

**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 Hearing Streams 18  
Stage 3 and 3b  
Proposed District Plan

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**REPLY OF CRAIG ALAN BARR  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLANNING: Strategic Overview and Universal Developments (Hāwea) Limited  
(3248)**

**4 September 2020**

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 **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

## CONTENTS

	<b>PAGE</b>
1. INTRODUCTION.....	1
2. STRATEGIC OBJECTIVES AND POLICIES IN THE PDP VIS A VIS NPS UD .	2
3. NPS UD IN RELATION TO UDL SUBMISSION .....	13
4. PLANNING MAPS .....	22
5. STRUCTURE PLAN .....	23
6. PLAN PROVISIONS .....	25

## 1. INTRODUCTION

1.1 My name is Craig Alan Barr. Relevant to this reply, I prepared a Strategic Overview evidence in chief dated 18 March 2020 (**Strategic Overview**) in relation to Hearing Streams 16 – 18, and a rebuttal statement<sup>1</sup> in relation to the Universal Developments (Hāwea) Limited (3248) (**Universal Developments/UDL**) submission filed in Hearing Stream 18. My qualifications and experience are set out in my Strategic Overview.

1.2 I attended the hearing on 29 June 2020 and 3 July 2020. I did not attend the hearing when UDL's submission was heard on 4 August 2020 (as I was in Environment Court mediation those days), although I have listened to all audio recordings, reviewed the summary statements and have been provided with reports of what has taken place at the hearing where relevant to my evidence.

1.3 This reply evidence covers the following issues:

- (a) The Panel's Minute 35, strategic objectives and policies in the Proposed District Plan (**PDP**) vis a vis National Policy Statement on Urban Development 2020 (**NPS UD**);
- (b) The NPS UD as it relates to the UDL submission; and
- (c) Recommended plan provisions.

1.4 I have also read the reply statement from Mr Rossiter (Council transport expert) and acknowledge his concerns still remain with respect to the following intersections:

- (a) SH6/Capell Avenue;
- (b) Capell Avenue/Domain Road; and
- (c) Domain Road/Cemetery Road.

1.5 The following are attached to my reply evidence:

- (a) **Appendix A:** Recommended provisions;
- (b) **Appendix B:** Final recommendations on submissions;

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1 Second Statement of Rebuttal dated 19 June 2020.

- 1.6** I maintain the recommendation in my rebuttal evidence that the UDL submission should not be accepted unless there is sufficient certainty that the identified infrastructure constraints (i.e. wastewater and identified roading issues) can be resolved. Based on the information provided by the submitter during the hearing and the Reply Evidence of Council, I do not consider there is certainty that they can be resolved.
- 1.7** Consistent with my rebuttal evidence, setting aside infrastructure constraints, I could support in part the proposed rezoning. However, my support is qualified to the extent of urban zoning and extension of the urban growth boundary at Lake Hāwea Township only as far as the water race, and on the basis that the provisions in **Appendix A** be included in the PDP.

## **2. STRATEGIC OBJECTIVES AND POLICIES IN THE PDP VIS A VIS NPS UD**

- 2.1** A memorandum of counsel for the Council on the NPS UD dated 31 July 2020 sets out, in general terms by way of an executive summary style statement, the position the Council will take on implementation of the NPS UD. The Panel in its Minute 35 asks: *Does the Council consider any of the strategic chapter provisions that are the subject of Environment Court Consent orders are now 'out of step' with the National Policy Statement – Urban Development (NPS- UD) – given it came into force on the 20 August 2020? If so, what implications does that have for our recommendations?*
- 2.2** The status of the PDP Strategic Chapters is as follows:
- (a) Chapter 3 (Strategic Direction) and Chapter 6 (Landscapes and Rural Character);
    - (i) Topic 1 – A resilient economy. No changes from the status set out in my Strategic Overview evidence, with the exception of the Court confirming the final wording of the three new SOs about accessibility, arts, culture, recreation, events and sense of place (SOs 3.2.6.1 – 3.2.6.3) as identified in my summary statement;

- (ii) Topic 2 Rural Landscapes. The amendments to Chapters 3 and 6 following the Court's interim decision on Decision 2.2<sup>2</sup> are the same as set out in my Strategic Overview – no final decisions have been issued;
- (b) Topic 4 Biodiversity. The Environment Court issued consent orders on 25 March 2020, confirming Strategic Objective 3.2.4 and related objectives 3.2.4.1 – 3.2.4.7 and Strategic Policies 3.3.17 – 3.3.19, and 3.3.27 and 3.3.28, and Chapter 33 Indigenous Vegetation and Biodiversity, except matters relating to Ski Area Sub Zones as identified in my summary statement.
- (c) Topic 3 Urban Development (Strategic Objective XX and Chapter 4). The Environment Court issued consent orders on 20 August 2020. I discuss this in more detail below; and
- (d) Chapter 5 (Tangata Whenua) was not appealed and is treated as operative.

**2.3** While the Minute asks for consideration of strategic chapter provisions that are subject to a consent order (which I understand to mean an issued consent order rather than a *draft* consent order), I also consider some of the Topic 1 and 2 strategic provisions, that are more relevant to the NPS UD.

**2.4** The following provides an overview of whether the relevant provisions of Chapters 3 and 4 are 'now *out of step*' with the *National Policy Statement – Urban Development (NPS- UD)*'. I have not evaluated every Chapter 3 or Chapter 4 provision against the NPS UD, rather only those which I have identified as particularly pertinent in terms of bottom-lines, and/or have adopted language or phrases used in the National Policy Statement on Urban Development Capacity 2016 (**NPS UDC**).

**2.5** Firstly, addressing Chapter 4 (Urban Development), including the amendments flowing through the consent order that specifically refer

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<sup>2</sup> *Upper Clutha Environmental Protection Society Inc. v Queenstown Lakes District Council* [2019] NZEnvC 205.

to the NPS UDC in the Purpose Statement (4.1), being the second paragraph and the second sentence of the third paragraph.

- 2.6** Notwithstanding that that text refers to the now outdated NPS UDC, I consider it is relatively generic in terms of the overall intent of the NPS UDC and the Council's obligations and relationship to that document. The second paragraph and second sentence of the third paragraph are broken down into the constituent parts and discussed as follows:

*This chapter gives effect to the National Policy Statement on Urban Development Capacity (NPS-UDC), which requires that local authorities provide sufficient development capacity to meet the current and future needs of the District's community. This chapter provides the strategic planning framework to achieve effective and efficient urban environments that can meet demand for the development of land for housing and businesses.*

- 2.7** NPS UD Policy 2 requires local authorities to, *at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short-term, medium term and long term.* By comparison, the NPS UDC refers to 'sufficient' only (i.e. not 'at least'), in Objective OA2, Policy PA 1, when referring to the housing and business land development capacity bottom lines, and in related instructive policies PC1, PC 3 and PC4. Because of the way in which the phrase 'sufficient development capacity' is applied in this particular context, being part of a generalised statement on how Chapter 4 gives effect to the NPS UDC, I do not consider the absence of '*at least sufficient...*' to be out of step with the NPS UD, at least in so far as how Chapter 4 will give effect to the NPS UD.

- 2.8** The preamble of PDP Policy 4.2.1.4 is '*Ensure within urban growth boundaries, at a minimum, sufficient, feasible development capacity...*'. I consider that the reference to '*at a minimum*' in Policy 4.2.1.4, while not specifically stating 'at least' is consistent with the NPS UD.

**2.9** The next sentence in the second paragraph is:

*Provision is made for a range of dwelling types and locations and business environments and for the District's urban areas to development and change over time in response to the changing needs of the District's community.*

**2.10** This statement is considered to be in-step with the overt recognition in the NPS UD for changing urban environments specifically identified in NPS UD Objective 4 and Policy 6.

