Zone;
- (i) Topic 9: Business Mixed Use Zone;
- (j) Topic 10: Rezoning's and Three Parks Structure Plan

2.3 The specific submissions and further submissions addressed in each topic grouping are identified in the relevant sections of the report.

2.4 For each topic, I summarise the key issue(s) and relief sought in the submissions, consider whether the relief sought better achieves the relevant objectives of the applicable policy documents, and evaluate the appropriateness, including costs and benefits, of the requested changes in terms of s32AA of the RMA.

- 2.5** When assessing the submissions, I refer to and rely on the evidence / s 42As of:
- (a) Natalie Hampson’s evidence dated 18 March 2020;
 - (b) Luke Place, Section 42A Report for the General Industrial Zone dated 18 March 2020; and
 - (c) Mr Barr’s Stage 3 Strategic Evidence (**Strategic Evidence**).
- 2.6** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:
- (a) Chapter 19A Three Parks Section 32 evaluation (**S32**);
 - (b) PDP Stage 1 & 2 Decision Version as attached to Mr Barr’s evidence (**PDP**);
 - (c) Strategic Evidence, including the versions of the Otago RPS as explained in Mr Barr’s Strategic Evidence.
- 2.7** Changes I recommend to the notified Three Parks Commercial Zone (**TPCZ**) provisions and other variations in response to submissions and further submissions are included in **Appendix 1**. My recommendations for accepting or declining submissions are included in **Appendix 2** alongside a summary of the relief sought in the submissions. My recommendation for accepting or declining further submissions, will stand or fall with the primary submission.
- 2.8** Throughout my evidence I refer to the following versions of the PDP text, as follows:
- (a) **Provision X.X.X:** to refer to the notified version of a provision (i.e. Objective 19.2.1); and
 - (b) **PDP Provision X.X.X:** to refer to the Stage 1 & 2 Decision Version (i.e. PDP Objective 3.2.1)
- 2.9** By way of explanation, the ODP Three Parks Zone (**ODP Three Parks area**) was reviewed prior to notification of Stage 3, and a decision made by Council to notify that area of land with a variety of zone types, including a PDP TPCZ, and a number of Stage 1 zone types (with some associated variations).

3. TOPIC 1 OTHER SUBMISSIONS

- 3.1** This section covers submissions that do not fit well within the other identified topics.
- 3.2** A number of submissions in support of the notified Three Parks proposal and zoning were received¹. These submissions are noted and recommended to be accepted, other than where another submission seeks alternate relief and is recommended to be accepted. These are discussed alongside the relevant topic/rule.
- 3.3** Submitter Roger Moseby (**3110**), has requested that all land owners in the Three Parks area be consulted on future development plans for Three Parks (3110.2). Mr Moseby has submitted that all landowners in the Three Parks area be allowed equal and unbiased opportunities to develop in a balanced and coordinated way. Mr Moseby has also submitted that the notified Business Mixed Use Zone (**BMUZ**) and 'visitor accommodation boundaries' restrict potential future development within all of the Three Parks area, that there is a lack of connectivity to the north western area of Three Parks, and an environmental impact on the aquifer.
- 3.4** With regard to the first point, the Schedule 1 RMA notification and submissions process forms part of consultation with landowners. With regard to landowners being consulted in relation to individual resource consents, the RMA provides for consideration of potentially affected parties during the resource consent process, as well as consultation through the limited notification and public notification processes, depending on the level of effects (s95 RMA). As this consultation is currently occurring, submission point 3110.2 is recommended to be accepted in part.
- 3.5** With regard to the other matters raised in the submission, for the reasons set out in the s32 the notified zoning pattern for the Three Parks area and provisions are largely considered appropriate, albeit with a number of recommended amendments as discussed throughout this report. The notified Structure Plan for the TPCZ, together with the

¹ Submission points 3109.3, 3231.3, 3342.16 – 3342.31, 3229.13 – 3229.17 3189.1 (Outside Sports Ltd), 3237.1 (Outside Sports Ltd), 3269.5 (Henley Property Trust).

rule framework provided in PDP Chapter 27 Subdivision and Chapter 29 Transport, will ensure that connectivity is appropriately provided for throughout the Three Parks area and that development occurs in a balanced and coordinated way. I recommend this relief be accepted in part as no changes are proposed to the provisions as a result of this submission, but I accept the merits of what the submitter is saying.

- 3.6** With regard to possible environmental impacts on the aquifer, I note this is managed through various processes, including the management of Hazardous Activities and Industries List (**HAIL**) sites under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES for soil contamination**) and regional council responsibilities to manage natural and physical resources, for example discharge of contaminants and water quality.
- 3.7** Gems Education Childcare (**3218.2**) has requested that car parking requirements be amended to recognise the benefit of co-locating educational and community facilities. This submission does not relate to any Stage 3 provisions. Car parking is managed through Chapter 29 Transport, which is being reviewed as part of Stage 2 of the PDP review. It is considered that the scope of this submission to make changes to the PDP is confined to a site or zone specific amendment. I consider that consideration of co-locating activities and any infringement to parking standards is best addressed through the resource consent process, rather than a bespoke rule that only applies to the Three Parks area. Through the resource consent process an assessment can be made of the individual circumstances, including the type of activity, hours of operation and the like that may support a reduction in car parking for co-located activities. I therefore recommend this submission point be rejected.
- 3.8** New Zealand Transport Agency (**NZTA**) have requested some amendments to the standard and matters of discretion for rule 19A.5.3 – Glare (3229.11), relating to the effects of glare. NZTA have sought that these be clarified to be more explicit regarding what effects the rule is managing, i.e. effects on adjoining sites and the transportation network. I consider the amendments sought by NZTA make the rule

clearer in its intent and easier to understand and therefore recommend this submission point is accepted.

Clause 16(2) RMA changes

3.9 A number of minor changes have been suggested in the revised chapter in **Appendix 1**. While the Council can make these changes at this time, I recommend they be made by the Panel in its report as has been the case in other stages of the plan review. This includes the duplication of text in Rule 19A.4.5, which is also sought to be amended by submission point 3220.3, and clarifications to define the extent of Three Parks in Chapter 27.

4. TOPIC 2: HAIL SITES AND INTERFACE WITH LDSRZ

4.1 Public Health South / Southern District Health Board (**3109**) have requested that Council follows through with test pitting and mitigation be undertaken on land identified on the Hazardous Activities and Industrials List (**HAIL**) (3109.4).

4.2 While I agree soil testing and mitigation is an appropriate requirement for managing HAIL sites, this process is already managed through the NES for soil contamination. The NES already applies in the District. I consider that including this in the PDP will result in unnecessary and inefficient duplication of process and potentially consents. For this reason, I consider that submission point 3109.4 should be rejected.

4.3 With regard to submission point 3109.5 which requests that the impact on residents' health and well-being in the Lower Density Suburban Residential Zone (**LDSRZ**) adjacent to the GIZ be considered, I note that this is managed through GIZ provisions, including Objective 18A.2.4 that activities and development are undertaken in a way that does not adversely affected the amenity of other zones, and Policy 18A.2.4.1 which requires the management of various effects to ensure the amenity of other zones is not adversely affected. Various provisions implement this approach, including the requirement for a 7m boundary setback with non-GIZ zoned land (Rule 18A.5.3), maximum

building height (Rule 18A.5.6), management of glare (Rule 18A.5.7), and requirement for solid screen fencing (Rule 18A.5.9). While the submission point was coded as 'oppose' it is recommended that it be accepted in part, in so far as the notified Stage 3 chapters already address the relief sought.

5. TOPIC 3: RESIDENTIAL YIELD

- 5.1** Queenstown Lakes Community Housing Trust (**QLCHT**) have submitted on the residential yield at Three Parks and requested that the overall estimated yield, particularly in relation to the provision of medium and high density housing is not reduced from what was enabled in the ODP Three Parks Zone (3186.1). The QLCHT have requested that if there is a reduction in yield, then amendments be made to the zone boundaries and/or Rule 19A4.9 to increase residential yield to match the yield provided for in the ODP, or provide for residential activities in the TPCZ above ground.
- 5.2** The s32 (paragraph 6.62-6.63) notes the Housing Development Capacity Assessment 2017 (**HDCA**) identified capacity for approximately 750 residential dwellings within the Three Parks area. This assessment was based on the ODP zone framework for Three Parks. As set out in the s32 the zone layout and provisions for Three Parks have been significantly simplified, with PDP zones used in place of the various Three Parks Special Zone subzones.
- 5.3** Based on the approach set out in the Strategic Evidence for calculating yield, the LDSRZ in the Three Parks area can accommodate a yield of 863 dwellings, and the Medium Density Residential Zone (**MDRZ**) a yield of 842 dwellings. For the LDSRZ approximately 57 hectares of land is available for residential development, this excludes land subject to a Building Restriction Area and the primary school site. For the MDRZ an area of just under 31 hectares is available for residential development, this excludes land subject to a Building Restriction Area and the Visitor Accommodation Subzone (**VASZ**).

5.4 Submission point 3186.1 should therefore be accepted as the yield is not decreasing. As there is substantially more yield available under the notified version, compared to the 750 dwellings that the s32 notes is available under the ODP scenario, no change to zoning or provisions are required to enable increased yield.

6. TOPIC 4: THREE PARKS BUSINESS ZONE

6.1 Willowridge Developments Ltd (**Willowridge**) (**3220**) have requested that a new zoned be included in the PDP – Chapter 19B Three Parks Business. The submitter’s proposed chapter includes a new objective, seven new policies, and new rules and standards. The submitter has also sought a rezoning to include land within the Three Parks Business Zone – the rezoning component of the submission point is assessed in section 12 below. I consider the request for provisions in section 12 also.

7. TOPIC 5: EDUCATIONAL FACILITIES

7.1 The Ministry of Education (**MoE**) (**3152**) has made a number of submission points seeking a more enabling regime for educational facilities within the TPCZ. This includes a new policy (3152.4) as follows:

"Enable educational facilities to establish throughout the Three Parks Commercial Zone, ensuring that the scale and effects of these activities do not adversely affect Commercial activity."

7.2 The submission also requests a new restricted discretionary rule for education facilities (3152.5) with the following matters of discretion:

- "1. The extent to which it is necessary to locate the activity with the Three Parks Commercial Zone.*
- 2. Reverse sensitivity effects of adjacent activities.*
- 3. The extent to which the activity may adversely impact on the transport network.*

4. The extent to which the activity may adversely impact on the streetscape.

5. The extent to which the activity may adversely impact on the noise environment. And any consequential changes that give effect to the relief sought in the submission.”

7.3 MoE outlines in their submission that education facilities such as tertiary education institutions, work skills training centres and early childhood education centres may need to be located within the TPCZ for the convenience of users, and therefore these should be provided for via a restricted discretionary activity status, noting that Council will have discretion over what education activities are acceptable on a case by case basis.

7.4 The TPCZ is a ‘one off’ zone within the PDP which does not apply anywhere other than Three Parks. It is very much focussed on providing a location in Wanaka for large format retail activities. Mitre 10 is currently under construction in the zone, and it is anticipated that similar large format retail businesses and trade suppliers will also locate here given the permitted activity status for these uses (TPCZ). Educational facilities are not typically anticipated, falling into Rule 19A.4.9 ‘Activities which are not listed within this table’ and requiring consent as a non-complying activity.

7.5 I do not consider that providing for educational facilities in the TPCZ meets the zone purpose. In my opinion the zone should facilitate the types of commercial activities it has been designed for, and including educational facilities within this is not an efficient use of land with this zone which is relatively limited.

7.6 The definition of educational facilities is broad, and ranges from traditional schools which require large areas of land and associated effects such as traffic, through to smaller training centres where the land uptake and associated effects may be smaller and internalised. While in some instances this type of activity may be appropriate, I consider this is best assessed on a case by case basis utilising a discretionary activity consenting pathway. I note that the notified objectives and policies do not take an ‘avoid’ or ‘discourage’ approach for educational

facilities, and therefore consider discretionary activity status to be more appropriate than non-complying. Alternatively, the notice of requirement process exists for some educational facilities. I therefore recommend that submission points 3152.4 and 3152.5 be accepted in part.

8. TOPIC 6: INFRASTRUCTURE

- 8.1** Aurora Energy Ltd (**Aurora**) (**3153**) have made a number of submission points relating to electricity supply and protection of existing infrastructure. I am aware that the majority of the changes sought by Aurora are similar to those for which agreement has been reached through Topic 17 mediation, where Council has agreed to include similar provisions in other PDP chapters. Given agreement has been reached with parties I consider the most efficient and effective way forward is to ensure a consistent approach be applied across the PDP and that Chapter 19A be amended to include similar provisions. The amendments I have recommended to be made to Chapter 19A meet the intent of what is sought by Aurora in their submission, and is consistent with what was agreed at mediation for other chapters. In some cases, the recommended wording differs slightly from the exact wording sought by Aurora in their submission.
- 8.2** Submission point 3153.4 requests an advice note be included in section 19A.3.2 that refers to compliance with an Electrical Code of Practice for Electrical Safe Distances as required by the Electricity Act 1992. I recommend that this submission point be accepted.
- 8.3** Aurora have also requested 'electricity supply' be included as a matter of discretion alongside the other services listed in matter (f) in relation to Rule 19A.4.4 for buildings (3153.16), as well as an additional matter of discretion for this rule relating to adverse effects on electricity infrastructure (3153.17). I note that electricity supply would normally be considered at the time of subdivision and ensuring that new lots are adequately serviced, including with electricity. I therefore recommend that submission point 3153.16 be rejected. Chapter 27 Subdivision and

Development includes provisions to this effect.² With regard to effects on electricity infrastructure, I consider it appropriate for Chapter 19A to be consistent with other PDP chapters, and recommend that an advice note be added that is consistent with that agreed to for other urban chapters at mediation. This is slightly different to that sought by the submitter, and I therefore recommend submission point 3153.17 be accepted in part.

- 8.4** In submission point 3153.5 Aurora have requested amendments to the non-notification of applications clause (19A.6) to make reference to Council giving specific consideration to Aurora Energy Ltd as an affected person in relation to applications under Rule 19A.4.4(i). Again this is consistent with the approach agreed at mediation and I recommend an amendment to the non-notification clause be made and the submission point be accepted.
- 8.5** Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited (**Telecommunication Companies**) have requested (3032.2) that a new clause be added to Rule 30.5.6.6(a) to provide for an 18 metre height limit for poles in the TPCZ where there is a single operator, and 21 metres where there are multiple operators on the same pole. Reviewing Rule 30.5.6.6 in relation to the nearest adjoining zone for guidance and consistency, I note the BMU for Wanaka specifies a pole height of 13 metres, one metre more than the maximum building height. Given the maximum building height for the TPCZ is 15 metres, I consider a 16 metre pole height is appropriate in the adjoining TPCZ. I recommend Rule 30.5.6.6 is amended to include a 16 metre height limit for poles in the TPCZ. I therefore recommend that the relief is accepted in part. I also recommend that 30.5.6.6(d) is amended to specifically refer to Three Parks, as opposed to just 'Wanaka' to make it clear the rule applies in this zone. This is a non-substantive change that I recommend be made under Clause 16(2).

