

NORTHLAKE INVESTMENTS LIMITED

Request for a Change to the Operative Queenstown Lakes District Plan

Evaluation under section 32 of the Resource Management Act 1991

3 February 2022

BROWN & COMPANY
P L A N N I N G G R O U P



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1. Introduction

Northlake Investments Limited (**NIL**) is requesting a change (the **Change**) to the operative Queenstown Lakes District Plan (**ODP**) to enable legal access and infrastructure corridor through the Northlake Special Zone (**NSZ**) to Sticky Forest, west of and adjoining the NSZ, and to expand the area available for urban residential purposes in the western part of the NSZ.

DOCUMENT 1 sets out the background to and reasons for this requested Change. The amendments requested to the ODP are set out in **DOCUMENT 2**. The effects on the environment are assessed in **DOCUMENT 3**.

Any change to a plan needs to be evaluated in accordance with section 32 of the Resource Management 1991 (the **Act**). This document (**DOCUMENT 4**) sets out the s32 evaluation for the Change.

Section 32 states:

- 32 Requirements for preparing and publishing evaluation reports**
- (1) An evaluation report required under this Act must—**
- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and**
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—**
 - (i) identifying other reasonably practicable options for achieving the objectives; and**
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and**
 - (iii) summarising the reasons for deciding on the provisions; and**
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.**
- (2) An assessment under subsection (1)(b)(ii) must—**
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—**
 - (i) economic growth that are anticipated to be provided or reduced; and**
 - (ii) employment that are anticipated to be provided or reduced; and**
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and**
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.**
- (3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—**
- (a) the provisions and objectives of the amending proposal; and**
 - (b) the objectives of the existing proposal to the extent that those objectives—**
 - (i) are relevant to the objectives of the amending proposal; and**
 - (ii) would remain if the amending proposal were to take effect ...**

This evaluation is structured as follows:

- Part 2: The purpose of the Act, objectives of the proposal, options and examination**
- Part 3: Examination of the provisions of the proposal in achieving the objectives**
- Part 4: Evaluation of the costs and benefits of the options**
- Part 5: Evaluation of the efficiency and effectiveness of the provisions**
- Part 6: The risk of acting or not acting**
- Part 7: Evaluation of the provisions under the relevant ODP objectives**
- Part 8: Evaluation of the provisions under the regional planning instruments**
- Part 9: Evaluation of the provisions under the national planning instruments**
- Part 10: Summary and conclusions**

The evaluation relies on the description and other information provided in **DOCUMENT 1**, the various supporting technical reports (**DOCUMENTS 5 – 7**) and the assessment of effects on the environment (**AEE**) (**DOCUMENT 3**), noting that the AEE relies on the supporting technical reports.

2. Section 32(1)(a): the purpose of the Act, objectives of the proposal, options and examination

2.1 Purpose of the Act

The purpose of the Act is set out in Section 5 of the Act:

5 Purpose

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

The purpose of the Act is to promote the sustainable management of natural and physical resources. This has an enabling component (using, developing and protecting resources to enable wellbeing) and a regulating component (sustaining the potential of resources to meet the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment).

The purpose is given effect to by the hierarchy of national, regional and district-level planning instruments. These are addressed in more detail in Parts 7 – 9 below. In summary, the National Policy Statement – Urban Development 2020 (**NPS-UD**) requires all councils that have all or

part of an urban environment within their district or region to plan well for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes ensuring that plans make room for growth, and that rules are not unnecessarily constraining growth.

At the regional level, the Otago Regional Council's (**ORC**) partially operative Regional Policy Statement 2019 (**PORPS19**) and proposed Regional Policy Statement 2021 (**pRPS21**) objectives and policies contain two themes relevant to this plan change:

Urban development	The urban form and function of urban areas should reflect the changing needs of people and communities now and in the future; development of urban areas should be well designed and located in and around existing urban areas to accommodate urban growth and change; sufficiency of development capacity; and intensification within urban areas and urban expansion should contribute to maintaining the qualities of a well-functioning urban environment;
Landscape values	The relevant landscape provisions seek to protect outstanding natural features and landscapes; and maintain or enhance highly valued natural features and landscapes.