**2.11** The second sentence of paragraph 2 of the Chapter 4 purpose statement (4.1) is:

*The District experiences considerable growth pressures and contains high-growth urban areas as defined in the NPS-UDC.*

**2.12** The Queenstown urban environments (both Queenstown and Wanaka) fell into a 'High – growth urban area' as defined in the NPS UDC. The above statement reflected that fact.

**2.13** The NPS UD does not use the same nomenclature to refer to areas as high-growth (or otherwise), but specifically identifies all local authorities as falling into one of a Tier 1, 2 or 3 as listed in column 2 of table 1 of the NPS UD. Queenstown was a 'high growth urban area' in the NPS UC but is now identified as a Tier 2 urban environment in the NPS UD. There is nothing in the NPS UD to suggest that both urban environments within the District should not be treated as Tier 2 urban environments.

**2.14** The 'high-medium-low growth urban areas' in the NPS-UC are not directly comparable to the tiers used in the NPS UD (given in particular that the concept of 'urban areas', as defined by Statistics New Zealand in 2016) in the NPS UDC has been discontinued). I note however that Tier 2 urban environments are subject to many of the same obligations as Tier 1 environments, which include:

- (a) Subpart 3.6 housing bottom lines, based on the findings of the Housing and Business Assessments. The bottom lines must be the sum of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the short, medium and long term (3.6(3)(a)-(b));
- (b) Assessing demand and development capacity (3.10); and
- (c) Preparation of a FDS (Subpart 4)).

**2.15** The key point of difference between Tier 1 urban environments and Queenstown (a Tier 2 urban environment) is NPS UD Policy 3, which focuses on realising as much development capacity as possible in city centre zones, and building of heights of 6 storeys in metropolitan centre zones.

**2.16** Chapter 4 of the PDP refers to Queenstown Lakes as a high growth district. While the concepts of high-growth or medium-growth urban areas used in the NPS UDC have been discontinued in the NPS UD, the requirement for the Council to undertake a Housing and Business Development Capacity Assessment (**HBA**) and promulgate housing bottom lines based on the sum of a range of variables, including demand and competitiveness, remains valid. I consider that referring to the Queenstown Lakes as a high growth district in the generic sense is contextually appropriate. The reference in Chapter 4 to '*and contains high-growth urban areas as defined in the NPS-UDC*', is out of step with the NPS UD, for the reasons outlined above. While acknowledging this, I do not consider that this text renders the PDP out of step with the NPS UD. This is because, collectively, the objectives and policies in Chapter 4 (and methods through the identification of urban growth boundaries on the plan maps) give effect to the NPS UD, which I elaborate upon below.

**2.17** Policy 4.2.1.4 of the PDP refers to ensuring within urban growth boundaries, at a minimum, sufficient, feasible development capacity and urban development opportunities consistent with: (a) the anticipated **medium** term demand for housing and business land (my emphasis). In using the phrase 'medium term' the policy has adopted an NPS UDC phrase, I elaborate on this below.



- 2.18** NPS UDC Policy PA1 identified that in the medium term, development capacity must be feasible, zoned and either serviced with development infrastructure or the funding for the development infrastructure required to service that development capacity must be identified in the Long Term Plan (**LTP**). Medium term in the NPS UDC means between 3 and 10 years.
- 2.19** NPS UD Policy 2 requires that at all times, local authorities provide, at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term and long term. Medium term in the NPS UD is also 3 to 10 years, ie. the same as the NPS UDC.
- 2.20** NPS UD Subpart 1 – Providing development capacity, Part 3.4 identifies development capacity is ‘plan-enabled’ and ‘infrastructure-ready’ in relation to the medium term, as follows:
- (a) Plan-enabled housing or business land that is either zoned for such in the operative district plan, or in a proposed district plan (3.4(1)(b)); while
  - (b) Infrastructure-ready means there is adequate existing development infrastructure to support the development, or funding for adequate infrastructure to support development of the land is identified in a long-term plan.
- 2.21** In my view, the obligations imposed by way of PDP Policy 4.2.1.4 (a) remain appropriate and are ‘in-step’ with the NPS UD. This is because the zoning and infrastructure requirements are the same for both iterations of the NPS, and this is consistent the PDP’s architecture of ensuring that all land zoned for urban development and within the UGBs is both plan-enabled and infrastructure-ready.
- 2.22** I have reviewed the balance of objectives and policies of Topic 3 in Chapter 3 and Chapter 4 and I have not identified any provisions that I consider to require specific evaluation or are potentially out of step with the NPS UD. As a broad and fundamental notion, I consider the concept of urban growth boundaries (**UGBs**), as a tool to manage

urban growth, to be sound in light of the overriding influence of the NPS UD, in that it ensures the coordination of plan-enabled land with the provision of infrastructure (i.e. PDP Objective 4.2.1).

**2.23** I note that the reference in Policy 4.2.1.4(h), while still relevantly referring to a future development strategy, need no longer refer to the promulgation of such under the NPS UDC. Importantly, Policy 4.2.1.4 contemplates that UGBs are reviewed and changed to address community needs, to respond to monitoring or to enable appropriate urban development (PDP Objective 4.2.1.6). The monitoring and evidence required by the NPS UD will ensure that the UGBs do remain restrictively static.

**2.24** While the focus of the above has been on whether the PDP Chapter 4 provisions are in or out of step with the NPS UD, the following Topic 1 PDP Chapter 3 provisions have been considered, noting that not all of the PDP Decisions Version policies were appealed, and the Topic 1 provisions remain subject to an interim decision only with various directions for consideration of drafting and jurisdictional submissions (mark-up and-strike through to show the amendments flowing from the Topic 1 interim decision):

### **3.2 Strategic Objectives**

**3.2.1** *The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)*

**3.2.1.1** *The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District.*

**3.2.1.2** *The Queenstown and Wanaka town centres<sup>3</sup> are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.*

**3.2.1.3** *The Frankton urban area (including the Remarkables Park mixed use centre) functions primarily as a major*

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3 Defined by the extent of the Town Centre Zone in each case.

*commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.*

*3.2.1.4 The key function of the commercial core of Three Parks is focused on large format retail development.*

*3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres<sup>4</sup>, Frankton and Three Parks, are sustained.*

*3.2.1.6 Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.*

...

#### **Town Centres and other Commercial and Industrial Areas**

...

*3.3.2 Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths. (relevant to S.O. 3.2.1.2).*

*3.3.3 Avoid new commercial zoning of land that is likely to ~~could~~ undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity. (relevant to S.O. 3.2.1.2).*

*3.3.4 Provide a planning framework for the Frankton urban area that facilitates the integration of the various development nodes. (relevant to S.O. 3.2.1.3).*

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4 Defined by the extent of the Town Centre Zone in each case.

- 3.3.5 *Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District. (relevant to S.O. 3.2.1.3).*
- 3.3.6 *Avoid additional commercial zoning that ~~will~~ is likely to undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton. (relevant to S.O. 3.2.1.3).*
- 3.3.7 *Provide a planning framework for the commercial core of Three Parks that enables large format retail development. (relevant to S.O. 3.2.1.4).*
- 3.3.8 *Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (relevant to S.O. 3.2.1.3 and 3.2.1.5).*
- 3.3.9 *Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose. (relevant to S.O. 3.2.1.5).*
- 3.3.10 *Avoid commercial rezoning that ~~would~~ is likely to undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil. (relevant to S.O. 3.2.1.5).*
- 3.3.11 *Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification. (relevant to S.O. 3.2.1.1, 3.2.1.2, 3.2.1.5, 3.2.1.6 and 3.2.1.9).*

- 2.25** Strategic Objective (**SO**) 3.2.1.3 gives recognition to the Frankton urban area as functioning primarily as a major commercial and industrial service centre, while SO 3.2.1.4 recognises Three Parks focus on large format retail development.
- 2.26** Strategic Policy (**SP**) 3.3.3 helps with the implementation of those SOs that are identified directly above through avoiding new commercial zoning of land that is likely to undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity. That can be compared to SP 3.3.6, which is to avoid additional commercial zoning that is likely to undermine the function and viability of the Frankton commercial areas.
- 2.27** SP 3.3.10 recognises the role of key local service and employment functions that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil.
- 2.28** Collectively, these SOs and SPs could, if necessary act as a handbrake for new business activities where the location, nature and scale is likely to undermine the role, function and viability of established commercial centres. The role of the NPS is to improve the nature of urban land markets, the affordability of housing and the quality of urban outcomes while minimising social costs and maximising social benefits<sup>5</sup>.
- 2.29** I have identified the following components of the NPS UD that are particularly enabling, and considered whether the above identified SPs and SOs have the potential to be out of step with them:
- (a) That urban environments are well functioning (with the minimum criteria set out in NPS UD Policy 1). Policy 1(b) requires a variety of sites that are suitable for different business sectors in terms of location and site size. Policy 1(d), is to support, and limit as much as possible adverse impacts on the competitive operation of land and development markets;

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5 Cost - benefit analysis for a National Policy Statement on Urban Development Final report for the Ministry for the Environment July, 2020. At [6].