2 For example, Policies 27.2.5.16c., 27.7.15.4, 27.7.1j

9. TOPIC 7: SUBDIVISION PROVISIONS

9.1 QLCHT (3186.3) have sought clarification regarding the activity status for Rule 27.7.17.1. The notified rule refers to Rule 27.7.17.1 and lists additional “matters of control” for subdivision at Three Parks, with an activity status of restricted discretionary. Given that the rule refers to additional matters of control, and that the activity status for Rule 27.7.1 (not subject to the variation) is controlled, I consider the activity status should be amended to controlled. With regard to s32AA, I consider retaining the same activity status for subdivision at Three Parks as for other areas with a structure plan (with sufficient levels of detail) in the District is efficient because it provides for consistency across the plan. I recommend submission point 3186.3 be accepted. It is noted that NZTA (3229.16) have supported the rule as notified, therefore the relief sought in that submission is recommended to be accepted in part, given the change to activity status.

9.2 QLCHT have sought that an additional matter of control be added to Rule 27.7.17.1 relating to the location and identification of affordable housing and community housing within those zones where residential use is provided for (3186.4). Other than Policy 27.2.1.4 which refers to ‘affordable or community housing’ as a consideration when there is a non-complying minimum allotment size, I am not aware that this provision is included elsewhere in the PDP as a matter of control, and do not consider it an appropriate matter of control for subdivision on an area specific basis. I recommend this submission point be rejected.

10. TOPIC 8: HIGH DENSITY RESIDENTIAL ZONE PROVISIONS

10.1 Willowridge (3220) have requested a number of changes to the variation to Chapter 9 HDRZ. The changes³ include:

- (a) Removing reference to low building coverage from the zone purpose;
- (b) Deleting 9.2.9.2 which requires buildings to be dispersed around the zone;

3 3220.4, 3220.5, 3220.6, 3220.7, 3220.8

- (c) Deleting Rule 9.5.4.2 which requires 25% maximum building coverage at Three Parks (compared to 70% for the rest of the HDR zone);
- (d) Deleting Rule 9.5.6.2 which requires a minimum 50% landscaped site area (compared to 20% for the rest of the HDR zone); and
- (e) Deleting rule 9.5.8.3 which requires buildings to be set back at least 5m from Sir Tim Wallis Drive.

10.2 I understand the reduced building coverage for the HDR zone at Willowridge was proposed to maintain a sense of openness at the entranceway to Wanaka. It largely replaces the ODP 'Tourism and Community Facilities Subzone' which also has a low building coverage standard to encourage a 'park-like setting' to enhance openness and amenity at the entrance to the Three Parks area.

10.3 In my opinion while the low building coverage and high landscaping requirement may maintain the character anticipated by the ODP, these restrictions do not enable the efficient use of land sought by the HDR zone (Objective 9.2.1 and Policies 9.2.1.1 and 9.2.1.1; Objective 9.2.3 and Policy 9.2.3.1).

10.4 With regard to maintaining a sense of openness at the entrance way to Wanaka, I consider this is achieved by the building restriction area along State Highway 84. I therefore recommend that the 25% building coverage and 50% landscaping provisions are removed.

10.5 With regard to the spatial extent of the HDR at Three Parks, I have recommended an amendment to extend the BMU along both sides of Sir Tim Wallis Drive. This is discussed in section 12 below, and will result in the removal of HDR adjoining Sir Tim Wallis Drive. As a consequence, I recommend that the 5m setback rule be deleted, as there will be no HDR adjoining Sir Tim Wallis Drive. If the Panel were of a mind not to accept the recommended BMU zoning change, I do not consider the 5m setback to be effective or efficient for HDR adjoining Sir Tim Wallis Drive as it will result in built form that is inconsistent with the BMU which traverses the majority of Sir Tim Wallis Drive and has no road boundary setback.

- 10.6** For these reasons, I consider the standard HDR provisions to be more effective and efficient at achieving the overall purpose of the zone and recommend that the submission points 3220.4, 3220.5, 3220.6, 3220.7 be accepted.

11. TOPIC 9: BUSINESS MIXED USE ZONE PROVISIONS

- 11.1** Southern Ventures/Henley Property Trust (**3269.12**) have requested some changes to the notified variation to Chapter 16 Business Mixed Use Zone (**BMU**). The submitter has sought that there be no maximum building coverage for the notified BMU sites adjoining Sir Tim Wallis Drive, or that the Three Parks BMU is rejected and replaced with a new zone that replicates the BMU zone in all respects with the exception of building coverage. The submitter has requested the removal of the 75% building coverage rule because the existing Three Parks Business Sub-zone provides the ability to build to 100% site coverage, and the submitter has a plan underway for the three sites they own on Sir Tim Wallis Drive (presumably prepared on this basis).
- 11.2** I do not consider removing the building coverage standard from the BMU for Three Parks to be appropriate as there is no rationale for a bespoke provision for Three Parks. I note that 75% building coverage is consistent with the building coverage standards for adjoining zones including GIZ (75%), HDR (70%) and TPCZ (90%) and will assist with consistent character and built for in the Three Parks area.
- 11.3** Breaching the 75% building coverage standard (16.5.4) in the BMU requires consent as a discretionary activity and I consider changes to site coverage are better dealt with through this consenting pathway where higher site coverage proposals can be assessed on a case by case basis, including any development proposal the submitter has planned. I therefore recommend submission 3269.12 be rejected.
- 11.4** Southern Ventures/Cadence Holdings Ltd has requested that amendments be made to the BMU zone provisions to impose greater restrictions on residential and visitor accommodation activities

(3231.4). The submitter suggest that these should be restricted at Three Parks if the area currently zoned GIZ is rezoned to BMU (this relief is discussed under the heading 'Other submissions seeking changes to the GIZ at Three Parks' at paragraphs 12.23 – 12.26 below). Residential activities are permitted in the BMU zone, and visitor accommodation is controlled. The BMU zone is clearly enabling of these activities as reflected in PDP Objective 16.2.1 which is that *an area comprising a high intensity mix of compatible residential and non-residential activities is enabled*, and PDP Policy 16.2.1.2 which seeks to *Enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in*. Imposing greater restrictions for the Three Parks BMU (if rezoned to this from GIZ) would not be efficient or effective as it may start to discourage these activities from locating in this zone or create unnecessary need for consents, contrary to objective 16.2.1.

- 11.5** I do not support a different approach for BMU at Three Parks as this would result in bespoke area specific provisions and there is no rationale to include such a carve out. I therefore recommend this submission point is rejected.

12. TOPIC 10: RE-ZONING REQUESTS

- 12.1** A number of rezoning requests have been made for the Three Parks area. In assessing these requests I have considered the requirements of the National Policy Statement – Urban Development Capacity (**NPS-UDC**), and the Council's approach to meet these requirements as set out in Mr Barr's Strategic Evidence. The assessment of rezoning's below gives effect to the NPS-UDC with regard to ensuring sufficient land supply for the medium term.

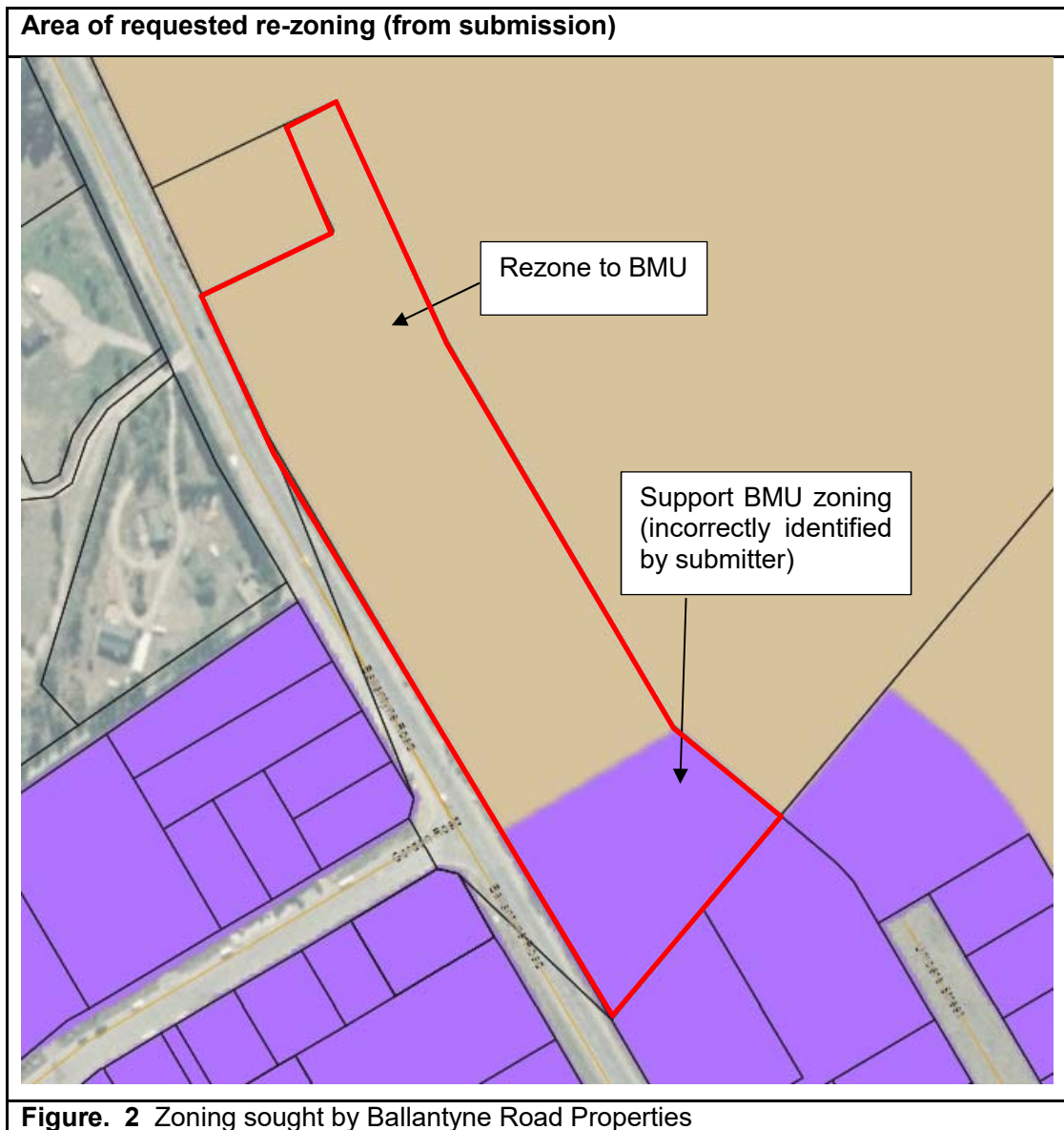
BALLANTYNE PROPERTIES LTD (3056.1, 3056.2)

Submission and property information	
Recommendation summary	Reject
Submission number and name	3056.1, 3056.2 Ballantyne Properties Ltd
Stage 3 notified	LDSRZ and GIZ
Stage 3 zone requested	Business Mixed Use Zone
Area of re-zone request	2.00ha
Request referred to in report as	Ballantyne Properties Ltd
ODP Zone and mapping annotation	Three Parks Special Zone – Low Density Residential Subzone
Stage 1 or 2 PDP Zone and mapping annotation	N/A
Legal Description	Lot 1 DP 510626 held in Record of Title 783035
Total area of property	2.00ha
QLDC Property ID	60,890
QLDC Hazard Register	Liquefaction Risk LIC 1. Nil to low risk.
Supporting information provided by applicant	None
Position of Council experts	Not assessed

Aerial photograph of the site



Figure. 1 Aerial photo of subject site showing area of re-zoning request (red border).



12.2 This submitter supports the zoning of the southern portion of their site as BMU. It appears that the submitter has mistaken the notified GIZ zoning for BMU. The submitter also seeks that the northern part of the site, notified as LDSRZ be rezoned to BMU. For the purposes of assessing this submission it is assumed that the submitter’s relief sought is for the entire submission site to be zoned BMU.

12.3 The submitter contends that the appropriate zone for the site is BMU due to proximity to the substation which the submitter considers to be inappropriate for residential zoned land, and that the BMU will provide an interface between the industrial land on the other side of Ballantyne Road and the residential land to the north.

- 12.4** It is noted that the BMU zoning provides for residential development at a much higher density than LDSR, therefore this will not resolve the submitter's concerns regarding residential development in close proximity to the substation.
- 12.5** The GIZ at the southern end of the submitter's land is considered appropriate as it adjoins the existing GIZ and aligns with the ODP Three Parks Business Sub-zone. It is noted that under the ODP, the Business Subzone was contained by an indicative road that has not been carried over into the PDP Structure Plan for the Three Parks area, resulting in a split zone for this property. This appears to be a common occurrence for Three Parks as the PDP structure plan is simplified from the ODP version and contains less fixed elements.
- 12.6** Ms Hampson has discussed industrial and commercial land capacity in her expert economic evidence, which draws on the Business Development Capacity Assessment 2017 (BDCA), including updates to the modelling in January 2020. Ms Hampson concludes that there is long-term surplus capacity within the Wanaka Ward⁴. On this basis it is considered that the notified commercial and industrial zones at Three Parks contain sufficient capacity to meet demand, and rezoning of the submitter's land from GIZ/LDSR to BMU is not required to meet business zoned land demands for the district in the medium and long terms.
- 12.7** With regard to the interface between the GIZ and LDSRZ, as discussed above (paragraph 4.3) in relation to submission 3109, it is noted that this is managed through GIZ provisions, including Objective 18A.2.4 that activities and development are undertaken in a way that does not adversely affect the amenity of other zones, and Policy 18A.2.4.1 which requires the management of various effects to ensure the amenity of other zones is not adversely affected. Various provisions implement this approach, including the requirement for a 7m boundary setback with non-GIZ zoned land (Rule 18A.5.3), maximum building height (Rule 18A.5.6), management of glare (Rule 18A.5.7), and requirement for solid screen fencing (Rule 18A.5.9). There are several

4 Ms Hampson Evidence in Chief section 6

instances where GIZ adjoins LDSR and it is not considered that different approach should apply at Three Parks.

- 12.8** For these reasons it is recommended that submission points 3056.1 and 3056.2 be rejected and the notified zoning of the property as GIZ and LDSR be retained.
- 12.9** Aurora Energy Limited have also submitted on the zoning of this land in proximity to the substation. This submission is discussed at paragraphs 12.14 – 12.18 of this report.