At the district level, the themes of the ODP that are relevant to this plan change are:

Providing for growth	Providing for residential growth sufficient to meet the district's needs whilst ensuring it is managed in a way which sustains the district's resources, character and amenity;
Landscape values	Encouraging development to occur in areas of the district with greater potential to absorb change without detracting from landscape and visual amenity values.

The Queenstown Lakes Spatial Plan (**Spatial Plan**) statistics predict that the average day population (residents) in the Upper Clutha is projected to increase from approximately 13,500 in 2021 to 28,500 in 2051¹. Projected growth in residents translates to demand for additional dwellings in the district, and additional land to accommodate dwellings, whether by infill within existing urban areas or expansion into new areas.

2.2 Objectives of the proposal

NIL's overall objectives² are:

- (a) To enable road access and a servicing corridor to Sticky Forest; and
- (b) To expand the land area available for urban residential development in the northwest part of the NSZ, in the vicinity of the proposed road access to Sticky Forest.

In relation to (a) above, Condition 47 of the Northbrook Wanaka Retirement Village decision³ requires that a private plan change request is lodged which includes provision for a legal route

¹ The Queenstown Lakes Spatial Plan, dated July 2021, p15

² "Objectives" in this context are the goals or purposes of the plan change (as opposed to a formal objective in the planning instrument's provisions under s75(1)(a) of the Act)

³ Decision of the Expert Consenting Panel (under cl 37 of Schedule 6 of the Fast Track Consenting Act 2020) for the Northbrook Wanaka Retirement Village, decision dated 4 August 2021

for road access and infrastructure through the NSZ to Sticky Forest. Sticky Forest is currently landlocked and the proposed road access and servicing corridor through Northlake will provide opportunity to accommodate residential growth within the Sticky Forest landholding⁴.

In relation to (b) above, the northwest part of the NSZ currently comprises Activity Area B2 (low density residential development), pockets of Activity Area C1 (lower density residential development) and Activity Area E1 (open space, in which built development is not anticipated). The land has been significantly re-shaped⁵ as part of the earthworks required for the various stages of the NSZ subdivision and to achieve a cut/fill balance across the site. The topography of the land area subject to the Change is suitable for urban residential subdivision and development.

2.3 Options under s32(1)(a)

The duty under s32(1)(a) is to examine the extent to which the objectives of the proposal being evaluated are the *most appropriate way to achieve the purpose of the Act*. In determining whether the objectives of the proposal are the *most appropriate*, it is necessary to compare the objectives to other potential options. In this case there are two options to be examined under s32(1)(a):

- The status quo – retaining the current NSZ Structure Plan and provisions (and hence requiring resource consents to enable the objectives of the proposal);
- Requesting a change to the ODP's Chapters 12.33, 12.34 and 15, to change the NSZ plan provisions and Structure Plan, to enable a formal roading and infrastructure corridor through the NSZ to Sticky Forest and to expand the land area available for urban residential use in the northwest part of the NSZ.

These options are examined below.

Note that in respect of formalising access to Sticky Forest through the NSZ, the option of creating an easement in favour of the Council has not been considered as this option was discounted by the Expert Consenting Panel in the Northbrook Wanaka Retirement Village decision⁶.

2.4 Examination of the options

Status quo

The status quo will retain the current NSZ plan provisions and Structure Plan. This option has the advantage of not requiring a private plan change, thereby avoiding the transaction costs of that process, but it presents the following disadvantages:

⁴ Comment on the Sticky Forest submission to the Proposed District Plan and process underway for resolution of the submission

⁵ Resource Consent – RM200167 & RM200796

⁶ Decision of the Expert Consenting Panel for the Northbrook Wanaka Retirement Village, decision dated 4 August 2021, paragraphs 258 – 261. The Panel had concerns with the reasonableness of imposing a condition requiring an easement in gross in favour of QLDC and preferred the plan change method as the most appropriate for achieving the Sticky Forest link.