- (b) Policy 2, which requires that Queenstown, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term and long term; and
- (c) Policy 8, which requires that local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity.

**2.30** In broad terms, I do not consider the listed SOs and SPs to be out of step with the NPS UD policies. This is because the NPS UD does not preclude a local authority from protecting the function and viability of existing, strategically located, plan-enabled and infrastructure-ready business land. The rider with this statement is that the land zoned for business use, needs to meet demand and be feasible (i.e. Infrastructure-ready).

**2.31** As part of ensuring that any protection–geared SOs or SPs do not act as an inappropriate counter lever to the Council’s obligation to give effect to the NPS UD, the Council must ensure that NPS UD Policy 2 is satisfied. As discussed above, the NPS UD places obligations on the Council to ensure sufficient business land is available (i.e. NPS UD Subpart 3 – Evidence-based decision making and Subpart 4 – Future Development Strategy), which I consider are implemented through PDP Policy 4.2.1.4.

## **Summary**

**2.32** I consider the PDP that has been subject to amendments (i.e. Chapters 3 and 4 as amended through Topics 1 and 3), and in particular the Chapter 3 SOs and SPs identified above, and the entirety of Chapter 4 Urban Development provisions to be ‘in-step’ with the NPS UD. The only exception I have identified is the reference to the statement in the Chapter 4 Purpose Statement; *‘and contains high-growth urban areas as defined in the NPS-UDC’*.

**2.33** While the Purpose Statement text provides important contextual information as to the role of Chapter 4, how resource management issues are addressed and the outcomes envisaged through Chapter 4,

the text is not a statutory provision and does not obfuscate the implementation of the objectives and policies as a whole. Decisions on Stage 3 must give effect to the NPS UD, and in my view the Panel must ensure its decisions do that, despite the different terminology used in the Chapter 4 Purpose Statement text. As far as I am aware, this makes no different to council's recommendations on Stage 3.

### **3. NPS UD IN RELATION TO UDL SUBMISSION**

**3.1** The following is an evaluation of the NPS UD as it relates specifically to the UDL Submission, including Q4 in the Panel's Minute 35. I have structured the evaluation around the following themes of the NPS UD that I consider are relevant to the UDL submission:

- (a) Well-functioning urban environments;
- (b) Housing affordability;
- (c) Urban environments, including their amenity values changing over time;
- (d) Responsiveness;
- (e) Infrastructure; and
- (f) Subpart 3 evidence-based decision-making (Part 3.11 Using evidence and analysis).

#### **Well-functioning urban environments**

**3.2** Objective 1 and related Policy 1 of the NPS UD are:

*Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

*Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:
  - (i) meet the needs, in terms of type, price, and location, of different households; and**

- (ii) enable Māori to express their cultural traditions and norms; and*
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

**3.3** With the exception of the infrastructure constraints which is the reason I recommend rejecting the submission, I consider that in general terms, UDL's rezoning, if approved based on my qualified recommendations, would make a positive contribution to the existing urban environment of Lake Hāwea Township (in terms of Policy 1 of the NPS UD). This will be achieved through limb (a), by making a contribution toward meeting the needs, in terms of the type, price and location of different households. If my recommended affordable housing contribution provisions are not adopted, there is no certainty at all that limb (a) would be given effect to.

**3.4** In terms of Policy 1 limb (b), job options are currently limited in Hāwea, and public transport options are non-existent, however the presence of the proposed rezoning would provide a contribution toward the viability for future public transport, and local jobs by way of the proposed Local Shopping Centre Zone. The site has access to ample areas of natural open space (i.e. Lake Hāwea and its lakefront and reserves and trails, John's Creek Reserve and the Hāwea Domain). The proposal would also make a positive contribution to active transport and amenity by way of the proposed walkway/cycleway within the urban edge/BRA, and associated landscape plantings.



**3.5** I consider the proposal would also make a positive contribution with regard to Policy 1 limb (d), to limit as much as possible, adverse impacts on, the competitive operation of land and development markets, by virtue of the added opportunity for more developers to provide a contribution of urban residential sections to the market. While noting the reservations of Ms Hampson with regard to the potential reluctance for developers to make available an oversupply so as to not flood the market and result in lost revenue through lower section prices, the proposal accords with limb (d) for the intent of NPS UD.

### **Housing affordability**

**3.6** Objective 2 of the NPS UD is:

*Planning decisions improve housing affordability by supporting competitive land and development markets.*

**3.7** There are not any policies directly on housing affordability, which is unsurprising given the expression of Objective 2, and the scheme of the NPS UD is to encourage affordability through provision of new urban environments, intensification of existing urban environments and encouragement of greater competitiveness in the market. The NPS UD policies in the round address housing affordability, with the exception of Policy 1, (a)(i) and (d) (Well-functioning urban environments). I understand that the NPS UD supports housing affordability through supply as a primary means, and places the obligation on local authorities through monitoring and Housing and Business Development Capacity Assessments<sup>6</sup> to ensure housing is affordable.

**3.8** Having had the opportunity to listen to the discussion between the Hearings Panel and UDL's respective experts Mr Hocking, Mr Copeland and Mr Williams (and associated legal submissions), I remain of the view that specific housing affordability provisions are appropriate in section 32 terms (costs and benefits). This is particularly

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<sup>6</sup> NPS UD Subpart 3. 3.9 Monitoring requirements, and Subpart 5 Housing and Business Development Capacity Assessment (HBA) 3.23 Analysis of housing market and impact of planning.

pertinent to the UDL submission, where notwithstanding the available feasible capacity in Lake Hāwea Township and wider Wanaka urban environment, the submission is seeking support for the rezoning by leveraging off the enabling NPS UD direction for a range of housing types and at a variety of prices and typologies. I consider that my recommended housing affordability provisions will ensure that the proposal would deliver on NPS UD Policy 1.

### **Urban environments, including their amenity values changing over time**

#### **3.9** Objective 4 of the NPS UD is:

*New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

#### **3.10** Policy 6 of the NPS UD is of direct relevant to Objective 4:

*When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
  - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - (ii) are not, of themselves, an adverse effect*
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*

- (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) *the likely current and future effects of climate change.*

**3.11** Importantly, urban environment is defined in the NPS UD as:

*urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

- (a) is, or is intended to be, predominantly urban in character; and*
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people*

**3.12** I consider that the purpose and application of the NPS UD with regard to urban environments changing over time is in the context of an existing urban environment, which the proposed site is currently not because it is zoned Rural Zone and is part of a rural environment.

**3.13** To explain further, with regard to limb (b) of the definition of urban environment, the Rural Zone is not an urban environment and is not intended to be predominantly urban in character. This is also confirmed by way of the Wanaka urban environment comprising non-contiguous urban areas that for Hāwea and Wanaka are defined by a UGB (i.e. not the rural areas in between the urban areas and settlements).