SUSAN ROBERTSON

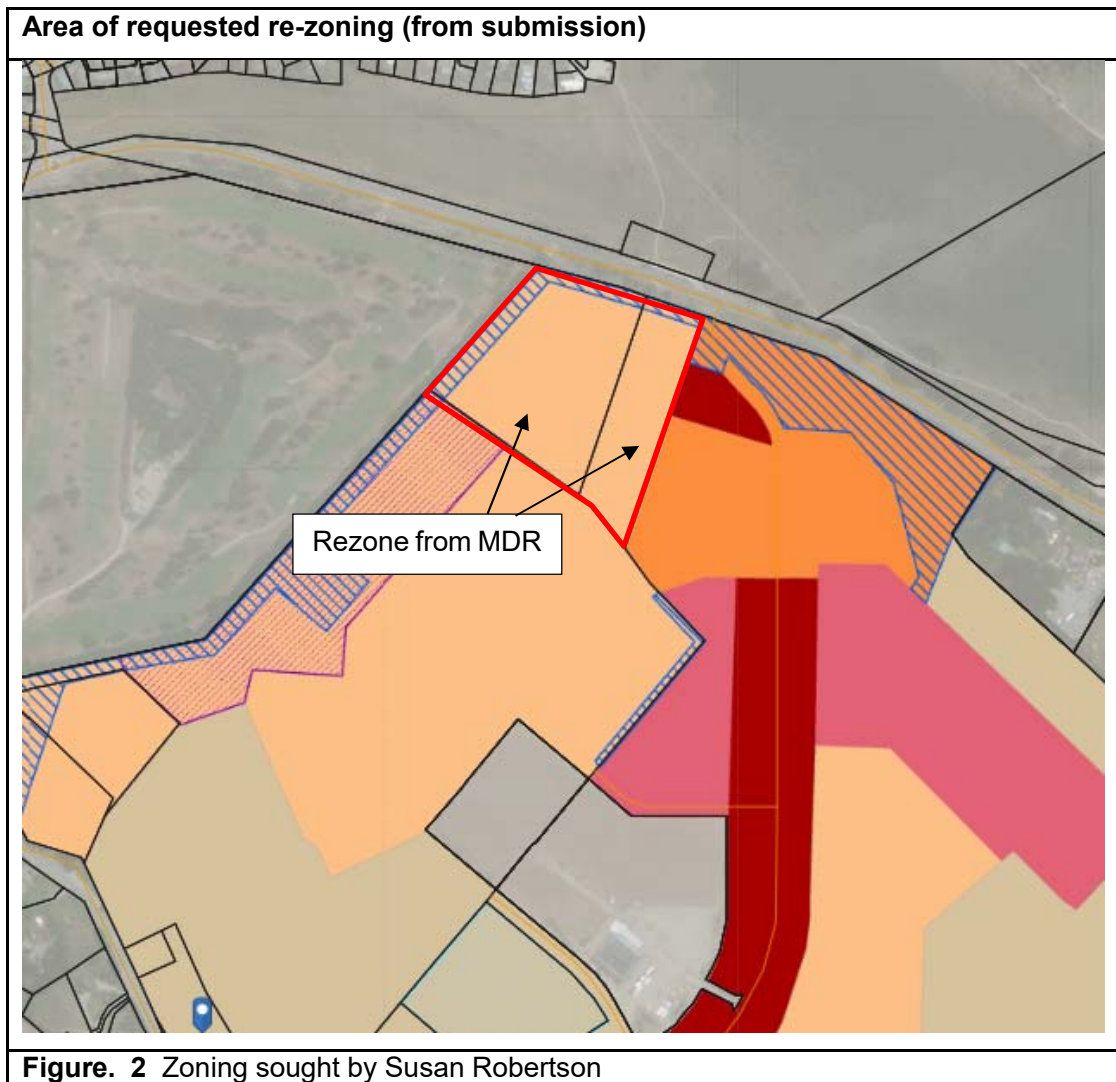
Submission and property information	
Recommendation summary	Reject
Submission number and name	3143.2 Susan Robertson
Stage 3 notified	MDR
Stage 3 zone requested	A zone which allows for future business and retail activity.
Area of re-zone request	4.683ha (Lot 1 DP12726), 2.353 (Lot 1 DP 12296)
Request referred to in report as	Susan Robertson
ODP Zone and mapping annotation	Three Parks Special Zone – Medium Density Residential Subzone, Open Space Overlay along northern boundary
Stage 1 or 2 PDP Zone and mapping annotation	N/A
Legal Description	Lot 1 DP 12726 held in Record of Title OT5B/179 and Lot 1 DP 12296 held in Record of Title OT5B/474.
Total area of property	7.036ha
QLDC Property ID	2,042 and 2,043
QLDC Hazard Register	Liquefaction Risk LIC 1. Nil to low risk.
Supporting information provided by applicant	None

Position of Council experts	Not assessed
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Aerial photograph of the site



Figure. 1 Aerial photo of subject site showing area of re-zoning request (red border).



12.10 The submission site consists of two parcels of land, both of which the submitter seeks to rezone from MDRZ to a zone which allows for future business and retail activity. A specific zone has not been suggested by the submitter. Of the suite of PDP zones that could incorporate these activities at Three Parks, BMU or TPCZ are considered to meet the relief sought by the submitter. The GIZ also provides for business activities (with some restrictions), however it does not facilitate retail activities and therefore this zone has not been considered further as an option for the submitter's sites, particularly given that one of the submitter's reasons for seeking a rezoning is that the area is easily accessible to the general public, which implies that the type of business and retail the submitter seeks to provide for is more aligned with BMU or TPCZ.

- 12.11** As discussed above in relation to submission 3056, Ms Hampson has discussed industrial and commercial land capacity in her expert economic evidence, which draws on the Business Development Capacity Assessment 2017 (BDCA), including updates to the modelling in January 2020. Ms Hampson concludes that there is long-term surplus capacity within the Wanaka Ward. On this basis it is considered that the notified commercial at Three Parks contain sufficient capacity to meet demand, and rezoning of the submitter's land from MDR to BMU or TPCZ is not required to meet business zoned land demands for the district.
- 12.12** In addition, I do not consider that zoning these properties to BMU or TPCZ would facilitate an efficient or effective zoning distribution. There is an area of HDR zone adjacent to these properties, which provides a transition from BMU to the neighbouring MDR. Zoning BMU or TPCZ on the other side of the HDR will detract from the coherency of the zoning pattern, and in the case of the TPCZ create an isolated section of TPCZ.
- 12.13** For these reasons, I do not support the rezoning of the submitter's properties to a zone that provides for business and retail activity and recommend the submission be rejected.

LAND SURROUNDING AURORA SUBSTATION

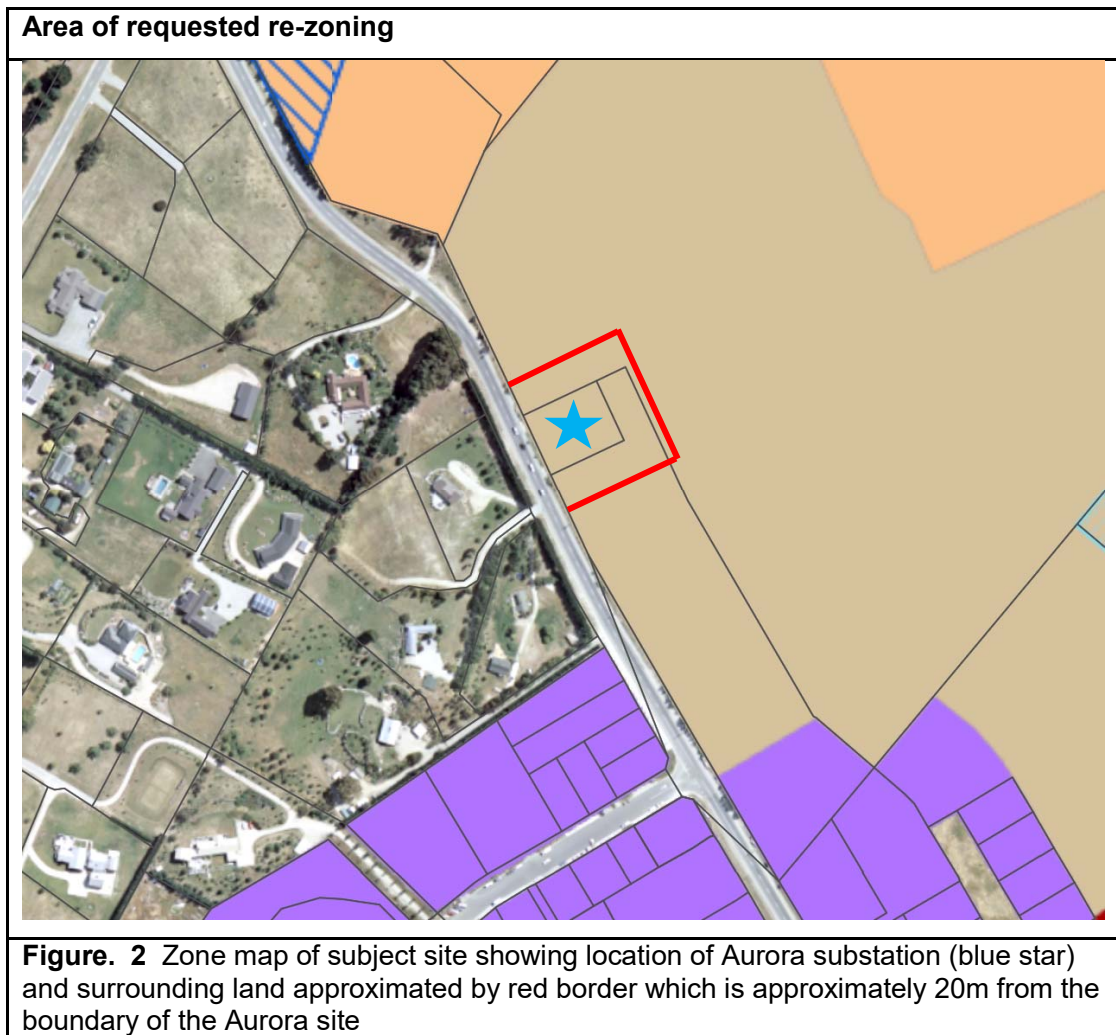
Submission and property information	
Recommendation summary	Reject
Submission number and name	3153.13 Aurora Energy Limited
Stage 3 notified	LDSRZ
Stage 3 zone requested	Remove LDSRZ from land surrounding the substation or impose a 20 metre building restriction area
Area of re-zone request	N/a – rezoning request applies to part of an adjoining property 20 metres wide
Request referred to in report as	Land surrounding Aurora substation

ODP Zone and mapping annotation	Three Parks Special Zone – Low Density Residential Subzone
Stage 1 or 2 PDP Zone and mapping annotation	N/A
Legal Description	Lot 1 DP 510626 held in Record of Title 783035 and Lot 2 DP 510626 held in Record of Title 783036.
Total area of property	N/a – rezoning applies to part of the two above properties
QLDC Property ID	60,890 and 60,900
QLDC Hazard Register	Liquefaction Risk LIC 1. Nil to low risk.
Supporting information provided by applicant	None
Position of Council experts	Not assessed

Aerial photograph of the site



Figure. 1 Aerial photo of subject site showing location of Aurora substation (blue star) and surrounding land approximated by red border which is approximately 20m from the boundary of the Aurora site



12.14 Aurora have requested that the LDSR zoned land surrounding the substation at 39 Ballantyne Road be removed, or alternatively, that a 20m building restriction line be applied 20m from the boundary of the substation site. Aurora have requested these changes because they consider there may be significant reverse sensitivity effects associated with residential development in close proximity to the substation. No detail has been provided with the submission regarding what the reverse sensitivity effects may be, or how the 20m building restriction area mitigates these effects.

12.15 I note that the site is designated for electricity substation and ancillary purposes (Designation #337) in the PDP. I am not aware that any changes to the extent of the designation were sought during Stage 1 of the PDP review, however I consider that expanding the extent of the designation would have been a more efficient method to address

potential reverse sensitivity. There is still an opportunity to do this through the Notice of Requirement process.

- 12.16** If the building restriction area is still pursued and the hearings panel is of a view to implement this, I recommend further consideration of what cannot be built within the 20m surrounding the substation. It may be the garages or other non-habitable buildings or structures are acceptable, or building and development may be better managed by a setback. I also note that implementing the building restriction area in this location will require consideration of appropriate non-compliance status and policy support. Other building restriction areas at Three Parks relate to maintenance of open space and zone interface issues, rather than management of reverse sensitivity effects.
- 12.17** With regard to the zoning of the land surrounding the substation, Aurora have sought that this be removed, but no alternative zone is recommended in the submission. In my opinion there are no suitable alternative PDP zones which could be applied as an alternative. Regardless of whether or not there is a suitable alternate zone, I do not consider it efficient to rezone a 20m 'buffer' area around the substation as this will not facilitate the efficient development of land.
- 12.18** While I acknowledge that residential development in close proximity to the substation is not desirable with regard to residential amenity and adverse effects such as noise and visual effects, further information is required with regard to effects and justification of the no build area before a final recommendation is made. At this point I recommend that that submission 3153.13 be rejected and consequently further submission points FS3410.6 and FS3417.52 be accepted.

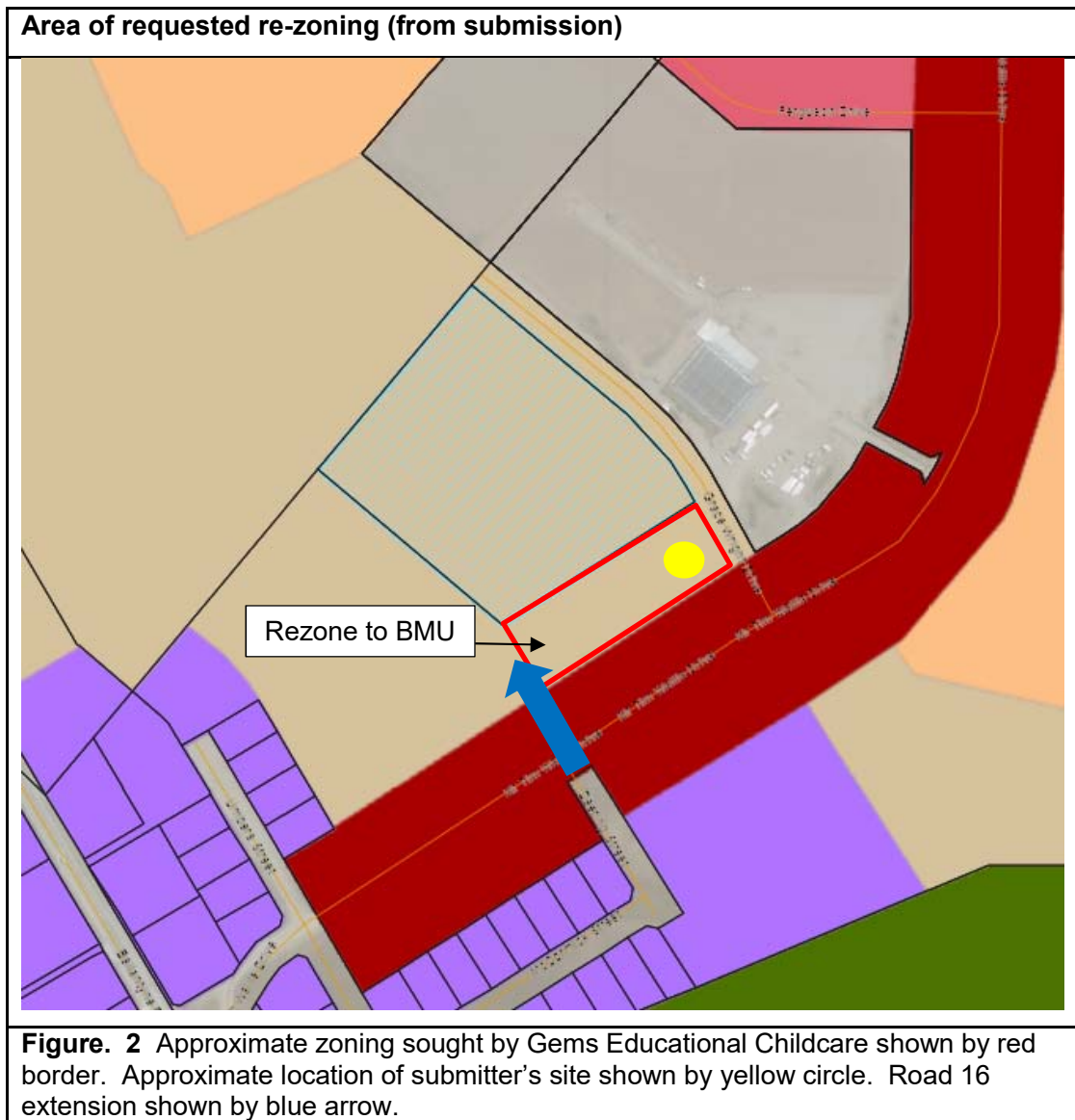
GEMS EDUCATIONAL CHILDCARE SITE AND ADJOINING SITES

Submission and property information	
Recommendation summary	Accept
Submission number and name	3218.1 Gems Educational Childcare
Stage 3 notified	LDSRZ
Stage 3 zone requested	BMU
Area of re-zone request	7,800m ² (approximate)
Request referred to in report as	Gems Educational Childcare site and adjoining sites
ODP Zone and mapping annotation	Three Parks Special Zone – Low Density Residential Subzone
Stage 1 or 2 PDP Zone and mapping annotation	N/A
Legal Description	Section 2 SO 519746 held in Record of Title 827685
Total area of property	86,202ha (submission relates to small are of this larger property)
QLDC Property ID	70,960
QLDC Hazard Register	Liquefaction Risk LIC 1. Nil to low risk. Potentially Contaminated Sites: DGL.
Supporting information provided by applicant	None
Position of Council experts	Not assessed

Aerial photograph of the site



Figure. 1 Aerial photo of subject site showing approximate area of re-zoning request (red border).