- (a) It does not fulfil NIL's obligations under Condition 50⁷ of the Expert Consenting Panel's decision on the Northbrook Wanaka Retirement Village, and the Northbrook Retirement Village consent would lapse in accordance with Condition 50 if a private plan change request is not lodged with Council within six months of the date of the consent;
- (b) Residential subdivision and development within Activity Area E1 is not anticipated and would require a non-complying activity resource consent;
- (c) It would represent an inefficient use of part of Activity Area C1, and would require non-complying activity consent to achieve a more efficient urban residential density; and
- (d) On the basis of (b) and (c) above, the existing Structure Plan as it relates to the northwest part of the NSZ – in not providing formal access to Sticky Forest and constraining the area of land available for urban residential development within the NSZ – would not give effect to the imperatives of the higher order national and regional planning instruments or the purpose of the Act.

Plan change request

Requesting a change to the ODP's Chapters 12.33, 12.34 and 15 to change the NSZ provisions and Structure Plan, will have the disadvantage of the transactional costs of a private plan change, but has the following advantages:

- (a) It will fulfil NIL's obligations under Condition 50 of the Northbrook Wanaka Retirement Village decision;
- (b) It will enable a formal roading and infrastructure corridor through the NSZ to Sticky Forest and will potentially unlock the potential of the Sticky Forest⁸ land to contribute to the NPS-UD and RPS imperatives for providing land for accommodating growth;
- (c) It will expand the area available for urban residential use in the northwest part of the NSZ and will contribute to the ODP's response to the NPS-UD and RPS imperatives for providing land for accommodating growth;
- (d) It will not cause adverse effects on the environment that cannot be appropriately avoided, remedied or mitigated, as discussed in the various reports submitted in support of this request, including for landscape⁹, traffic¹⁰, and infrastructure¹¹ and in the assessment of effects on the environment ([DOCUMENT 3](#)).

2.5 Summary

On the basis of the examination in Part 2.4 above, the objectives of the proposal – to provide formal access to and infrastructure corridor for Sticky Forest and to expand the area available

⁷ Under Condition 50, these consents for the retirement village will lapse if the plan change request and the Access Deed are not lodged with the Council within six months of the date of the consent.

⁸ The block of land legally describes as Section 2 of 5 Block XIV Lower Wanaka Survey District (CT OT18C/473) comprising 50.67 hectares, subject to appeal ENV-2018-CHC-069

⁹ Landscape Assessment Report, prepared by Patch, dated 20 January 2022

¹⁰ Transportation Assessment, prepared by Carriageway Consulting, dated 2 February 2022

¹¹ Infrastructure Report, prepared by Paterson Pitts Group, dated 3 February 2022

for urban residential use in the northwestern part of the NSZ – are best achieved by way of a plan change request to the ODP and this is the most appropriate way to achieve the purpose of the Act.

3. Sections 32(1)(b) and 32(1)(c): examining the provisions of the proposal in achieving the objectives

The duty under s32(1)(b) is to examine whether the provisions of the proposal are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options for achieving the objectives and assessing the efficiency and effectiveness of the provisions in achieving the objectives.

Under s32(1)(c), the costs and benefits of the environmental, economic, social and cultural effects anticipated from implementation of the provisions must be identified and assessed.

These evaluations are set out below.

3.1 Provisions of the proposal

The provisions of the proposal are set out in the tracked change version of the NSZ at **DOCUMENT 2** plus one amendment to the ODP Subdivision Chapter. In summary the changes are:

- (a) Amend Chapter 12.33 of the ODP (the NSZ objectives and policies) as follows (amended text underlined):
- (i) Amend Policy 3.1 to include reference to Sticky Forest as follows:
- 3.1 *To ensure that roading is integrated with existing development, and the existing road network, and with Sticky Forest (to the west).*
- (ii) Consequential amendments to Policies as follows:
- 1.4 *To enable and encourage low density residential activities within Activity Areas B1 – B5-6*
- 2.3 *To require the use of Outline Development Plans in resource consent applications for Activity Areas B1 to B56, C1 to C4 and D1 in order to:*
- *implement the objectives and policies of the Zone and the relevant Activity Area and the Northlake Structure Plan;*
 - *determine the general location of anticipated future activities and built form within the Activity Area;*
 - *achieve any required density range within the relevant Activity Area;*
 - *achieve appropriate integration of anticipated future activities.*
- (b) Amend Chapter 12.34 of the ODP (the NSZ rules) as follows (amended text underlined):
- (i) Amend matter of discretion (k) in Rule 12.34.2.3(i) to require consideration of integration with Sticky Forest, as follows:

(k) *Integration of the Outline Development Plan with other parts of the zone, or with other consents with Outline Development Plans that have been approved or, in the case of Activity Area B6, integration with the Sticky Forest land to the west of the zone.*

(ii) Amend the NSZ Structure Plan to show the required road link to Sticky Forest and Activity Area B6, being a new residential Activity Area in the northwest part of Northlake, to amend the existing configuration of Activity Areas B2, C1 and E1;

(iii) Consequential amendments to various rules to include reference to Activity Area B6;

a. Change Rule 12.34.2.3(i) as follows:

Residential Activities (excluding buildings) in Activity Areas B1 to B56 and C1 to C4

b. Change Rule 12.34.2.4(ii) as follows:

Residential Activities (excluding buildings) in Activity Areas B1 to B56 and C1 to C4 and Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages (all excluding buildings) in Activity Area D1 where an Outline Development Plan is proposed for only part of Activity Areas B1 to B56, C1 to C4 and D1.

c. Change Rule 12.34.2.5(viii) as follows:

The use or development of land within any of Activity Areas B1 to B56, C1 to C4 and D1 that is not in accordance with Rule 12.34.2.3.i or Rule 12.34.2.3.ii in respect of all of that Activity Area or under Rule 12.34.2.4.ii in respect of part of that Activity Area.

d. Change Rule 12.34.2.5(ix) as follows:

Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages within Activity Areas A, B1 to B56 and C1 to C4.

e. Change Rule 12.34.4.1(i)(a) as follows:

Within Activity Areas A, B1 – B56, and C1 – C4 no more than one full time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity.

f. Change Rule 12.34.4.1(i)(b) as follows:

Within Activity Areas A, B1 – B56, and C1 – C4 no more than 40m² of the gross floor area of the buildings on a site shall be used for non-residential activities.

g. Change Rule 12.34.4.1(vi) as follows:

In Activity Areas B1 – B56 and D1 garages and carports must be setback at least level with the front façade (i.e. the façade facing the street) of the residential unit.

h. Change Rule 12.34.4.2(i) as follows:

All activities and developments must be carried out in accordance with the Structure Plan, provided that this rule does not apply to an amendment of boundaries of up to 50m between Activity Areas B1 – B56 and D1.

i. Change Rule 12.34.4.2(ii) as follows:

The density of residential units within each Activity Area shall achieve limits set out in

Table 1 plus or minus fifteen per cent (15%).

Table 1:

Activity Areas	Density (residential units per hectare)
A & C4	N/A
B1 – B56	10
C1 – C3	4.5
D1	15

- j. Change Rule 12.34.4.2(iv) as follows:

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

- (a) *Flat sites*

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then the maximum height for buildings shall be:

8.0m for residential activities within Activity Areas A, B1 – B56, and C2 – C4;

- k. Change Rule 12.34.4.2(v) as follows:

The maximum building coverage for all activities on any site shall be:

- (b) *40% in Activity Areas A, B1 – B56, C1 – C4*

- (c) *65% in Activity Area D1.*

- (iv) Consequential amendment to the western end of a required walkway/cycle link connecting to Sticky Forest, to match the required road link to Sticky Forest.

- (c) Amend Chapter 15 of the ODP (Subdivision and Development) by adding a new Rule 15.2.3.4(xx) that requires the legal establishment of the required road link to Sticky Forest as part of any subdivision in Activity Area B6 as follows:

In the Northlake Special Zone, any subdivision of Activity Area B6 that does not require, by condition of consent, the legal establishment of legal vehicle access to Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District).

3.2 Reasonably practicable options – road link to Sticky Forest

The reasonably practicable options to achieve the objective of the proposal for providing for a road link to Sticky Forest are:

Option 1 Access Sticky Forest from the west of Sticky Forest (via Infinity Drive & Platinum Ridge);

Option 2 Access Sticky Forest from the south of Sticky Forest (via Dry Fly Avenue / Kirimoko);

Option 3 Access Sticky Forest from the east of Sticky Forest (via the NSZ).