**3.14** In this context, the reference to amenity changing in Objective 4 and Policy 6, while relevant to section 7(c) of the RMA, is applicable to contemplating change in existing urban environments, i.e. where a plan change amends an existing urban zone to provide for infill development, or relax the height or building coverage provisions. I do not consider the reference to changing amenity to apply to the visual amenity values associated with the RCL.

**3.15** For these reasons, I do not consider Objective 4 or Policy 6 to be relevant to the UDL submission because the submission land is zoned Rural and the proposal does not affect an urban environment. I consider the enquiry as to the appropriateness (or otherwise) of

change is to be primarily found in PDP Chapter 4 (Urban Development) and Chapter 6 (Landscapes and Rural Character).

- 3.16** If Objective 4 and Policy 6 could be applied to this proposal, it could only be in the context of amenity values afforded by the submission site as viewed from within the existing urban zoned land on the northern side of Cemetery Road. This would not usurp the consideration of the more intrinsic amenity derived from the submission site in terms of the landscape character, and associated visual amenity values as experienced from the wider rural environment.
- 3.17** In addition, if the rezoning submission was acceptable and an urban zone was applied to the UDL land, Objective 4 and Policy 6 would then be relevant to any resource consents or further plan changes sought under that new urban zone(s).
- 3.18** I also do not consider the Special Housing Area (**SHA**) consent to be relevant. Because while the SHA consent could be included as part of the existing environment concept (refer Council's opening submissions that address this concept and its relevance to plan development), in the context of Objective 4 or Policy 6 the built form is not established and the underlying zone is still Rural Zone. Without any inhabitants to come to terms with changing amenity, the existing environment is not relevant in this context.

### **Responsiveness**

- 3.19** Objective 6 of the NPS UD is considered relevant in the context of responsiveness and infrastructure. Objective 6 is:

*Local authority decisions on urban development that affect urban environments are:*

- (a) integrated with infrastructure planning and funding decisions;*
- (b) and strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.*

**3.20** Policy 8 is a directly relevant companion policy, which, while referring to urban environments is relevant to the proposal because it is 'affecting urban environments' (rather than Policy 6, which is 'planning decisions that affect urban environments'). Policy 8 helps elaborate on the expression of what is 'responsive' and is:

*Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- (a) unanticipated by RMA planning documents; or*
- (b) out-of-sequence with planned land release.*

**3.21** Currently, neither the QLDC nor the Otago Regional Council's RMA planning documents (i.e. the Partially Operative Regional Policy Statement) anticipate the proposed rezoning (with the exception of the contemplation for future urban development provided in PDP Strategic Chapters 3, 4 and 6), particularly in the absence of the release of any Future Development Strategy. While the proposal is not located within the PDP Urban Growth Boundary, I do not consider the proposal can be considered to be out-of-sequence with planned land release because neither the RPS nor the PDP identify future urban areas for sequential release.

**3.22** NPS UD Subpart 2 – Responsive Planning (3.8) provides the following explanation with regard to unanticipated or out-of-sequence developments:

*(1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.*

*(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:*

- (a) would contribute to a well-functioning urban environment;*
- (b) and is well-connected along transport corridors; and*

(c) *meets the criteria set under subclause (3); and*

(3) *Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.*

**3.23** I consider the 'plan change' to trigger clause 3.8 through limb (1) because in the context of the Wanaka urban environment, the proposal provides a significant contribution toward development capacity (both in terms of the full extent of the rezoning sought by UDL, including my qualified support for a smaller area to be rezoned).

**3.24** With regard to limb (2), and noting that the conjunctive phrasing requires that all subsequent limbs must be met:

(a) Limb 2(a): as I discussed above, the proposal would contribute to a well-functioning urban environment (provided the concerns I have with infrastructure are resolved);

(b) Limb 2(b): the proposal is well connected along transport corridors (in relative terms noting there is no available public transport in the Upper Clutha), while there are infrastructure constraints, the submission site has ample frontage to roads; however

(c) Limb 2(c): the proposal does not accord with limb (c). However, I note this requirement is not feasible given the recent enactment of the NPS UD, and that the Otago Regional Council have not yet notified a replacement regional policy statement, which is due to be notified in November this year. I consider that in the context of the Wanaka urban environment, the UDL submission would add significantly towards development capacity.

**3.25** I consider my partial support to the proposed rezoning to be an appropriate response to the direction in the NPS UD for responsive planning. The NPS UD does not express nor elaborate on what 'responsive' means in terms of statutory direction for decision makers.

## Infrastructure

**3.26** I have identified Objective 6 above, and in the context of infrastructure, I consider limb (a) is fundamentally the same as the National Policy Statement on Urban Development Capacity 2016 (**NPS UDC**), Policies PA 1 and PA 2.

**3.27** Because of the identified wastewater and roading constraints, the proposal does not achieve Objective 6 of the NPS UD. However, my recommended policies 27.3.x.4 and 27.3.5.5 in **Appendix A** may provide an alternative to be able to support the rezoning in advance of the identification of both physical and funding solutions for the identified wastewater and roading infrastructure constraints. The policies and rules are discussed in further detail below.

### **Subpart 3 evidence-based decision-making (Part 3.11 Using evidence and analysis)**

**3.28** Subpart 3, Part 3.11 of the NPS UD requires the following:

- (1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:
  - (a) clearly identify the resource management issues being managed; and*
  - (b) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:
    - (i) achieving well-functioning urban environments; and*
    - (ii) meeting the requirements to provide at least sufficient development capacity.***
- (2) Local authorities must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports and further evaluation reports prepared under sections 32 and 32AA of the Act*

**3.29** I consider the resource management issues, evaluation of the Council's HBCA and all other evidence have been sufficiently identified and evaluated through the section 32 evaluation and associated housing capacity assessments, Ms Rosalind Devlin's Section 42A Report<sup>7</sup> the submitter's evidence and associated summary statements, and the Council's respective rebuttal and reply statements. In this regard I consider that subclause (1)(a) and (b) has been achieved for the purposes of section 32AA of the Act.

#### **4. PLANNING MAPS**

**4.1** I maintain the recommendation as set out in my rebuttal evidence as to the extent of the urban zoning that is appropriate. I have attached a combined zoning plan and structure plan at **Appendix A**. The plan in Appendix A shows combined plan map annotations and the structure plan that would be added to Chapter 27 Subdivision and Development. I have identified below which elements are recommended for the plan maps, and then separately for identification on a structure plan.

**4.2** The following addresses some matters raised in the hearing.

##### **Identification of a future educational activity**

**4.3** Mr Williams and counsel for UDL clarified at the hearing that the identification of land for a future school was primarily to foreshadow this as a possible future land use to any future landowners, that those future landowners should be aware of such, and that any future landowners in the area are put on notice as to potential reverse sensitivity effects.

**4.4** I remain of the view that it is not necessary or appropriate to identify land as future school on a structure plan or plan maps, without any other statutory provisions for a school or other form of community activity (as defined in the PDP). This is because there are not any associated PDP provisions for a school or any other community activity, all of which would require a discretionary activity resource consent if rezoned to Lower Density Suburban Residential (**LDSR**) or

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7 Dated 18 March 2020.



Medium Density Residential (**MDR**). If the land were to be identified in the plan maps or a structure plan as a future school, there would need to a package of plan provisions to provide for and manage the effects of a school. None of which have been proposed by the submitter. I consider that an appropriate alternative would be for the possible future use of the land as a school is identified as part of the information package for prospective purchasers.

**4.5** I consider any amendments to the planning maps only need to show the following, which are all recommended in my **Appendix A**:

- (a) The relevant zones;
- (b) BRA areas; and
- (c) Urban Growth Boundary.