12.19 Gems Educational Childcare (**Gems**) have requested that the BMU zone along Sir Tim Wallis Drive be extended to the north-west to include the land to the south of the primary school, and to the west down to Road 16, shown as the land contained within the red border in Figure 2 above.

12.20 While Road 16 is not shown on the Three Parks Structure Plan or zone map, it is understood that it is located as per the blue arrow in the diagram above. This road is shown on the ODP Structure Plan as indicative only. While it is indicative only, it appears to align with the master planning that has occurred at Three Parks to date and would be a logical location for a zone boundary if the rezoning request is accepted.

12.21 The strip of LDSR zone between the primary school at the BMU, shown by the red border in the diagram above is approximately 57m wide. A typical residential site in the LDSR zone would be approximately 50m long, and this strip of LDSR zone would provide for one row of houses sandwiched between the primary school at the adjoining BMU. This is not considered to be an efficient use of land. Expansion of the BMU in this location will provide for efficient use of land by providing a consistent zoning in this area, and better reflect consented land uses. I consider the rezoning request is a logical extension of the BMU and recommend that it be accepted.

12.1 The submitter’s alternative relief sought is that an ‘educational and community’ precinct is overlaid in this area, with noise limits, height restrictions and design controls that recognise the sites location between the Business Mixed Use Zone. This alternative relief sought is supported by Willowridge Developments Limited (FS3417.73). This approach is not used anywhere else in the PDP and I do not consider a bespoke approach for this area of land to be efficient or effective, therefore I recommend that the alternative relief is rejected.

12.2 I note that Willowridge Developments Ltd (**3220**) (**Willowridge**) have requested that the land parcels referred to in the table directly below, be included in the submitter’s proposed Three Parks Business Zone. This rezoning request is considered at paragraphs 12.7 – 12.11 below.

WILLOWRIDGE

Submission and property information	
Recommendation	Accept in part
Submission number and name	3220 Willowridge Developments Limited
Stage 3 notified zone	Various
Stage 3 zone requested	Zoning amended as shown in submission 3220 Attachment 1 labelled 'Patterson Pitts Group District Plan Three Parks Proposed District Plan'. This includes extending the

	Business Mixed Use Zone to the junction of State Highway 84 and amendments to the Ballantyne Road end of the zone; changes to the TPCZ; an increase in the land zoned High Density Residential; a reduction in the Open Space zoning; and replacing the General Industrial Zone with a new Three Parks Business zone.
Area of re-zone request	Request applies to the majority of Three Parks Zone
Request referred to in report as	Willowridge rezoning requests
ODP Zone and mapping annotation	Three Parks Special Zone plus various sub-zones and building restriction areas
Stage 1 or 2 PDP Zone and mapping annotation	N/A
Legal Description	Multiple titles
Total area of property	Multiple properties
QLDC Property ID	Multiple properties
QLDC Hazard Register	Liquefaction Risk LIC 1. Nil to low risk. Potentially Contaminated Sites: DGL. Active Fault – location approximate (eastern boundary)
Supporting information provided by applicant	None
Position of Council experts	Ms Hampson (economist) – support in part

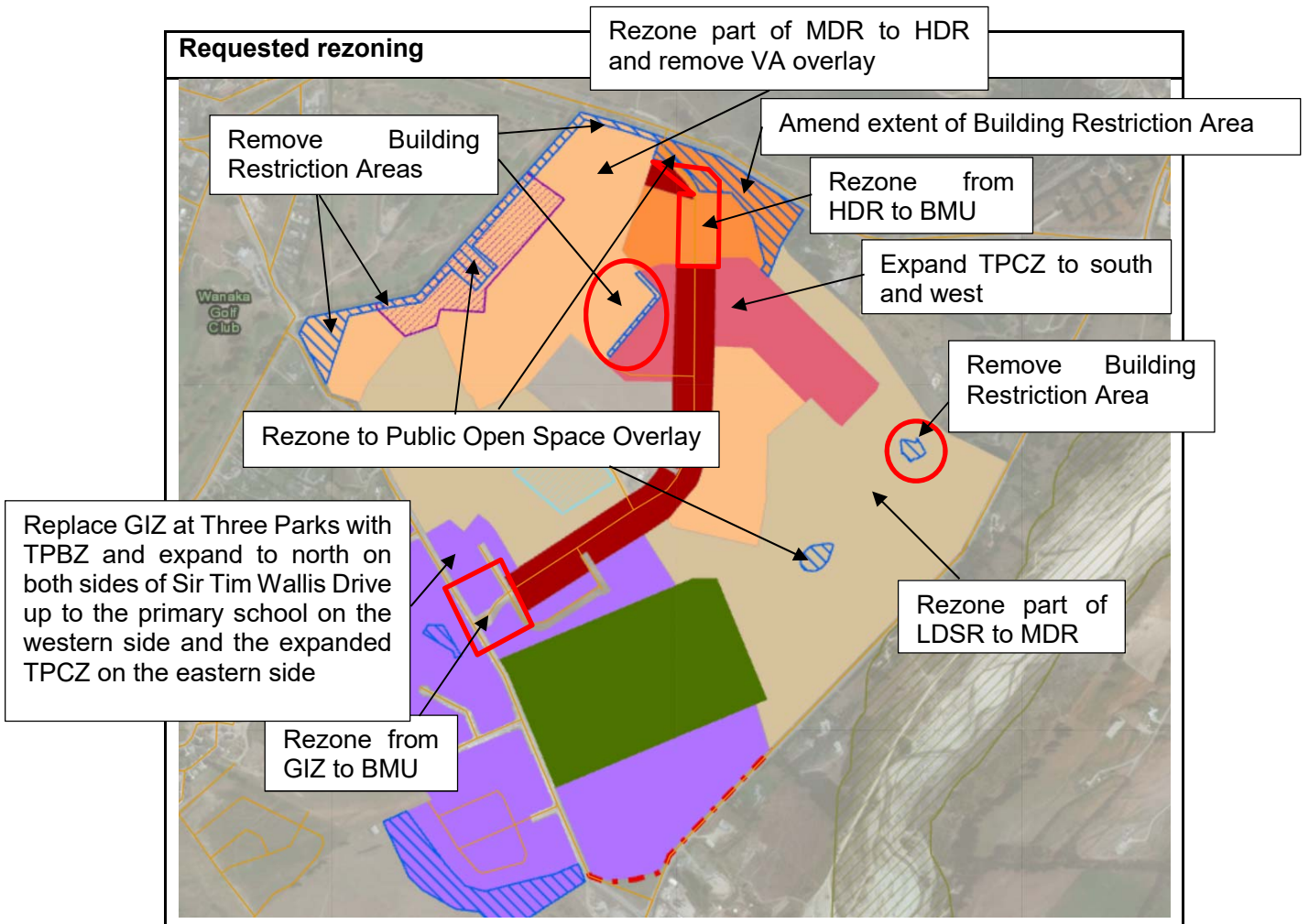


Figure. 1 Aerial photo of subject site showing approximate area of re-zoning requests and structure plan amendments (red border and/or arrows). For further detail refer to Attachment 1 of Willowridge submission (3220) and shown in the image in Figure 2 below.

Area of requested re-zoning (from submission)

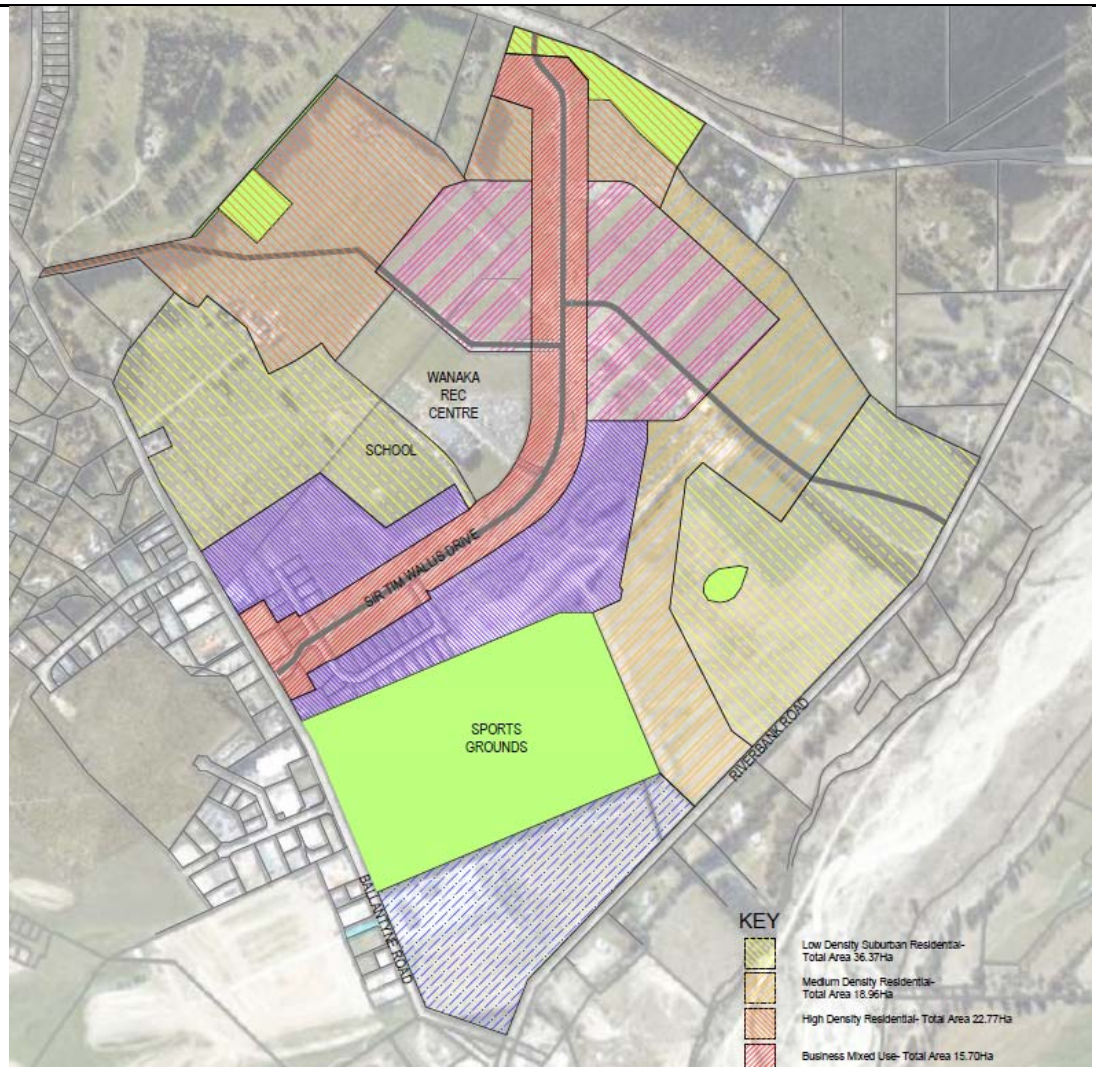
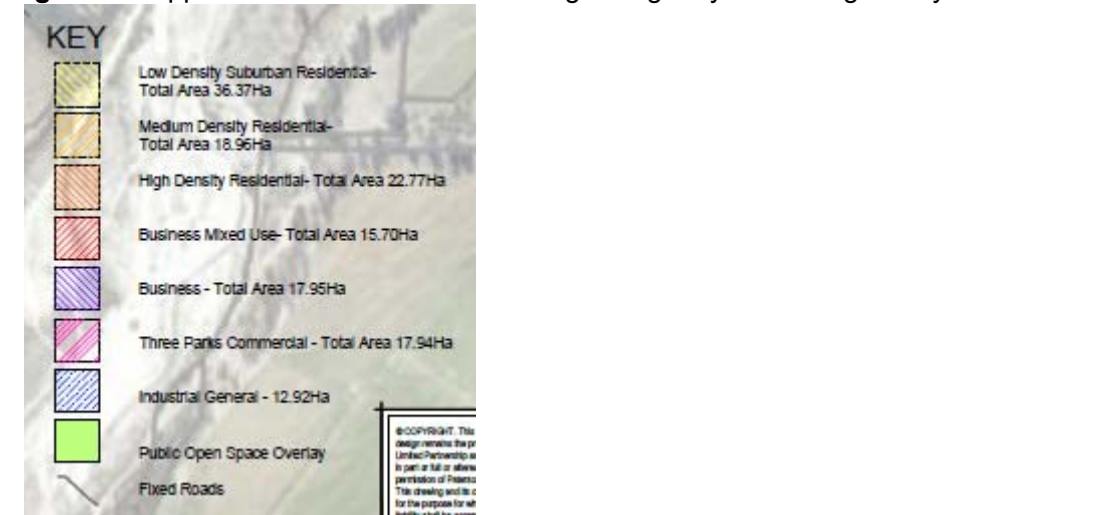


Figure. 2 Approximate locations of re-zonings sought by Willowridge. Key:



12.3 Willowridge have requested multiple changes to the zoning pattern for Three Parks as summarised in the diagrams above.