The various access options have been subject to previous evaluations as part of the Sticky Forest rezoning submission to the Proposed District Plan, in particular by the traffic expert called by the Sticky Forest proponents during the Council-level hearing of that submission, Mr A Metherall¹². Mr Metherall's evidence on the options for access to Sticky Forest was not contested by any other party.

With reference to that evidence, the three options listed above are evaluated further as follows.

Access from the west – Infinity Drive or Platinum Ridge

As discussed by Mr Metherell, the connection between Infinity Drive or Platinum Ridge would either require access through the Council's recreation reserve or alongside the lake. Mr Metherall's assessment of the access via Infinity Drive can be summarised in his statement as follows:

... access to the north alongside the lake will not be practical due to distance from the development area of the site, absence of existing roads and steep gradients¹³.

His assessment of the Platinum Ridge option was, in summary:

The access option to the northwest results in development of an inefficient access road, and does not provide for the shortest travel distances. It is my opinion that this access option should only be considered if no other legal access option can be progressed¹⁴.

In addition, in the Council's further information response letter¹⁵ the opportunity to provide access to the Sticky Forest site over reserve land to the west of Sticky Forest was discussed:

The land in question is Recreation Reserve land, and for this reason has not been previously considered for access purposes given the protections afforded to such land under the Reserves Act 1977. In addition, the topography is steep and challenging to provide access through. If there was any suggestion for a Legal Road to bisect the areas of Recreation Reserve, this would involve a process under the Reserves Act 1977 to revoke the reserve status, so that an area of legal road might otherwise be considered. This process would require public consultation, and decision making is delegated to the Minister of Conservation. A public process would also likely attract a significant number of submissions given the high profile of the reserve land and its current recreational uses. Given this requirement, there would be corresponding timeframes and potential delays associated with this approach, and no certainty on the outcome¹⁶.

For the reasons discussed above, the option of providing access to Sticky Forest from the west is not reasonably practical.

Access from the south – Dry Fly Avenue / Kirimoko

¹² Evidence of A Metherall dated 4 April 2017 for the Sticky Forest PDP Hearing Stream 12 – Upper Clutha Mapping

¹³ *ibid*, Para 38, p9

¹⁴ *ibid*, Para 39, p9

¹⁵ Further information response letter from QLDC, dated 12 July 2021

¹⁶ *Ibid*, p2

In his assessment of the access from the south¹⁷ Mr Metherall comments that this is constrained by the following matters:

- Any road in this location would traverse approximately 150m through the Building Restriction Area (refer to [Figure 1](#) below) to reach the edge of Sticky Forest;
- The road would be inefficient as there would be sections of road with no adjoining development; and
- The road would need to be developed to lower order local standards with curving alignment due to topography and therefore not well placed to accommodate the full traffic generation of the Sticky Forest site.

In addition, there are land ownership issues, in that the land is not in Sticky Forest or NIL's ownership and therefore not currently available for a road; and likely public opposition from Kirimoko residents to any required consent process to form a road connection to Sticky Forest.