## **5. STRUCTURE PLAN**

**5.1** I acknowledge Mr Williams has recommended increasing the BRA along part of the western edge of the site from 5m to 15m. I note that this BRA does not contain a walking/cycle trail. I am not sure if this is an oversight, and I recommend the cycle way is included within the BRA up to the intersection with Cemetery Road. This is shown as a dashed yellow line in my recommended structure and zoning plan attached as **Appendix A**.

**5.2** I also acknowledge that Mr Williams has added the primary roading network to the proposed structure plan. I support this amendment. I have made some minor modification to the road layout to reflect the smaller zoning area I support, and to provide better road layout in the eastern part of the structure plan area.

**5.3** I maintain my view that a 15m wide BRA is also required along the eastern boundary of the site adjacent to the SHA consent area. I consider this is necessary and justified to both alleviate adverse landscape effects and 'bed-in' the urban development as viewed from the east, and to maintain a consistent urban edge and urban growth boundary treatment so as to achieve PDP Policy 4.2.1. (*Urban Growth*

*Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges).*

- 5.4** I consider a walking/cycle way should also be included in this part of the BRA up to Cemetery road. This is also shown as a dashed yellow line in the combined structure plan and zoning plan attached as **Appendix A**. While I acknowledge the dedication of UDL to give effect to the SHA resource consent, doing so would produce, along the eastern boundary, a sub optimal outcome in the wider context of the future 'expanded' urban environment both a partial or full rezoning outcome would create. While the jarring transition from urban to rural along the SHA boundary may be appropriate in the context of the decision making framework available to the resource consent commissioners, I do not consider rolling this outcome into the proposed rezoning to be appropriate.
- 5.5** I note that the consent holder may apply to vary the conditions of a resource consent granted under the Housing Accords and Special Housing Area Act, up to 16 September 2021, at which time the balance of the Act will be repealed. I do not consider the submitter to be fixed on the SHA consent plan and provision is available to amend the consented SHA development to better accord with the zoning scheme.
- 5.6** By way of summary, I consider that any structure plan associated with accepting full or partial relief needs to show the following:
- (a) Primary road;
  - (b) BRA areas with pedestrian and cycle ways;
  - (c) The triangular BRA located at the southern extent of the Streat Developments land need to be annotated as "Area A" on the structure plan to cross reference to recommended Policy 27.3.X.4;
  - (d) Those parts of the BRA that include water race areas; and
  - (e) Key road connections.

## 6. PLAN PROVISIONS

6.1 I note Mr Williams has appended to his supplementary evidence<sup>8</sup> the provisions he supports, with those amendments I recommended that he also supports highlighted yellow, and additional amendments highlighted red. I acknowledge those areas where Mr Williams agrees. In accordance with the Chair's wrap-up Minute my recommended provisions attached as **Appendix A** are in black type only, with underline or strike through only to reflect amendments to existing PDP text (which is not within the scope of Stage 3 / 3b).

### **Activity Status, infrastructure provision and policies and rules**

6.2 As expressed in my rebuttal evidence, I consider that it would be inappropriate to accept UDL's rezoning knowing that there is not sufficient infrastructure or planned upgrades in either of the Council's Annual Plan or Long Term Plan. As covered in my rebuttal evidence, this raises an expectation that Council will somehow, at some point in time, provide for that infrastructure.

6.3 I consider that accepting the rezoning with the knowledge of the identified infrastructure constraints, to be potentially problematic and result in an ad-hoc approach to land use planning and provision of infrastructure. The demand for infrastructure provision to play catch up with the PDP zoning would also be likely to interrupt infrastructure investment that has been identified and approved through the Annual Plan and LTP processes. It is also inconsistent with the Council's rezoning principles (g and h<sup>9</sup>), and recommendations made by the Panel in earlier stages of this plan review. This approach could also have the negative effect of frustrating the ability for that zoned land to be regarded as 'sufficient' (i.e. feasible and reasonably expected to be realised<sup>10</sup>) under the NPS UD.

6.4 As part of my rebuttal evidence I recommended two new policies and a rule (27.3.X.4 and 27.3.5.5 and Rule 27.7.A.7) associated with the identified infrastructure constraints, that should be applied to the zone

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8 Dated 31 July 2020.

9 Strategic Overview evidence in chief dated 18 March 2020 at [8.7].

10 NPS UD Subpart 1 3.2(2).

provisions if my recommendation to reject the rezoning request is not followed by the Panel.

- 6.5** The purpose of these policies and rule is to ensure that the identified wastewater and roading constraints are planned for in the absence of identified infrastructure investment in either of the Council's Annual Plan or the Long Term Plan.
- 6.6** I acknowledge that an agreement between the Council and the landowner/developer could be brokered, particularly in the absence of identified infrastructure funding in the Council's Annual Plan or Long Term Plan. However, no agreement exists (which I return to below). While I recommend decline of the submission, the rules and policies identified above and attached as **Appendix A** provide for the zoning, notwithstanding the infrastructure constraints identified by Mr Powell and Mr Rossiter, if that was to be the Panel's recommendations.
- 6.7** My recommended rules and policies also provide a focus on the key infrastructure related effects that can be attributed to this particular rezoning, being wastewater, and the upgrade to Cemetery Road (where it fronts the rezoning area) and the intersection of Domain and Cemetery Road.
- 6.8** I also confirm that notwithstanding the assurances made in Mr Waite's summary, and by counsel for UDL on 4 August 2020 when appearing before the Hearings Panel, there is no agreement in principle between the Council and UDL as to wastewater. Nor is the physical provision of wastewater for both the submission site and the wider Lake Hāwea Township certain. What was agreed was that the two parties would continue to talk to each other about potential solutions.
- 6.9** In the context of the identified infrastructure constraints, and the related subdivision rules (PDP Chapter 27), I note that Mr Williams has recommended a restricted discretionary activity status for subdivision (notwithstanding that subdivision would typically be a controlled activity in the PDP when the site is supported by a sufficiently detailed structure plan).

- 6.10** I acknowledge Mr Williams' reasoning for the restricted discretionary activity status is that the Council can have greater confidence at the time of subdivision, that the infrastructure issues can be addressed, presumably through the ability to decline an inappropriate application. I consider that this approach has merit, but on the basis that the relevant policies I have recommended in relation to infrastructure are retained. This is because these policies identify known infrastructure constraints specific to the proposal. Otherwise the consent authority would be relying on relatively broad policies in the subdivision chapter which could lead to less certainty for both the consent authority and future resource consent applicants.
- 6.11** For these reasons, if the Panel was to approve the rezoning, I support removing Rule 27.7.A.7 on the basis that the activity status for subdivision that is consistent with the structure plan is a restricted discretionary activity, however I retain my support for Policies 27.3.X.4 and 27.3.5.5 and these form part of my recommended provisions in **Appendix A**.

### **Affordable Housing**

- 6.12** At my appearance before the Hearings Panel on 3 July 2020, the matter of simplifying or reordering my recommended provisions on affordable housing was raised. Reflecting on this feedback, the only substantial change I have made is to remove the controlled activity rule (rebuttal evidence recommended rule 27.7.A.3). This is because subdivision requires a resource consent in any case, and the matters (now recommended as matters of discretion) can be included as part of Location Specific Rule 27.7.A (matters of discretion (d) (i-iv).
- 6.13** I have also made minor drafting changes to the provisions in response to the Panel's comments.

### **A new policy for Chapter 4?**

- 6.14** During questions from the Hearings Panel, I suggested that in order to ensure any modified Urban Growth Boundary at Hāwea is sufficiently defensible, an additional policy, or an additional limb to Policy 4.2.22

which relates specifically to the Upper Clutha could be included in the PDP.

- 6.15** Upon further consideration, and setting aside any jurisdictional issues as to scope to be able to make this change, I do not consider any additional policies in Chapter 4 are necessary. I consider that implementing the structure plan through my recommended policies will ensure an appropriate urban edge. Any further plan changes for urban development at this location, particularly to the south, or east, can be assessed on its merits through the strategic provisions of the PDP. For instance, Objective 4.2.1 '*Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges*', is one example where existing objectives are considered sufficient.