Extension of BMU over each end of Sir Tim Wallis Drive

- 12.4** Willowridge have requested that the BMU is extended to the north and south along Sir Tim Wallis Drive. With regard to the northern extension, I consider this will create in an efficient zoning pattern of a contiguous corridor of BMU along the main street that provides for consistent character and built form. If the notified HDR is retained at the northern end, particularly with the notified HDR restrictions on site coverage and landscaping there is potential for inconsistencies in built form. While this will result in loss of HDR zoned land, as set out in the s32, the HDCA 2017 found there to be surplus housing capacity, therefore the reduction in HDR zone at this location will not make any difference in meeting housing capacity in the medium or long term.
- 12.5** I note the building restriction area at Three Parks covers some of the land sought to be rezoned to BMU, and the BMU chapter currently does not contain any rules for building restriction areas. Instead of amending Chapter 16 to address this single building restriction area, I consider it would be more efficient for the expansion of the BMU along Sir Tim Wallis Drive to end at the start of the building restriction area. I consider the BMU extension to the north is a more efficient zoning pattern and recommend that this submission point be accepted in so far as it relates to the northern end of Three Parks.
- 12.6** With regard to the southern end, I do not consider the extension appropriate as it will traverse an established industrial area. The BMU enables residential and visitor accommodation activities (permitted and controlled respectively) which are not appropriate in an industrial area due to the nature of activities permitted in the GIZ zone and potential for adverse effects on residential and visitor accommodation amenity, including noise, dust and potential for safety issues between pedestrians and heavy vehicles. In addition, while the character of this end of Three Parks is lighter industrial, the nature and scale of buildings and activities in this area do not result in an environment with a high level of residential amenity. They were also developed under the ODP zoning, which did not anticipate residential or visitor accommodation activities. To introduce these now, when the area is largely built

out/consented would increase the potential for reverse sensitivity effects. As such, I recommend that this part of the BMU extension be rejected.

Rezone General Industrial Zone at Three Parks to Three Parks Business Zone

- 12.7** Willowridge have requested that the GIZ land at Three Parks be rezoned to 'Three Parks Business Zone' (a new PDP zoned proposed by the submitter). The requested provisions are proposed by the submitter to apply to land at the south-western end of the Three Parks area, over the notified GIZ land in this location and extending further to the north, south, and east.
- 12.8** Willowridge have sought this because they contend that the GIZ does not provide for certain activities such as trade related retail which the submitter considers are well suited to this part of the Three Parks area. They also note that a number of established activities have prohibited activity status under the notified GIZ provisions. It is understood that this is due to the retail component of these businesses. The submitter has also sought that their new Three Parks Business Zone be expanded beyond the notified GIZ area 'in order to provide a sufficient supply of business land for the term of the Plan'.
- 12.9** I am supportive of the Council's notified proposal that consolidates multiple sub-zones that make up the ODP Three Parks Special Zone into existing PDP zones. This aligns with the expectation in the new National Planning Standards where councils are expected to reduce the number of zones in their district plans. The only 'new' PDP zone introduced by the Three Parks PDP proposal in Stage 3 is the TPCZ which has a specific focus on bulk retail that is not provided for by any suitable PDP commercial zone. I do not support the introduction of an additional 'new' PDP zone as proposed by the submitter, because I do not consider there is anything particularly unique about the notified GIZ part of Three Parks that warrants a difference in approach to other industrial/business areas in the District. I also note there is sufficient land in the nearby TPCZ for large format retail and trade supply activities and that from a spatial perspective it is more efficient to group these activities together in a retail focussed zone, and the more

traditional industrial activities in the GIZ zone. I acknowledge this view differs from Ms Hampson's, whose preference is to accept the submission and introduce the 'Three Parks Business' zone. While this may be appropriate from an economic perspective, I do not consider it to be the most appropriate from planning perspective for the reasons outlined previously. I therefore recommend that the submission point seeking the new zone be rejected.

12.10 There are a number of established activities in the notified GIZ area and several under construction. It is clear there has been recent investment in the area through the establishment of these businesses, and I consider this should be recognised. I understand that amendments are proposed to the GIZ provisions to provide a consenting pathway for trade suppliers, as well as protection for the continuation of existing lawfully established retail, office and commercial activities, and some swapping out of these activities. This change will assist in addressing the submitter's concern regarding the activity status of existing activities.

12.11 With regard to expanding the GIZ area, the submitter has not provided any information as to why this is required to ensure sufficient supply. I note that the BDCA has concluded that there is sufficient supply of industrial land in the District in the medium and long term, and therefore I do not support the expansion of industrial/business land as proposed by the submitter. As noted, Ms Hampson supports the rezoning of the GIZ to 'Three Parks Business' zone. Ms Hampson also supports extending the new zone proposed by Willowridge as sought in the submission, noting that "*There is clearly strong market demand for the land on offer in the proposed Three Parks Business Zone and extending the zoning in a cohesive manner as proposed will allow for more of the same sort of activity growth over the medium-long term. This will be particularly important if trade suppliers are excluded from the GIZ provisions as notified*" (paragraph 18.6(e)). As I have recommended that the GIZ be retained at Three Parks, I do not support extending the bespoke zone beyond the notified GIZ area, as the economic evidence is that, support of the bespoke zone notwithstanding, there is sufficient supply of GIZ for the medium and long term. I therefore recommend the request to expand the area of

GIZ and rezone it Three Parks Business be rejected. Consequently, I also recommend that the submission point by Willowridge that seeks the inclusions of the bespoke provisions (Chapter 19B) be rejected.

Increase to High Density Residential Zone over Medium Density Residential Zone, and Medium Density Residential Zone over Lower Density Suburban Residential Zone

12.12 Willowridge have requested an expansion to various residential areas, resulting in more HDR zoned land and less LDSR zoned land. In particular, a large area of HDR is proposed on the Willowridge land immediately to the east of the golf course. This is intended to replace the notified MDR and partial visitor accommodation subzone in this location. The submitters proposal has the potential to result in a much denser residential environment in this location than originally anticipated. While the notified PDP zoning includes enabling of some visitor accommodation along the golf course boundary, the submitter's proposal does not limit the area where visitor accommodation can occur. This mix of activities, coupled with the removal of the 25% site coverage standard has the potential to adversely affect the anticipated character of the Three Parks residential components. I also understand that the residential yield under the notified Three Parks proposal is approximately 1705 dwellings across the LDSR and MDR combined, and excluding the HDR and BMU, compared to approximately 750 dwellings under the ODP regime. Additional density is not required to meet the Council's requirements under the NPS-UDC, as confirmed in Mr Barr's Strategic Evidence. In my opinion the residential zones at Three Parks should be retained as notified (with the exception of the partial rezoning from HDR to BMU along Sir Tim Wallis Drive), with high density development located adjacent to the commercial areas, transitioning to MDR and LDSR further from commercial area.

Expansion to Three Parks Commercial Zone

12.13 Willowridge have sought that the TPCZ be expanded so that it better reflects the extent of the equivalent Three Parks Commercial Core subzone. It is noted that on the proposed zone map provided with the

Three Parks submission that the relief sought is broader than realigning the TPCZ with ODP commercial area as on the proposed zone plan it also expands further to the west. No clear rationale has been provided in the s32 regarding the reduction of the commercial area on the eastern side of Sir Tim Wallis Drive. It is possible that this was an oversight. As no reasoning has been provided to reduce the TPCZ and the extent under the ODP has been in place for a number of years, I consider realigning the extent of the TPCZ to match the ODP commercial sub-zone boundary along the southern portion of this area is appropriate.

12.14 With regard to expanding the TPCZ to the west, no rationale for this has been provided in the submission. I understand from Ms Hampson that the zoned commercial areas under the PDP provide sufficient capacity⁵ in the medium and long terms, and on this basis no expansion is warranted at this stage.

12.15 I recommend accepting the submitter's submission point in so far as it relates to expanding the TPCZ to the south to align with the ODP commercial sub-zone boundary in this location. I recommend rejecting the submitters submission point in so far as it relates to expanding the TPCZ to the west.

Structure Plan

12.16 Changes to the Structure Plan are also proposed by Willowridge. These include changes to the arterial road layout and updating of 'open space' areas. These are shown in the diagram above and discussed below.

5 Ms Hampson Evidence in Chief section 6

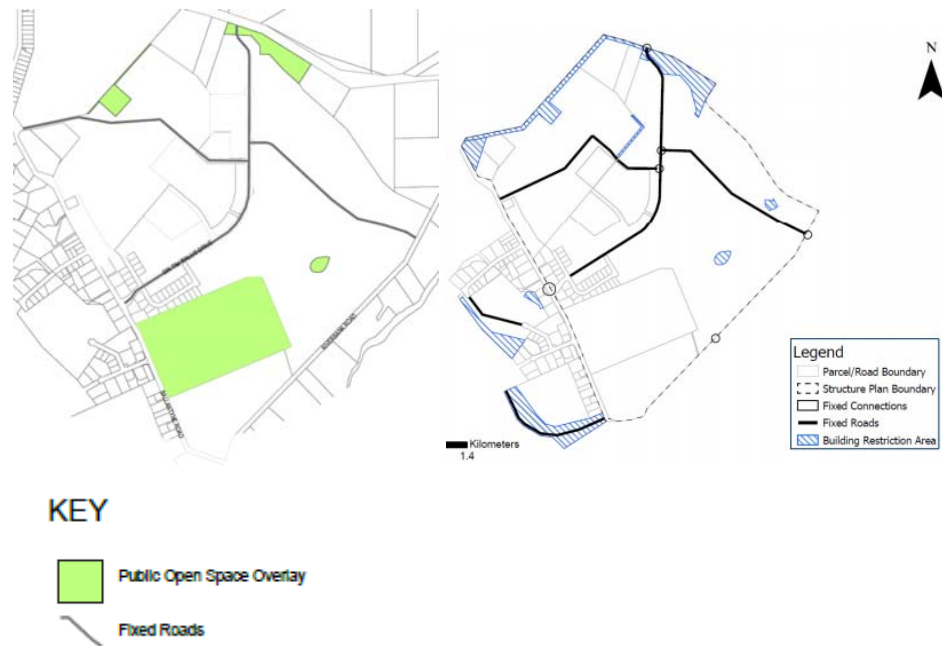


Image 1 (left): Three Parks preferred Structure Plan; Image 2: PDP Notified Structure Plan

12.17 With regard to the proposed relocation of the fixed road to west, Willowridge propose that this is moved to the west and north, so that it joins Ballantyne Road further to the north, opposite Golf Course Road. I visited the site in February 2020 and observed that there was very poor visibility along Ballantyne Road at this location, particularly to the south. No evidence has been provided with the submission to confirm the suitability of this new road location from a transport perspective, nor has any detailed explanation been provided for why the fixed road should be moved. Without a clear evidential basis to justify relocating this fixed road, I am not supportive of it being moved, particularly given the visibility issues with a new intersection in this location.

12.18 With regard to the removal of/amendment to several building restriction areas: I am not supportive of the removal of part of the building restriction area along the western boundary. This provides a transition between the MDR zone and the golf course and therefore should be retained along the full boundary. There does not appear to be any rationale to remove it from the north western corner of Three Parks, and the south western corner is proposed to be removed to facilitate a different road alignment, which I do not support for the reasons outlined in paragraph 12.17 above. Similarly, the building restriction area along

State Highway 84 should be retained in its notified form to maintain the open space in this location at the entrance to Wanaka.

12.19 In terms of the small building restriction area in the north east, the submitter has requested that this be removed as it was originally included in the ODP as it was an area of wet ground due to a leaking irrigation pipe. I agree that this can be removed as it does not appear to have any other specific function.

12.20 With regard to the building restriction area between the notified MDR and TPCZ zones, I understand this was originally included to address interface issues between different land owners and the different zones (i.e. residential and commercial). Willowridge/Three Parks now own both parcels of land, and therefore the submitter contends that the area of open space/building restriction is no longer required. Given that there are no similar building restriction areas between other areas of TPCZ and MDR or even LDSR – i.e. in the eastern portion of Three Parks, I do not consider that the building restriction area is necessitated in this location either. I therefore recommend that it be deleted.

12.21 For clarity, the two building restriction areas that I support being removed are shown in the image below.



Image 3: Building restriction areas recommended to delete circled in red

12.22 In summary I recommend that the submission point seeking changes to the structure plan be accepted in part, in so far as it seeks the removal of the small building restriction area in the north east corner, and the strip of building restriction area between the MDR and HDR. With regard to all other proposed amendments to building restriction areas and the arterial road location, I recommend the submission point be rejected.

OTHER SUBMISSIONS SEEKING CHANGES TO THE GIZ AT THREE PARKS

Submission and property information	
Recommendation	Reject
Submission number and name, followed by rezoning request summary	<p>3128.2 Tussock Rise Limited (That the notified General Industrial Zone within the Three Parks Business Sub-Zone be rezoned to Business Mixed Use so that the BMUZ extends along Sir Tim Wallis Drive right to Ballantyne Road and incorporates the full extent of the former Business Sub-Zone and connects with the BMUZ rezoning).</p> <p>3381.1 Danielle Murdoch (That the land identified be re-zoned from General Industrial to Business Mixed Use land and some of the proposed Active Sports and Recreation land zoned General Industrial).</p> <p>3167.1 Ardmore Property Trust (That the land proposed to be zoned General Industrial Zone in Three Parks provides for the activities currently provided for in the Three Parks Business Subzone).</p> <p>3231.1 Southern Ventures/Cadence Holdings Ltd (That the existing Three Parks Business Sub-zone proposed to be zoned General Industrial is rezoned Business Mix Use (or similar)).</p> <p>3228.1 Telfer Family Trust (That the notified General Industrial Zone at Three Parks, in place of the operative Business Sub-zone, be rejected).</p>

	<p>3167.2 Ardmore Property Trust (That the land between McCormick Street and Ballantyne Road, Three Parks, including the land at 2 McCormick Street (Lot 10 DP500684) be rezoned Business Mixed Use).</p> <p>3161.2 Alpine Estates Ltd (That the notified General Industrial Zone within Three Parks Business Sub-Zone, Wanaka, be rezoned Business Mixed Use Zone, so that the Business Mixed Use Zone extends along Sir Tim Wallis Drive right to Ballantyne Road, incorporating the full extent of the former Three Parks Business Sub-zone).</p> <p>3130.2 Bright Sky Land Ltd (That the General Industrial Zone within Three Parks be zoned Business Mixed Use so that it extends to Ballantyne Road, including the full extent of the former Three Parks Business Sub-zone).</p> <p>3079.1 Adventure Consultants Ltd (That the proposal to change Three Parks Zone to General Industrial Zone is rejected; the area should remain Three Parks or change to Business Mixed Use).</p>
Stage 3 notified zone	GIZ
Area of re-zone request	7.58ha total approximate area
Request referred to in report as	Other submissions seeking changes to the GIZ at Three Parks
ODP Zone and mapping annotation	Three Parks Special Zone – Business and Business (Main Street) subzones
Stage 1 or 2 PDP Zone and mapping annotation	N/A
Legal Description	Multiple sites
Total area of property	Multiple sites
QLDC Property ID	Multiple sites
QLDC Hazard Register	Liquefaction Risk LIC 1. Nil to low risk. Potentially Contaminated Sites: DGL.