**Craig Alan Barr**  
**4 September 2020**

**APPENDIX A**  
**Recommended Amendments to the PDP**

Key:

Black text is the Decisions Version PDP text (not Stage 3/3b text)

Black underline text and ~~strike-through~~ text are Craig Barr's recommended amendments reply evidence dated 4 September 2020.

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

**Chapter 7 Lower Density Residential Suburban Zone**

	<b>Activities located in the Lower Density Suburban Residential Zone</b>	<b>Activity Status</b>
<u>7.4.A</u>	<u>At Lake Hāwea South, any residential activity that has not implemented Rule 27.7.A.</u>	<u>NC</u>

**Chapter 8 Medium Density Residential Zone**

**8.1 Zone Purpose**

The zone is situated in locations in Queenstown, Frankton, Arrowtown, ~~and~~ Wānaka and Hāwea that are within identified urban growth boundaries, and easily accessible to local shopping zones, town centres or schools by public transport, cycling or walking

**8.4 Rules - Activities**

	<b>Activities located in the Medium Density Residential Zone</b>	<b>Activity Status</b>
<u>8.4.A</u>	<u>At Lake Hāwea South, any residential activity that has not implemented Rules 27.7.A.</u>	<u>NC</u>

## 8.5 Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.1	<p>Building Height (for flat and sloping sites)</p> <p>8.5.1.1 <u>Hāwea, Wānaka and Arrowtown</u>: A maximum of 7 metres.</p> <p>8.5.1.2 All other locations: A maximum of 8 metres.</p>	NC

## Chapter 15 Local Shopping Centre Zone

### 15.5 Rules - Standards

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.10	<p>Retail and Office activities</p> <p>a. individual Retail activities shall not exceed 300m<sup>2</sup> gross floor area.</p> <p>b. individual Office activities shall not exceed 200m<sup>2</sup> gross floor area.</p> <p>c. In the Local Shopping Centre Zone at Cardrona Valley Road, in addition to Rule 15.5.10.a two individual retail activities may exceed 300m<sup>2</sup> gross floor area, but shall not exceed 400m<sup>2</sup> gross floor area.</p> <p>d. <u>In the Local Shopping Centre Zone at Lake Hāwea South, in addition to Rule 15.5.10.a one individual retail activity may exceed 300m<sup>2</sup> gross floor area, but shall not exceed 400m<sup>2</sup> gross floor area.</u></p>	NC



	<b>Standards for activities located in the Local Shopping Centre Zone</b>	<b>Non-compliance status</b>
	Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.	
<u>15.5.A</u>	<p><u>Retail Activities in the Local Shopping Centre Zone at Lake Hāwea South.</u></p> <p><u>The total combined area of retail activities shall occupy no more than 4,000m<sup>2</sup> gross floor area.</u></p> <p><u>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail activities within the entire Local Shopping Centre Zone south of Cemetery Road.</u></p>	<u>D</u>

## **Chapter 27 Subdivision and Development**

### **27.3 Location Specific Objectives and Policies**

*[In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.]*

#### **Lake Hāwea South Structure Plan**

**Objective 27.3.X – High quality urban subdivision and development of the land on the southern side of Cemetery Road Hāwea, that integrates with the water race, key road connections and provides a strong and well-defined urban edge to the southern extent of Lake Hāwea Township.**

## **Policies**

### **Subdivision Design**

- 27.3.X.1      Ensure subdivision and development at Lake Hāwea South is undertaken in accordance with the Lake Hāwea South Structure Plan (Schedule 27.13.X) to provide integration and coordination of access to properties and the wider road network.
- 27.3.X.2      Ensure integrated and safe transport connections by providing for key road connections (as shown on the Lake Hāwea South Structure Plan (Schedule 27.13.x)) and limiting additional access from Domain Road and Cemetery Road.
- 27.3.X.3      Ensure subdivision and development at Lake Hāwea South provides (as shown on the Lake Hāwea South Structure Plan (Schedule 27.3.x)) 15m wide Building Restriction Areas to:
- a.   create and maintain a legible and strong urban edge along the western Zone boundary defined by Domain Road, the existing water race defining the southern extent of the Zone, and the eastern boundary of the Zone;
  - b.   visually integrate urban development with the surrounding rural environment located to the west, south and east of the Lake Hāwea South Structure Plan area;
  - c.   provide walking and cycling access; and
  - d.   mitigate the effects of urban development on the surrounding Rural Character Landscape, primarily through planting and sympathetic mounding within the Building Restriction Areas that results in a planted buffer that filters views of built development from the surrounding rural landscape.
- 27.3.X.4      Avoid buildings and development within the Building Restriction Area A as shown on the Lake Hāwea South Structure Plan, so as to

maintain a legible and strong urban edge and transition from urban to the rural environment.

### Infrastructure

27.3.X.5 Following the approval of subdivision of up to 500 residential allotments, and prior to the subdivision of any Local Shopping Centre Zoned land, ensure that any further subdivision and development makes provision for, and/or makes a contribution to the upgrade or development of the following infrastructure:

- a. Cemetery Road and Domain Road where it fronts the Lake Hāwea South Structure Plan;
- b. the intersection of Cemetery Road and Domain Road;
- c. water supply; and
- d. wastewater.

27.3.X.6 Ensure that the provision of infrastructure or infrastructure contributions, are efficient and effective to achieve the full development realised by the Lake Hāwea South Structure Plan.

### Affordable Housing

27.3.X.7 Require residential development within the Lower Density Suburban Residential Zone, and Medium Density Zone to contribute to meeting affordable housing needs.

27.3.X.8 Require affordable lots or units to be:

- a. similar in size and external design to market rate lots or housing within the development;
- b. located throughout the development;
- c. a mix of dwelling sizes; and
- d. delivered as part of each stage of multi-staged developments.

27.3.X.9 Provision of affordable lots or residential units outside the development site should only occur where this leads to a superior

outcome in terms of access to services and community facilities, or involves a financial contribution to the Council.

27.3.X.10      Financial contributions received by the Council shall be used for the purposes of providing affordable housing for low to moderate income households.

	Subdivision Activities – District Wide	Activity Status
27.5.7	<p>All urban subdivision activities, unless otherwise provided for, within the following zones:</p> <p>...</p> <p><i>[Subdivision in the Lake Hāwea South LDSR, MDR and LSCZ would be a restricted discretionary activity]</i></p>	RD
<b>27.7 Zone – Location Specific Rules</b>		
	Zone and Location Specific Rules	Activity Status
27.7.1	<p>Subdivision consistent with a Structure Plan that is included in the District Plan (except Structure Plan 27.13.7 and <u>27.7.X [Lake Hāwea South]</u>).</p> <p>...</p>	C
<b><u>27.7.A</u></b>	<p><b><u>Lake Hāwea South</u></b></p> <p><u>27.7.A.1</u> In addition to those matters listed under Rule 27.5.7, when <u>assessing any subdivision within the Lake Hāwea South Structure Plan contained in Schedule 27.13.X, the following shall be additional matters of discretion:</u></p> <p><u>Subdivision design</u></p>	<u>RD</u>

	Subdivision Activities – District Wide	Activity Status
	<p>a. <u>the comprehensive landscape design and planting of the 15m wide linear building restriction-areas and timing for construction of the pedestrian and cycle trails;</u></p> <p>b. <u>provision of walking and cycling access throughout the Lake Hāwea South Structure Plan Area</u></p> <p><u>Infrastructure</u></p> <p>c. <u>infrastructure upgrades, with particular reference to water, wastewater, Cemetery Road and Domain Road where these adjoin the Lake Hāwea South Structure Plan area and the intersection of Domain Road and Cemetery Road;</u></p> <p><u>Affordable Housing</u></p> <p>d. <u>Subdivision and development that contains more than three residential lots or units (including residential visitor accommodation units) and provides affordable housing in accordance with Rule 27.7.A.2:</u></p> <p>i. <u>Method of provision of affordable housing</u></p> <p>ii. <u>Location of affordable dwelling units and/or lots</u></p> <p>iii. <u>Retention method</u></p> <p>iv. <u>External appearance, site layout and design of buildings.</u></p>	
	<p><u>27.7.A.2 Affordable Housing</u></p> <p><u>Affordable Housing shall be provided as follows:</u></p> <p>a. <u>15% of serviced lots are sold to eligible buyers at a price which ensures that a dwelling can be constructed on the lot that will be affordable to households on 100% of the District's Median Household Income, in accordance with Schedule 27.A, or</u></p>	<u>D</u>

	Subdivision Activities – District Wide	Activity Status
	<p>b. <u>10% of completed residential units (or units equal to 10% of net floor area of an apartment development) are sold to eligible buyers at a price that is affordable to households on 100% of the District's Median Household Income, in accordance with Schedule 27.A, or</u></p> <p>c. <u>a financial contribution shall be made to the council as follows:</u></p> <ul style="list-style-type: none"> <li>i. <u>10% of serviced lots transferred for no monetary or other consideration to the council, or</u></li> <li>ii. <u>5% of completed dwelling units (or units equal to 5% of the net floor area for apartment type developments) transferred for no monetary or other consideration to the council, or</u></li> <li>iii <u>a monetary contribution equals the value of c (i) or (ii).</u></li> </ul> <p><u>For the purposes of this rule, residential units less than 40sqm in floor area shall not be counted as contributing to the total number of residential units in a development, nor be able to be counted towards fulfilling the requirement of Rule 27.7.A.4.</u></p>	
	<p><u>27.7.A.3 Affordable Housing</u></p> <p><u>Affordable housing required by 27.7.A.4 is to be provided for within the development site</u></p>	<u>D</u>
	<p><u>27.7.A.4 Affordable Housing</u></p> <p><u>Where development is to be staged, the affordable housing requirement is to be provided as each stage proceeds, on a proportionate basis.</u></p>	<u>D</u>
	<p><u>27.7.A.5 Any subdivision that is inconsistent with the Lake Hāwea South Structure Plan contained in Section 27.13.X</u></p>	<u>NC</u>

	Subdivision Activities – District Wide	Activity Status
	<p><u>For the purposes of determining compliance with this rule the following deviations from the Lake Hāwea South Structure Plan are permitted:</u></p> <p>a. <u>the primary road connections on Domain road may move however no fewer or more than the number of connections shown shall be provided.</u></p> <p>b. <u>Other Key Road connections internal to the Lake Hāwea South Structure Plan area may move by up to 50m.</u></p> <p>c. <u>the road connections shown on Cemetery Road may move by up to 20m.</u></p>	

**Schedule 27.A Affordable Housing Lake Hāwea South Structure Plan**

**Retention Mechanism**

1. In the first instance, the requirement in 27.7.A.2 (a) or (b) above shall be offered to a Registered Community Housing Provider approved by the Council, or the Council itself, for purchase.
2. Where the affordable dwelling lot or housing is to be transferred to a registered community housing provider or the Council, then no specific retention mechanism is required.
3. Where the requirement in (1) above is not taken up by the registered community housing provider or the council within 3 months of the offer, then the requirement in 27.7.A.2 (a) or (b) must be met by the lot or dwellings being sold to an eligible buyer with a legally enforceable retention mechanism. The retention mechanism shall be fair, transparent as to its intention and effect and registrable on the title of the property, including, but not limited to, a covenant supported by a memorandum of encumbrance registered on the certificate of title or consent notice under the RMA, that:

- a. limits ownership and re-sale (including a future dwelling in the case of a vacant site subdivision) to:
  - (i) a registered community housing provider approved by the council, Housing New Zealand or the council, or
  - (ii) an occupier who is approved by the council as meeting the eligibility criteria below, and
- b. limits rent and resale to an eligible buyer based on a formula that ensures that the lot or dwelling remains affordable into the long term, including a future dwelling in the case of vacant site subdivision; and
- c. prevents circumvention of the retention mechanism and provides for monitoring of the terms of the retention mechanism covenant or consent notice and the process should those terms be breached including where occupiers have defaulted on the mortgage and lenders seek to recover their interests in the property, and
- d. is legally enforceable by the council in perpetuity through the means of an option to purchase in favour of the council at the price determined in accordance with (e), supported by a caveat.
- e. at the time of resale, requires the reseller to:
  - (i) apply the same formula used to determine the price of the original purchase;
  - (ii) allows the reseller to recover the cost of capital improvements made subsequent to purchase, approved by the council at a value determined by a registered valuer.

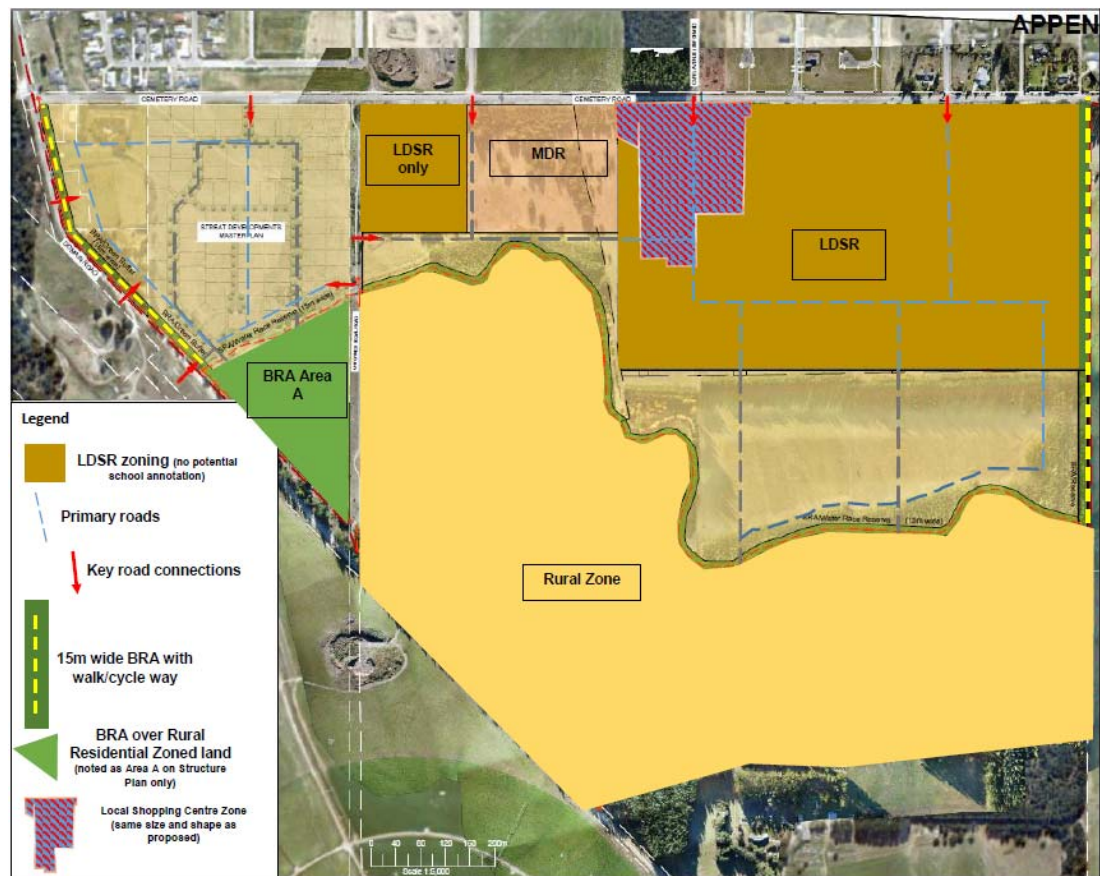
#### **Eligibility**

- 4. An eligible buyer shall:
  - a. Be a household with a total income of no more than 100% of the District's median household income;
  - b. Whose members do not own or have interest in other property;
  - c. Reside permanently within the District during the majority of the year;
  - d. Will live at the address and not let or rent the unit to others; and
  - e. Have at least one member who is a New Zealand resident or citizen.