Supporting information provided by applicant	None
Position of Council experts	Not specifically assessed, however economic evidence provided by Ms Hampson in assessing the Willowridge submission is relevant

Aerial photograph of the site



Figure. 1 Aerial photo of subject site showing approximate area of re-zoning request as it relates to Three Parks (red border).

Area of requested re-zoning (from submission)

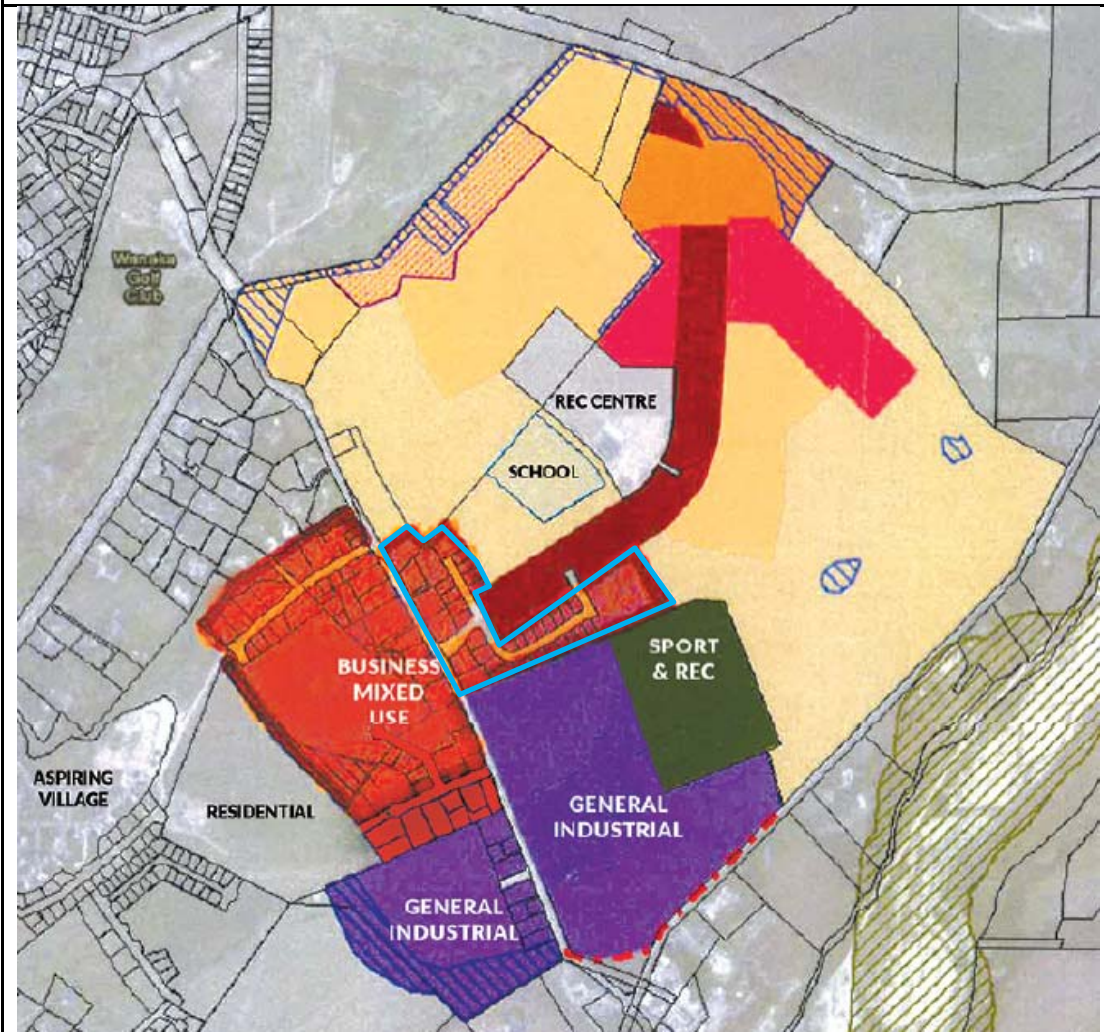


Figure. 2 BMU Zoning sought by Tussock Rise Ltd, Danielle Murdoch and others as it relates to Three Parks shown by light blue border

Area of requested re-zoning

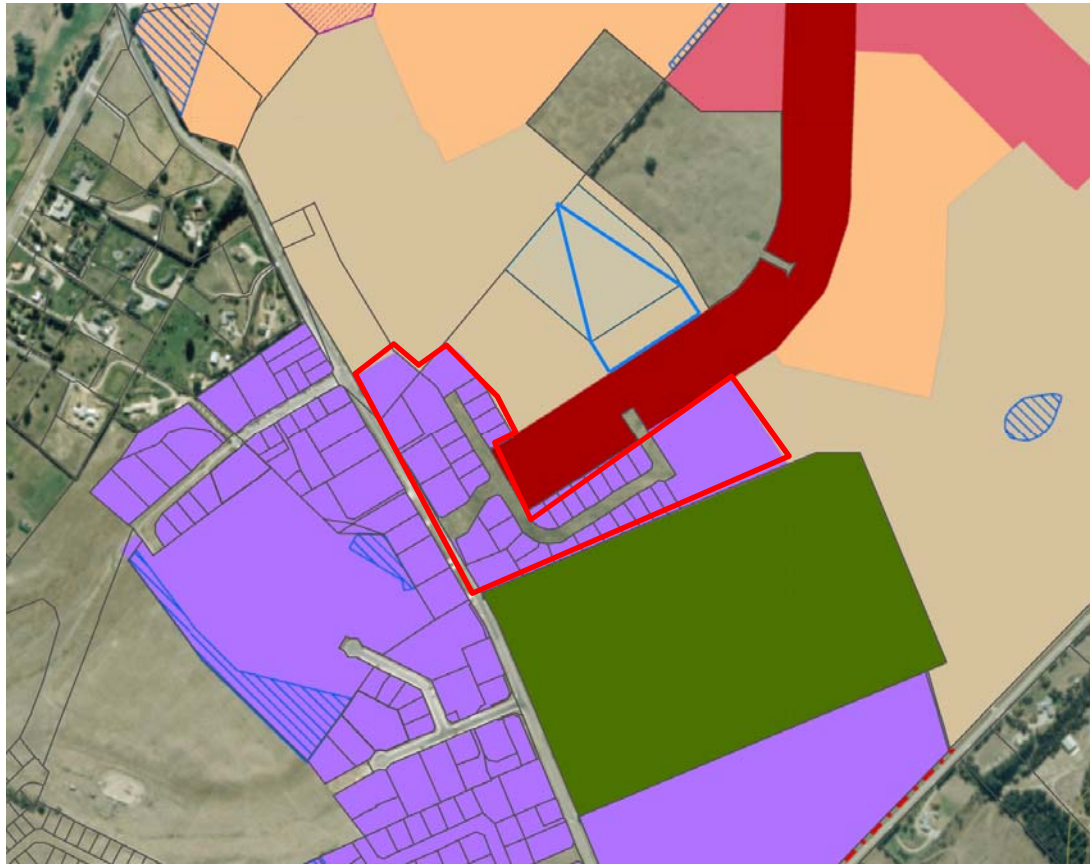


Figure. 3 Area of GIZ at Three Parks sought to be rezoned by various submitters (red border)

12.23 A number of submitters have requested changes the zoning at Three Parks, 100 Ballantyne Road and land to the south of 100 Ballantyne Road, and the land on the opposite side of Ballantyne Road.

12.24 The rezoning requests for 100 Ballantyne Road and land to the south of 100 Ballantyne Road, and the land on the opposite side of Ballantyne Road have been addressed in the reports of Mr Matthee and Mr Place respectively.

12.25 With regard to the rezoning requests as they relate to the Three Parks land, I am not supportive of these rezoning's for the reasons outlined in relation to the Three Parks rezoning request assessed above (paragraphs 12.7 – 12.11). In summary, I consider the notified GIZ zoning to be the most appropriate zone for this location because:

- (a) the existing activities are protecting by existing use rights;

- (b) the GIZ is recommended by Mr Place to be amended to provide a consenting pathway for trade suppliers;
- (c) the TPCZ is located in close proximity to this GIZ at Three Parks and provides for trade suppliers and other large format retail, and the BMU at Three Parks provides for retail and commercial activities;
- (d) additional business land is not required as determined by the BDCA;
- (e) the BMU zone is not appropriate as it enables high density residential and visitor accommodation;
- (f) activities which do not align with the existing character and amenity in this area; and
- (g) I am not supportive of introducing a site specific zone into the PDP as there is nothing notable or unique about this location that warrants a different approach.

12.26 For these reasons, I recommend submission points 3167.1, 3231.1, 3228.1, 3167.2, 3161.2, 3130.2 and 3079.1 be rejected.



Nick Roberts

18 March 2020

APPENDIX 1

Recommended Three Parks Commercial Chapter 19A and variations

Key:

Red underline and strike through text are recommended amendments made in section 42A report, 18/03/20.

Black underline and strike through text reflects variations to PDP provisions made at notification.

19A Three Parks Commercial

19A.1 Purpose

The primary purpose of the Three Parks Commercial Zone is to provide an urban centre which enables large format retail activities. Limited smaller scale retail activities are also provided for, which recognises the function these activities play in Wānaka Town Centre which is Wānaka's key retail and business centre.

The large format retail in the Zone is to be provide in a way that still positively contributes to good urban design, including the interface with the adjoining Business Mixed Use Zone that is intended to provide a higher quality urban design outcome and main street focus for Three Parks.

The Zone is to be easily accessible by public transport, cycling or walking and connected to the wider Three Parks area which comprises the Wānaka Recreation Centre, schools, business and industrial land and extensive areas of low and medium density residential neighbourhoods.

19A.2 Objectives and Policies

19A.2.1 Objective - Large format retail and a limited amount of smaller scale retail activities meet the needs of the community in a way that complements the function of the Wānaka Town Centre.

Policies

- 19A.2.1.1 Provide for large format retail that supports and complements the role and function of the Wānaka Town Centre as Wānaka's key commercial, civic and cultural centre.
- 19A.2.1.2 Restrict the establishment of individual retail activities which occupy less than 500m² of GFA, recognising that these activities are provided for in the Wānaka Town Centre Zone and the Business Mixed Use Zone.
- 19A.2.1.3 Restrict residential and visitor accommodation developments that could undermine the local service function of the Three Parks Commercial centre.
- 19A.2.1.4 Avoid activities that cause noxious effects or that would limit opportunities to realise or maintain large format retail activities.
- 19A.2.1.5 Ensure individual retail activities which occupy less than 500m² of GFA do not compromise the viability of the Zone, and support its key function, which is to provide for large format retail activities.

19A.2.2 Objective – A high quality urban centre with a strong sense of place.

Policies

- 19A.2.2.1 Encourage high quality well-designed buildings that individually and collectively contribute to a high quality urban area.

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- 19A.2.2.2 Ensure that development is people-orientated through the creation of shared spaces.
- 19A.2.2.3 Ensure that building designs contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, avoid expanses of blank wall fronting public spaces and reduce adverse visual effects of large format retail buildings.
- 19A.2.2.4 Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.
- 19A.2.2.5 Recognise the important contribution that sunny open spaces, footpaths and pedestrian spaces make to the vibrancy and prosperity of the Zone.
- 19A.2.2.6 Avoid parking forecourts that dominate street frontages and encourage site layout that supports pedestrian safety and enables buildings to address the street.
- 19A.2.2.7 Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, car parking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.
- 19A.2.2.8 Ensure the location and direction of lighting does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky and provides a safe and well-lit environment for pedestrians.
- 19A.2.2.9 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse effects on public places and adjoining zones.

19A.3 Other Provisions and Rules

19A.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision and Development
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	38 Open Space and Recreation Zones	39 Wāhi Tūpuna
Planning Maps		

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19A.3.2 Interpreting and Applying the Rules

- 19A.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 19A.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply. .
- 19A.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 19A.3.2.4 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 19A.3.2.5 The following abbreviations are used within this Chapter.

P – Permitted	C – Controlled	RD – Restricted Discretionary
D – Discretionary	NC – Non – Complying	PR - Prohibited

[19A.3.2.6 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances \('NZECP34:2001'\) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2201.](#)

Commented [B&A1]: 3153.4 Aurora Energy Limited

19A.4 Rules – Activities

	Table 19A.4 – Activities located in the Three Parks Commercial Zone	Activity Status
19A.4.1	Large Format Retail	P
19A.4.2	Commercial activities not otherwise provided for in this Table	P
19A.4.3	Trade Supplier activities	P
19A.4.4	Buildings Discretion is restricted to: a. building materials; b. glazing treatment; c. design treatment; d. signage platform;	RD

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	Table 19A.4 – Activities located in the Three Parks Commercial Zone	Activity Status
	<p>e. lighting;</p> <p>f. the ability to service the building(s), in terms of roading, water supply, stormwater and wastewater;</p> <p>g. location of storage;</p> <p>h. landscaping; <u>and</u></p> <p>i. <u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road any adverse effects on that infrastructure.</u></p>	
19A.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 7am, provided that this rule shall not apply to the sale of liquor;</p> <p>This rule shall not apply to the sale and supply of alcohol:</p> <p>a. to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b. to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>Discretion is restricted to consideration of the following:</p> <p>a. the scale of the activity;</p> <p>b. car parking and traffic generation;</p> <p>c. effects on amenity (including that of adjoining zones and public reserves);</p> <p>d. the configuration of activities within the building and site (e.g. outdoor seating, entrances);</p> <p>e. noise issues; and</p> <p>f. hours of operation.</p>	RD
19A.4.6	Individual retail activities which occupy less than 500m ² of GFA	D
<u>19A.4.X</u>	<u>Educational facilities</u>	<u>D</u>
19A.4.7	Industrial activities and service activities	NC
19A.4.8	Service Stations	NC

Commented [B&A2]: 3153.17 Aurora Energy Limited

Commented [B&A3]: Cl 16 to remove duplication
Also sought by 3220.3 Willowridge Developments Limited

Commented [B&A4]: 3152.4 Ministry of Education

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	Table 19A.4 – Activities located in the Three Parks Commercial Zone	Activity Status
19A.4.9	Residential activities	NC
19A.4.10	Visitor accommodation	NC
19A.4.11	Activities which are not listed within this table	NC
19A.4.12	Fish or meat processing (except if ancillary to any retail activity including restaurants)	PR
19A.4.13	Mining	PR
19A.4.14	Cemeteries and crematoria	PR
19A.4.15	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR

19A.5 Rules – Standards

	Table 19A.5 – Standards for activities located in the Three Parks Commercial Zone	Non-compliance status
19A.5.1	<p>Setbacks and sunlight access – sites adjoining a residential zone</p> <p>19A.5.1.1 Buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above any Residential Zone boundary.</p> <p>19A.5.1.2 Where a site adjoins a Residential Zone or public place, except roads, all buildings shall be set back not less than 4.5m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</p>
19A.5.2	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall be screened from public areas and adjoining zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effects on visual amenity;</p> <p>b. the location relative to the</p>

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	Table 19A.5 – Standards for activities located in the Three Parks Commercial Zone	Non-compliance status
		<p>public realm and adjoining zones;</p> <p>c. consistency with the character of the locality; and</p> <p>d. whether pedestrian and vehicle access is compromised.</p>
19A.5.3	<p>Glare</p> <p>19A.5.3.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects <u>on the amenity of adjoining sites, the safety of the transportation network, and</u> on the night sky.</p> <p>19A.5.3.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>19A.5.3.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. effects of lighting and glare on <u>the amenity values of adjoining sites, the safety of the transportation network and the night sky.</u></p>
19A.5.4	<p>Maximum building height</p> <p>19A.5.4.1 Maximum building height of 15m; and</p> <p>19A.5.4.2 No greater than 3 storeys.</p>	NC
19A.5.5	<p>Building coverage</p> <p>The maximum building coverage for all activities within any site shall be 90%.</p>	NC

Commented [B&A5]: 3229.11 New Zealand Transport Agency

Commented [B&A6]: 3229.11 New Zealand Transport Agency

19A.6 Non-Notification of Applications

19A.6.1 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limit-notified:

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Rule 19A.4.4 Buildings.