## Affordability

5. Affordability means households who have an income of no more than 100% of the district's median household income and spend no more than 35 per cent of their gross income on rent or mortgage repayments, where:
  - a. Median household income shall be determined by reference to Statistics New Zealand latest data;
  - b. In the case of purchase, normal bank lending criteria shall apply, and shall at a minimum be based on a 10 per cent deposit, a 30-year loan term and the most recent 2 year fixed interest rate published by the Reserve Bank. Body Corporate or Resident Society fees may be included in the calculation of purchase costs;
  - c. In the case of the sale of a vacant site only, the site is sold at a price such that the resulting dwelling plus the site will meet the criteria set out above.



**Recommended planning map and structure plan (combined). Note that the features in the legend are additional features or variances to those recommended by Mr Williams.**

As identified above, I recommended the following annotations are identified for the planning map and structure plan respectively:

Planning Maps	Structure Plan
The relevant zones	Primary roads
BRA areas	BRA areas with pedestrian and cycle ways
Urban Growth Boundary	The triangular BRA located at the southern extent of the Streat Developments land need to be annotated as “Area A” on the structure plan to cross reference to recommended Policy 27.3.X.4
	Those parts of the BRA that include water race areas
	Key road connections

## **APPENDIX B**

### **FINAL RECOMMENDATIONS ON SUBMISSIONS**

No.	Last Name	First Name	On Behalf Of	Point No.	Position	Submission Summary	Planner Recommendation
3221	Ferguson	Shirley	Streat Developments Limited	3221.1	Oppose	That the Hawea Urban Growth Boundary be moved to include the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, as shown on the attachments to the submission.	Accept in part
3221	Ferguson	Shirley	Streat Developments Limited	3221.2	Oppose	That the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, be rezoned from Rural Residential to Settlement Zone, as shown in the attachments to the submission, or in the alternative a residential zone that provides for low density residential subdivision and development.	Accept in part
3221	Ferguson	Shirley	Streat Developments Limited	3221.3	Oppose	That if the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, is rezoned as requested in the submission, then the southern triangle of the site be re-zoned open space as shown on the attachments to the submission.	Accept in part
3222	Ferguson	Shirley	Streat Developments Limited	3222.1	Oppose	That the Hawea Urban Growth Boundary be moved to include the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937).	Accept in part
3222	Ferguson	Shirley	Streat Developments Limited	3222.2	Oppose	That the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, be rezoned from Rural Residential to Settlement Zone, or in the alternative a residential zone that provides for low density residential subdivision and development.	Accept in part
3222	Ferguson	Shirley	Streat Developments Limited	3222.3	Oppose	That if the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, is rezoned as requested in the submission, then the southern triangle of the site be re-zoned open space as shown on the attachments to the submission.	Accept in part
3233	White	Robert	Marovid Trust	3233.1	Support	That the Lower Density Suburban Residential Zone within the Hawea Urban Growth Boundary be retained as notified.	Accept in part
3233	White	Robert	Marovid Trust	3233.2	Support	That the Urban Growth Boundary at Hawea be retained as notified.	Accept in part

3248	Hill	Rosie	Universal Developments Hawea Limited	3248.1	Oppose	That an area of land approximately 140 hectares in area, including the Universal Development Hawea land and land owned by others, adjacent to Hawea township on the south side of Cemetery Road, bounded by Domain Road to the south-west and the Lake Hawea Dam Burst Flood Hazard area to the east, and with the southern boundary being aligned with the recent subdivision consent RM181232, as shown in submission 3248 Appendix A, be rezoned any one of the following zones: Settlement; Low, Medium and/or High Density Residential; Local Shopping Centre; Mixed Business Use; Industrial, and or any other development zone within the Proposed District Plan which is considered appropriate for the site. Alternatively, that the area be rezoned a bespoke zone for the comprehensive development, which anticipates mixed use and residential urban development, and provides a structure plan approach, or any additional zoning that may not already be included in the Proposed District Plan, including a deferred or future urban zone.	Accept in part
3248	Hill	Rosie	Universal Developments Hawea Limited	3248.2	Oppose	That an area of land approximately 170 hectares in area, including the Universal Development Hawea land and land owned by others, adjacent to Hawea township on the south side of Cemetery Road, bounded by Domain Road to the south-west and the Lake Hawea Dam Burst Flood Hazard area to the east, and with the southern boundary being aligned with the current boundary of Lot 3 DP 3438555, as shown in submission 3248 Appendix B be rezoned any one of the following zones: Settlement; Low, Medium and/or High Density Residential; Local Shopping Centre; Mixed Business Use; Industrial, and or any other development zone within the Proposed District Plan which is considered appropriate for the site. Alternatively, that the area be rezoned a bespoke zone for the comprehensive development, which anticipates mixed use and residential urban development, and provides a structure plan approach, or any additional zoning that may not already be included in the Proposed District Plan, including a deferred or future urban zone.	Accept in part
3248	Hill	Rosie	Universal Developments Hawea Limited	3248.3	Oppose	That the area of land requested to be rezoned in submission points 3248.1 and 3248.2 be included within the Urban Growth Boundary for Hawea.	Accept in part
3248	Hill	Rosie	Universal Developments Hawea Limited	3248.4	Oppose	That any text of the zoning chapters of the Proposed District Plan be amended to provide for site-specific requirements for rezoning of the area of land identified in submission points 3248.1 and 3248.2, including the requirement for any minimum development capacity for the site.	Accept in part
3248	Hill	Rosie	Universal Developments Hawea Limited	3248.5	Oppose	That rezoning occur or the Urban Growth Boundary for Hawea be moved to incorporate adjacent rural land to the Universal Development Hawea land which is not specifically identified, but which might be required in order to provide an appropriate rural-urban transition.	Accept in part

3261	Ford	Aaron and Sally	Sally and Aaron Ford	3261.1	Oppose	That the Hawea Urban Growth Boundary be moved to include the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, as shown on the attachments to submission 3221.	Accept in part
3261	Ford	Aaron and Sally	Sally and Aaron Ford	3261.2	Oppose	That the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, be rezoned from Rural Residential to Settlement Zone, as shown on the attachments to submission 3221, or in the alternative a residential zone that provides for low density residential subdivision and development.	Accept in part
3261	Ford	Aaron and Sally	Sally and Aaron Ford	3261.3	Oppose	That if the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, is rezoned as requested in the submission, then the southern triangle of the site be re-zoned open space as shown on the attachments to submission 3221.	Accept in part
3271	Murray	Allan Robert		3271.1	Support	That the proposed Lower Density Suburban Residential Zone within the existing Urban Growth Boundary at Hawea be retained as notified.	Accept in part
3272	Murray	Amanda		3272.1	Support	That the proposed Lower Density Suburban Residential Zone within the existing Urban Growth Boundary at Hawea be retained as notified.	Accept in part
3287	Association Inc	Hawea Community		3287.7	Support	That the proposed Lower Density Suburban Zone in Hawea be retained as notified.	Accept in part
3287	Association Inc	Hawea Community		3287.11	Oppose	That the urban growth boundary as introduced in Stage 1 of the Proposed District Plan review be retained in it's current location.	Accept in part
3296	White	Robert	Marovid Trust	3296.3	Support	That the Lower Density Suburban Residential zone within the Hawea Urban Growth Boundary and the Urban Growth Boundary location is retained as notified.	Accept in part