19A.6.2 The following Restricted Discretionary activities will not be publically notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

Commented [B&A7]: Correction of typographical error.

Rule 19A.5.1 Setbacks and sunlight access – sites adjoining another zone.

19A.6.3 In relation to the electricity distribution network and where Rule 19A.4.4.(i) is relevant, Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

Commented [B&A8]: 3153.5 Aurora Energy Limited

Variation to the Proposed District Plan

Underlined text for additions and ~~strike through~~ text for deletions.

[text in square brackets and italics is for information purposes only]

Variation to Chapter 9 - High Density Residential

9.1 Zone Purpose

...

[Insert at the third paragraph]

The High Density Residential Zone at Three Parks Wānaka provides for a distinctive urban character at the entranceway to Wānaka through taller buildings ~~with a low building coverage to provide for public spaces~~ and landscaped areas adjacent to State Highway 84.

Commented [B&A9]: 3220.4 Willowridge Developments Limited

[Add the following objective and two policies]

9.2.9 Objective – The High Density Residential Zone at Three Parks Wānaka contributes to a quality environment at the entranceway to Wānaka.

Policies

9.2.9.1 Avoid buildings within the Building Restriction Area so as to:

- a. minimise adverse effects of road noise on residential amenity; and
- b. ensure the land adjacent to State Highway 84 be landscaped so as to provide a high amenity sense of arrival into Wānaka.

~~9.2.9.2 Ensure buildings are dispersed across the zone to provide integrated with high quality landscaping.~~

Commented [B&A10]: 3220.4 Willowridge Developments Limited

	Standards for activities located in the High Density Residential Zone	Non-compliance status
9.5.2	Building Height – Flat Sites in Wānaka 9.5.2.1 A height of 8m except where specified in Rule 9.5.2.2 <u>and 9.5.2.3.</u>	RD Discretion is restricted to: <ol style="list-style-type: none"> a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. privacy for occupants of the subject site and neighbouring sites;

	Standards for activities located in the High Density Residential Zone	Non-compliance status
	<p>...</p> <p><u>9.5.2.3 In Three Parks Wānaka the maximum building height shall be 12m.</u></p>	<p>e. effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</p> <p>f. the positive effects of enabling additional development intensity within close proximity to town centres.</p> <p><u>D</u></p>
9.5.4	<p>Building Coverage</p> <p><u>9.5.4.1</u> A maximum of 70% site coverage</p> <p>....</p> <p>9.5.4.2 Except that in Three Parks Wānaka the maximum site coverage shall be 25%.</p>	NC
9.5.6	<p>Landscaped permeable surface coverage</p> <p><u>9.5.6.1</u> At least 20% of site area shall comprise landscaped (permeable) surface.</p> <p>9.5.6.2 Except that in Three Parks Wānaka at least 50% site area shall comprise landscaped (permeable) surface.</p>	NC
9.5.8	<p>Minimum Boundary Setbacks</p> <p>9.5.8.3 All buildings shall be at least 5m back from Sir Tim Wallis Drive in Three Parks Wānaka.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</p> <p>b. streetscape character and amenity;</p> <p>c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</p> <p>d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified</p>

Commented [B&A11]: 3220.6 Willowridge Developments Limited

Commented [B&A12]: 3220.7 Willowridge Developments Limited

Commented [B&A13]: Note: Consequential amendment required to delete this provision if the recommendation to accept 3220.1 Willowridge Developments Limited's request to rezone the northern part of the HDR to BMU is accepted. Note that the remaining HDR adjoining Sir Tim Wallis Drive is subject to a Building Restriction Area

	Standards for activities located in the High Density Residential Zone	Non-compliance status
		significant public views identified within the District Plan).

Variation to Chapter 16 - Business Mixed Use

Policy

- 16.2.1.4 For sites adjoining Gorge Road in Queenstown and Sir Tim Wallis Drive in Three Parks Wānaka, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.

Rule 16.5.3 Residential and visitor accommodation activities - RD

All residential activities and visitor accommodation;

16.5.3.1 on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road, or

16.5.3.2 on sites adjoining Sir Tim Wallis Drive in Three Parks Wānaka located within 10m of the boundary adjoining Sir Tim Wallis Drive;

Shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.

Variation to Chapter 25 - Earthworks

25.5.5	<u>Three Parks Commercial</u>	500m ³
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Variation to Chapter 27 - Subdivision and Development

27.3 Location – specific objectives and policies

[Add the following objective and seven policies]

Three Parks Wānaka (defined by the extent of the Three Parks Structure Plan – 27.13.9)

27.3.15 Objective –Subdivision of Three Parks Wānaka is consistent with the Three Parks Structure Plan and achieves integrated development.

Policies

27.3.15.1 Ensure the provision of open spaces **through Building Restriction Areas** that are suitable for the whole community and that are located in safe and accessible areas.

27.3.15.2 Protect the character and amenity of the entrance to Wānaka through a Building Restriction Area along SH84 .

27.3.15.3 Require integration of the Building Restriction Areas for developments within the High Density Residential Zone in Three Parks Wānaka and require high quality landscaping as part of development.

27.3.15.4 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.

27.3.15.5 Require the Three Parks Commercial Zone to include a public square that is greater than 900m².

27.3.15.6 Recognise that relocation of fixed or collector roads may significantly affect the integrity of the Three Parks Structure Plan and any relocation should be restricted to:

- a. no greater than 20m for any fixed road shown on the Three Parks Structure Plan; and
- b. no more than 50m from any collector road location shown on the Three Parks Structure Plan.

27.3.15.7 Encourage subdivision design to ensure that sites front the road and restrict the creation of rear sites as follows;

- a. no rear sites within a Medium Density Residential Zone contained within the Three Parks Structure Plan; and
- b. no greater than 10% rear sites within all other zones within the Three Parks Structure Plan.

27.6 Rules – Standards for Minimum Lot Areas

Zone	Minimum Lot area
Three Parks Commercial	No minimum
High Density Residential – Three Parks Wānaka	No minimum

27.7 Zone – Location Specific Rules

Commented [B&A14]: Cl 16(2) – recommended non-substantive amendment to provide clarity on the extent of the Three Parks area.

Commented [B&A15]: Cl 16(2) – recommended non-substantive change to provide clarity of how open space is provided for.

[Add the following four rules]

	Zone and Location Specific Rules	Activity Status
<u>27.7.17.1</u>	<p><u>Three Parks Wānaka</u></p> <p><u>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent with the principal roading layout depicted in the Three Parks Structure Plan shown in part 27.13.9, the following shall be additional matters of control:</u></p> <ul style="list-style-type: none"> a. <u>roading layout;</u> b. <u>the provision and location of walkways and the green network;</u> c. <u>the integrated approach to landscaping of the building restriction areas.</u> 	RD C
<u>27.7.17.2</u>	<u>Any subdivision within the Three Parks High Density Residential zone.</u>	<u>D</u>
<u>27.7.17.3</u>	<p><u>Any subdivision that does not comply with the Three Parks Structure Plan located in Section 27.13.9</u></p> <p><u>For the purposes of this rule:</u></p> <ul style="list-style-type: none"> a. <u>any fixed connections (road intersections) shown on the Structure Plan may be moved no more than 20 metres;</u> b. <u>any fixed roads shown on the Structure Plan may be moved no more than 50 metres in any direction;</u> c. <u>the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres.</u> 	<u>NC</u>
<u>27.7.17.4</u>	<u>At Three Parks Wānaka no more than 10% of sites created shall be rear sites; except that; in the Medium Density Residential Zone at Three Parks Wānaka no rear sites shall be created.</u>	NC

Commented [B&A16]: 3186.3 Queenstown Lakes Community Housing Trust

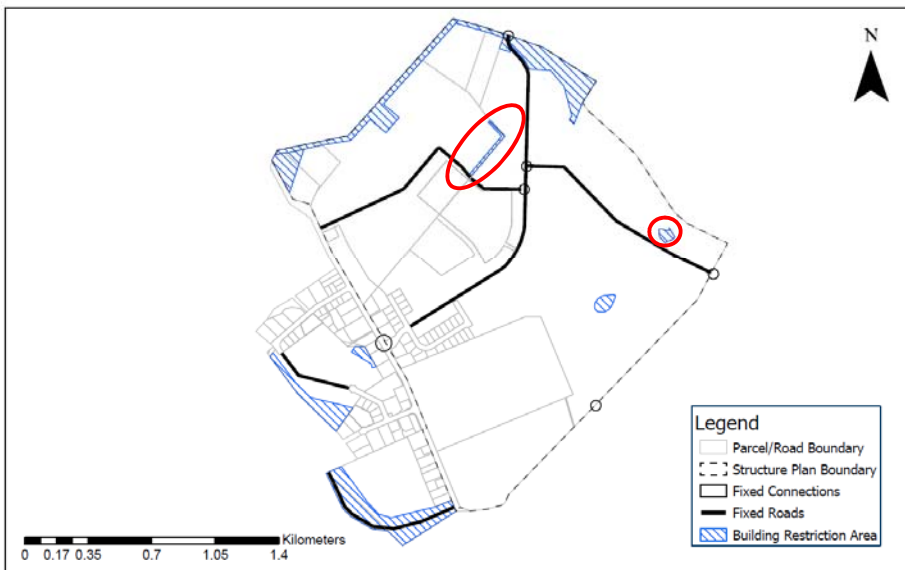
27.13 Structure Plans

[Add the following Structure Plan]

27.13.9 Three Parks Structure Plan

Commented [B&A17]: Delete two Building Restriction Areas circled in red.
3220.7 Willowridge Developments Limited

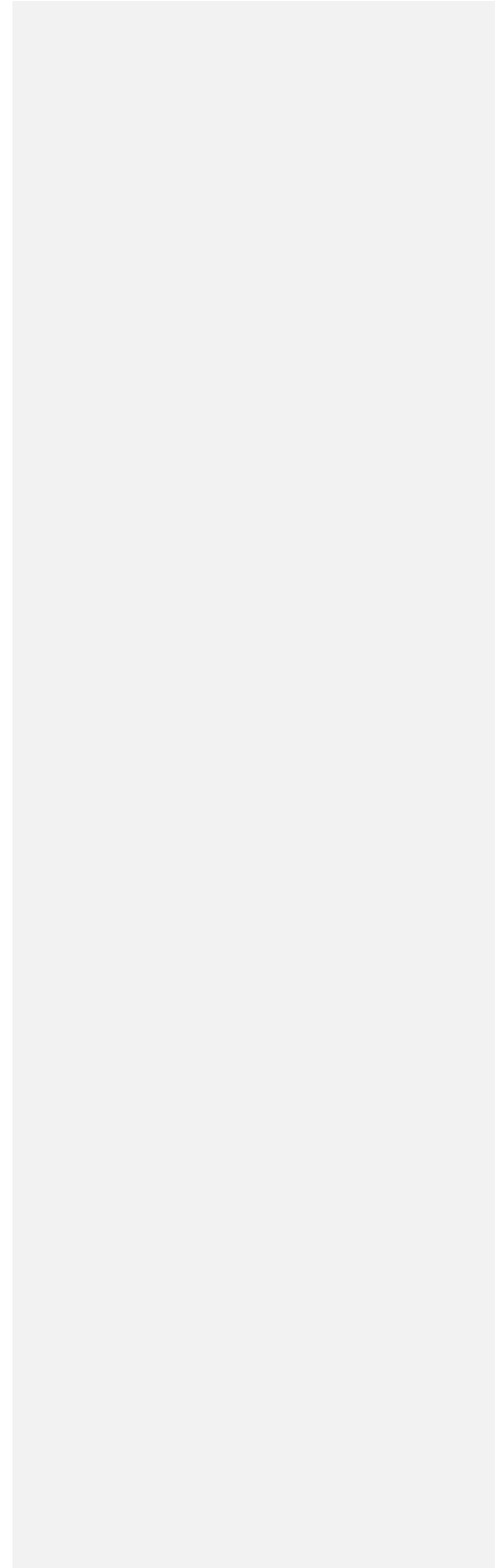
Three Parks Structure Plan
Layout of Roads, Connections and Building Restriction Areas



Variation to Chapter 31 - Signs

Table 31.6 – Activity Status of Signs in Commercial Areas

[Add to end column] - Business Mixed Use Zone and Three Parks Commercial Zone



Chapter 30 – Energy and Utilities

30.5 Utility Rules

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.6	<p>Poles</p> <p>With a maximum height greater than:</p> <ol style="list-style-type: none"> 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; 25m in the Rural Zone; 15m in the Business Mixed Use Zone (Queenstown); 13m in the Local Shopping Centre, Business Mixed Use (Wanaka and Three Parks) or Jacks Point zones; 16m in the Three Parks Commercial Zone; 11m in any other zone; and 8m in any identified Outstanding Natural Landscape. <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.</p>	P

Commented [B&A18]: Cl 16(2) non-substantive amendment for clarity

Commented [B&A19]: 3032.2 Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited

APPENDIX 2

Summary of submissions and recommended decisions

No.	Last Name	First Name	Organisation	On Behalf Of	Point No.	Position	Submission Summary	Planner Recommendation
3032	Horne	Chris	Incite	Spark, Chorus and Vodafone	3032.2	Oppose	That a new clause is added to Rule 30.5.5.6 that provides for poles up to 18m in the Three Parks Commercial Zone where there is a single operator, and 21m for multiple operators on the same pole.	Accept in part
3056	Properties	Ballantyne	Ballantyne Properties Ltd (BPL)		3056.1	Support	That the notified zoning of the southern portion of the submitter's land (Lot 1 DP 510626 held in CT 783035) to Three Parks Business Mixed Use Zone be supported.	Reject
3056	Properties	Ballantyne	Ballantyne Properties Ltd (BPL)		3056.2	Oppose	That the balance of the northern portion of submitter's land (Lot 1 DP 510626) be rezoned to Business Mixed Use Zone.	Reject
3109	Wallace	Chelsea	Public Health South	Southern District Health Board	3109.3	Support	That the intent of Chapter 19A to support the urban growth of Wanaka is retained as notified.	Accept
3109	Wallace	Chelsea	Public Health South	Southern District Health Board	3109.4	Oppose	That test pitting and mitigation be undertaken on land identified on the Hazardous Activities and Industries List within the Three Parks Commercial Zone.	Reject
3109	Wallace	Chelsea	Public Health South	Southern District Health Board	3109.5	Oppose	That the health and wellbeing impacts of the General Industrial Zone on residents within adjoining Three Parks Lower Density Suburban Residential Zoned land be considered.	Accept in part
3110	Moseby	Roger			3110.2	Oppose	That all land owners in Three Parks be consulted on future development plans for Three Parks.	Accept in part
3128	Devlin	Blair	Vivian and Espie Limited	Tussock Rise Limited	3128.2	Oppose	That the notified General Industrial Zone within the Three Parks Business Sub-Zone be rezoned to Business Mixed Use so that the BMUZ extends along Sir Tim Wallis Drive right to Ballantyne Road and incorporates the full extent of the former Business Sub-Zone and connects with the BMUZ rezoning.	Reject
3143	Robertson	Susan			3143.2	Oppose	That the notified zoning for Lot DP 12726 and Lot DP 12296, Medium Density Residential, be rejected and be zoned to a zone which allows for future business and retail activity.	Reject
3152	Fallowfield	Morgan	Beca Limited	Ministry of Education	3152.4	Oppose	That the following policy be added to section 19A.2: "Enable educational facilities to establish throughout the Three Parks Commercial Zone, ensuring that the scale and effects of these activities do not adversely affect Commercial activity."	2.2-19A.2 Objectives and Policies Reject
3152	Fallowfield	Morgan	Beca Limited	Ministry of Education	3152.5	Oppose	That a new restricted discretionary activity, "Educational Facilities", be added to Table 19A.4, with the following matters of discretion: 1. The extent to which it is necessary to locate the activity with the Three Parks Commercial Zone. 2. Reverse sensitivity effects of adjacent activities. 3. The extent to which the activity may adversely impact on the transport network. 4. The extent to which the activity may adversely impact on the streetscape. 5. The extent to which the activity may adversely impact on the noise environment. And any consequential changes that give effect to the relief sought in the submission.	2.4-19A.4 Rules - Activities Accept in part
3153	Peirce	Simon	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.4	Oppose	That the following advice note be added to section 19A.3.2: 'New Zealand Electrical Code of Practice for Electrical Safe Distances ('NZECP34:2001') Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ('NZECP34:2001') is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. To assist plan users in complying with NZECP34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps. For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.'	2.3-19A.3 Other Provisions and Rules Accept in part
3153	Peirce	Simon	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.5	Oppose	That a new rule be added to section 19A.6 Non-notification of Applications: "For any application for resource consent where Rule 19A.4.4(i) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991." And make a consequential amendment to Rule 19A.6.3 to add an exception for the new rule, for example by adding the words "Except as provided for under Rule 19A.6.x" at the beginning of Rule 18A.6.1.	2.6.1-19A.6.1 The following Restricted Discretionary activities shall not require the written approval... Accept in part
3153	Peirce	Simon	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.13	Oppose	That the Low Density Residential Suburban Zone surrounding the Substation at 39 Ballantyne Road be removed, or a building restriction area be applied over the Low Density Residential Suburban Zone in the area 20 metres from the cadastral boundary of 39 Ballantyne Road.	Reject
3153	Peirce	Simon	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.16	Oppose	That "electricity supply" be added to matter of discretion (f) under Rule 19A.4.4 where buildings require restricted discretionary activity resource consent.	2.4-19A.4 Rules - Activities Reject
3153	Peirce	Simon	Galloway Cook Allan Lawyers Dunedin	Aurora Energy Limited	3153.17	Oppose	That the following be added as a matter of discretion to Rule 19A.4.4 (Buildings): "Where Electricity Sub-Transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road any adverse effects on that infrastructure."	2.4-19A.4 Rules - Activities Accept
3186	Scott	Julie	Queenstown Lakes Community Housing Trust	Queenstown Lakes Community Housing Trust	3186.1	Oppose	That for the Three Parks Commercial Zone, the overall estimated yield, particularly in relation to the provision of medium and high density housing, is not reduced from what was enabled in the Operative District Plan.	Accept
3186	Scott	Julie	Queenstown Lakes Community Housing Trust	Queenstown Lakes Community Housing Trust	3186.2	Oppose	That if submission point 3186.1 is rejected and there is a reduction in yield in the Three Parks Commercial Zone from what was enabled in the Operative District Plan, amendments be made to zone boundaries and/or Rule 19A.4.9 to increase the residential yield enabled within the area to that of the operative district plan; and/or, provide for residential activities in the Three Parks Commercial Zone above ground.	Reject
3186	Scott	Julie	Queenstown Lakes Community Housing Trust	Queenstown Lakes Community Housing Trust	3186.3	Oppose	That notified Rule 27.7.17.1 be amended to clarify whether subdivision under this rule is a restricted discretionary or controlled activity.	2.7-Variation to the Proposed District Plan Accept
3186	Scott	Julie	Queenstown Lakes Community Housing Trust	Queenstown Lakes Community Housing Trust	3186.4	Oppose	That a matter of discretion/control be added to Rule 27.7.17.1 relating to the location and identification of affordable housing and community housing within those zones where residential use is provided for.	2.7-Variation to the Proposed District Plan Reject
3189	Vivian	Carey	Vivian+Espie	Outside Sports Limited	3189.1	Support	That the re-zoning of part of Three Parks Zone to Business Mixed Use Zone be retained as notified.	Accept
3218	User	Gems Educational Childcare			3218.1	Oppose	That the Business Mixed Use Zone along Sir Tim Wallis Drive be extended to the north-west, to include the land between the Primary School designation and the notified Business Mixed Use Zone, and to the west to Road 16 at Three Parks, or alternatively that an 'education and community' precinct be overlaid on the area with noise limits, height restrictions and design controls that recognise the area's location between a Business Mixed Use Zone, the Primary School and Road 16 at Three Parks.	Accept

3218	User	Gems Educational Childcare			3218.2	Oppose	That car parking requirements should be amended to recognise the benefit of co-locating educational and community facilities.		Reject
3220	Devlin	Alison	Willowridge Developments Limited		3220.1	Oppose	That the zoning at Three Parks be amended as shown in submission 3220 Attachment 1 labelled 'Patterson Pitts Group District Plan Three Parks Proposed District Plan'. This includes extending the Business Mixed Use Zone to the junction of State Highway 84 and amendments to the Ballantyne Road end of the zone; changes to the Three Parks Commercial Zone; an increase in the land zoned High Density Residential; a reduction in the Open Space zoning; and replacing the General Industrial Zone with a new Three Parks Business zone.		Accept in part
3220	Devlin	Alison	Willowridge Developments Limited		3220.2	Oppose	That the Three Parks Commercial Chapter be amended to include provisions for the Three Parks Business Zone, including a new objective, seven new policies, and new rules and standards, as set out in Attachment 2 to submission 3220.		Reject
3220	Devlin	Alison	Willowridge Developments Limited		3220.3	Oppose	That Rule 19A.4.5 be amended by deleting "provided that this rule shall not apply to the sale of liquor:" so that the rule reads "Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 7am. This rule shall not apply to the sale and supply of alcohol".	2.4-19A.4 Rules - Activities	Accept
3220	Devlin	Alison	Willowridge Developments Limited		3220.4	Oppose	That High Density Residential Zone Purpose 9.1 be amended by deleting the words 'with a low building coverage to provide for public spaces' so that the provisions reads 'The High Density Residential Zone at Three Parks Wanaka provides for a distinctive urban character at the entranceway to Wanaka through taller buildings and landscaped areas adjacent to State Highway 84.'	2.7.1-Variation to Chapter 9 - High Density Residential	Accept
3220	Devlin	Alison	Willowridge Developments Limited		3220.5	Oppose	That Policy 9.2.9.2 be deleted.	2.7.1-Variation to Chapter 9 - High Density Residential	Accept
3220	Devlin	Alison	Willowridge Developments Limited		3220.6	Oppose	That Rule 9.5.4.2 be deleted.	2.7.1-Variation to Chapter 9 - High Density Residential	Accept
3220	Devlin	Alison	Willowridge Developments Limited		3220.7	Oppose	That Rule 9.5.6.2 be deleted.	2.7.1-Variation to Chapter 9 - High Density Residential	Accept
3220	Devlin	Alison	Willowridge Developments Limited		3220.8	Oppose	That Rule 9.5.8.3 be deleted.	2.7.1-Variation to Chapter 9 - High Density Residential	Accept
3220	Devlin	Alison	Willowridge Developments Limited		3220.9	Oppose	That Schedule 27.13.9 Structure Plan be replaced with submission 3220 Attachment 3 - Three Parks Structure Plan.	2.7.4-Variation to Chapter 27 - Subdivision and Development	Reject
3224	Downing	Zella	individual		3224.3	Oppose	That the Three Parks Commercial proposal be rejected.		Reject
3229	Shaw	Richard		NZ Transport Agency	3229.11	Oppose	That Rule 19A.5.3.1 be amended to include the words ' the effects on the amenity of adjoining sites, the safety of the transportation network, and' after the word 'limit' and before the words 'the effects on the night sky', with matter of discretion a. amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	2.5-19A.5 Rules - Standards	Accept
3229	Shaw	Richard		NZ Transport Agency	3229.12	Support	That Policy 9.2.9.1a be retained as notified.	2.7.1-Variation to Chapter 9 - High Density Residential	Accept
3229	Shaw	Richard		NZ Transport Agency	3229.13	Support	That Objective 27.3.15 be retained as notified.	2.7.4-Variation to Chapter 27 - Subdivision and Development	Accept
3229	Shaw	Richard		NZ Transport Agency	3229.14	Support	That Policy 27.3.15.4 be retained as notified.	2.7.4-Variation to Chapter 27 - Subdivision and Development	Accept
3229	Shaw	Richard		NZ Transport Agency	3229.15	Support	That Policy 27.3.15.6 be retained as notified.	2.7.4-Variation to Chapter 27 - Subdivision and Development	Accept
3229	Shaw	Richard		NZ Transport Agency	3229.16	Support	That Rule 27.7.17.1 be retained as notified.	2.7.4-Variation to Chapter 27 - Subdivision and Development	Accept in part
3229	Shaw	Richard		NZ Transport Agency	3229.17	Support	That Rule 27.7.17.3 be retained as notified.	2.7.4-Variation to Chapter 27 - Subdivision and Development	Accept
	Greaves	Ian	Southern Ventures	Cadence Holdings Limited	3231.3	Support	That the intent of the proposal to move the Three Parks Zone into the Proposed District Plan and remove complexities is retained as notified.		Accept
3237	User	Outside Sports Limited			3237.1	Support	That the re-zoning of part of Three Parks Zone to Business Mixed Use Zone be retained as notified		Accept
3269	Greaves	Ian	Southern Ventures	Henley Property Trust	3269.5	Support	That the re-zoning of land adjoining Sir Tim Wallis Drive to Business Mixed Use Zone be retained as notified.		Accept
3269	Greaves	Ian	Southern Ventures	Henley Property Trust	3269.12	Oppose	That Rule 16.5.4 be amended to read as follows: "Maximum Building Coverage of 75% - except for sites adjoining Sir Tim Wallis Drive where no maximum building coverage applies." Or that the Three Parks Business Mixed Use Zone be rejected and replaced with a new zone that replicates the Business Mixed Use Zone in all respects with the exception that no maximum building coverage is specified.	2.7.2-Variation to Chapter 16 - Business Mixed Use	Reject
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.16	Support	That Objective 19A.2.1 be retained as notified.	2.2.1-19A.2.1 Objective - Large format retail and a limited	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.17	Support	That Policy 19A.2.1.1 be retained as notified.	2.2.1-19A.2.1 Objective - Large format retail and a limited	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.18	Support	That Policy 19A.2.1.2 be retained as notified.	2.2.1-19A.2.1 Objective - Large format retail and a limited	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.19	Support	That Policy 19A.2.1.3 be retained as notified.	2.2.1-19A.2.1 Objective - Large format retail and a limited	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.20	Support	That Policy 19A.2.1.4 be retained as notified.	2.2.1-19A.2.1 Objective - Large format retail and a limited	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.21	Support	That Policy 19A.2.1.5 be retained as notified.	2.2.1-19A.2.1 Objective - Large format retail and a limited	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.22	Support	That Objective 19A.2.2 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.23	Support	That Policy 19A.2.2.1 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.24	Support	That Policy 19A.2.2.2 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.25	Support	That Policy 19A.2.2.3 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.26	Support	That Policy 19A.2.2.4 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.27	Support	That Policy 19A.2.2.5 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept

3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.28	Support	That Policy 19A.2.2.6 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.29	Support	That Policy 19A.2.2.7 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.30	Support	That Policy 19A.2.2.8 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3342	Hanley	Warren	Otago Regional Council	Otago Regional Council	3342.31	Support	That Policy 19A.2.2.9 be retained as notified.	2.2.2-19A.2.2 Objective - A high quality urban centre with a strong	Accept
3381	Murdoch	Danielle			3381.1	Oppose	That the land identified be re-zoned from General Industrial to Business Mixed Use land and some of the proposed Active Sports and Recreation land zoned General Industrial.		Reject
3079	Cotter	Guy	Adventure Consultants Ltd		3079.1	Oppose	That the proposal to change Three Parks Zone to General Industrial Zone is rejected; the area should remain Three Parks or change to Business Mixed Use.		Reject
3130	Devlin	Blair	Vivian and Espie Limited	Bright Sky Land Limited	3130.2	Oppose	That the General Industrial Zone within Three Parks be zoned Business Mixed Use so that it extends to Ballantyne Road, including the full extent of the former Three Parks Business Sub-zone.		Reject
3161	Devlin	Blair	Vivian and Espie Limited	Alpine Estates Ltd	3161.2	Oppose	That the notified General Industrial Zone within Three Parks Business Sub-Zone, Wanaka, be re-zoned Business Mixed Use Zone, so that the Business Mixed Use Zone extends along Sir Tim Wallis Drive right to Ballantyne Road, incorporating the full extent of the former Three Parks Business Sub-zone.		Reject
3167	King	Kevin	Ardmore Property Trust	Kevin King, Maria King.	3167.1	Oppose	That the land proposed to be zoned General Industrial Zone in Three Parks provides for the activities currently provided for in the Three Parks Business Subzone.		Reject
3167	King	Kevin	Ardmore Property Trust	Kevin King, Maria King.	3167.2	Oppose	That the land between McCormick Street and Ballantyne Road, Three Parks, including the land at 2 McCormick Street (Lot 10 DP500684) be rezoned Business Mixed Use.		Reject
3228	Telfer	Dean	Telfer Family Trust		3228.1	Oppose	That the notified General Industrial Zone at Three Parks, in place of the operative Business Sub-zone, be rejected.		Reject
3231	Greaves	Ian	Southern Ventures	Cadence Holdings Limited	3231.1	Oppose	That the existing Three Parks Business Sub-zone proposed to be zoned General Industrial is rezoned Business Mix Use (or similar).		Reject
3231	Greaves	Ian	Southern Ventures	Cadence Holdings Limited	3231.4	Oppose	That additional amendments be made to Business Mixed Use Zone Provisions to impose greater restrictions on Residential and Visitor Accommodation Activities.		Reject
3231	Greaves	Ian	Southern Ventures	Cadence Holdings Limited	3231.5	Oppose	That any further or consequential changes be made to achieve the decisions sought in submission 3231.		Reject