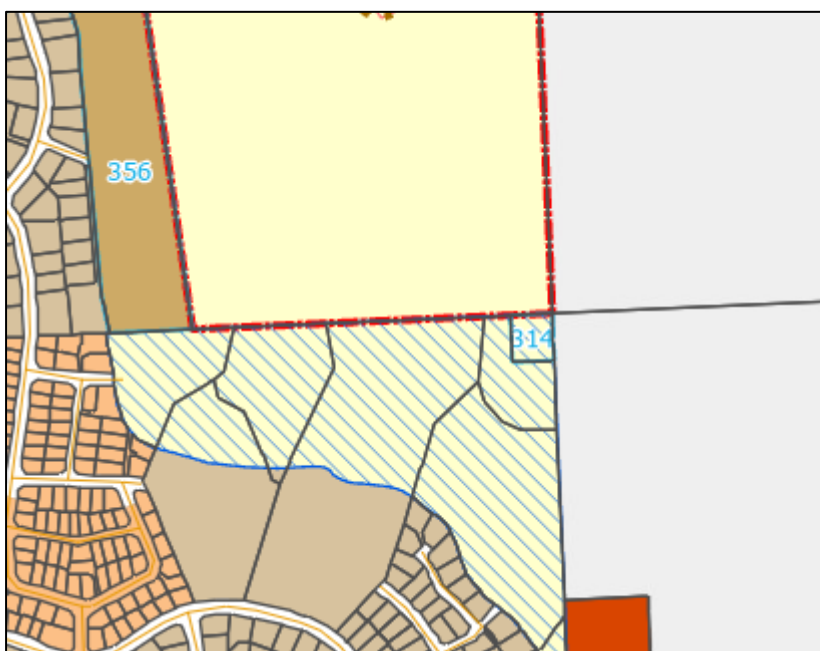


Figure 1. Proposed District Plan map (blue hatching illustrated the Building Restriction Area)

For the reasons discussed above, the option of providing access to Sticky Forest from Kirimoko to the south is inefficient and is not reasonably practical.

Access from the east, via NSZ

NIL is obliged to provide access to Sticky Forest through NSZ as required by Condition 47 of the Fast-track consent. The proposed access can be incorporated into the NSZ Structure Plan as a Required Road Link with amended provisions in the Plan to ensure legal access is provided.

NIL has undertaken bulk earthworks in the vicinity of the western boundary with Sticky Forest in accordance with RM200167 and RM200769, which includes a construction access track to

¹⁷ Evidence of A Metherall dated 4 April 2017 for the Sticky Forest PDP Hearing Stream 12 – Upper Clutha Mapping, paragraph 41, p9

the new reservoir. As such the proposed access through NSZ is not constrained by any topographical or landscape sensitivity, nor does it involve any Council reserve.

Summary and conclusion on options for access to Sticky Forest

For the reasons discussed above, the option of providing access to Sticky Forest through Northlake is the only reasonably practicable option and is the preferred option for further evaluation.

3.3 Reasonably practicable options – expanding urban residential development

The reasonably practicable options to achieve the objective of the proposal for expanding the area of land available for urban residential uses in the northwest part of the NSZ are:

- Option 1** **Expand Activity Area C1;**
- Option 2** **Expand Activity Area B2 or create a new Activity Area B6 to enable additional low density development;**
- Option 3** **Create a new Activity Area to enable medium density development (similar to Activity Area D1).**

The option to expand into other areas of Northlake has not been considered because the rest of the NSZ is either already developed, or is not included within an Activity Area for urban development because it is landscape sensitive.

The costs and benefits of the three options are evaluated further in the table in Part 4 below.

4. Evaluation of the costs and benefits of the options

4.1 Evaluation

The costs and benefits of Options 1, 2 and 3 are addressed in [Table 1](#) below.

Table 1: costs and benefits of Options 1, 2 and 3 to achieve NIL's goals for the land

	Option 1: Expand Activity Area C1	Option 2: Expand Activity Area B2 or create new Activity Area to enable low density development	Option 3: Create a new Activity Area to enable medium density development (similar to Activity Area D1)
Costs	<p>(a) This option, while enabling some very low density residential capacity, is not an efficient use of the land compared with the low and medium density options.</p> <p>(b) Foregoing higher density development opportunities.</p>	<p>(a) No particular costs other than those identified in the row below.</p>	<p>(a) The land is not well connected to the existing medium density / neighbourhood centre development within Northlake (in Activity Area D1) and the wider Wanaka area, and would be somewhat incongruous in relation to the zoned and partially developed low density residential development to the east and south.</p>
<p><i>Costs common to all options:</i></p> <ul style="list-style-type: none"> • Costs to NIL for the drafting of the private plan change request and supporting reports; • Costs to NIL for funding the Council-appointed independent consultants or internal planning staff to process the private plan change; • Potential costs to the community in participating in the plan change process; • Costs in relation to the change to the expected layout of development and the potential adverse landscape effects from the expanded area of urban residential development, however these have been assessed and found to be no more than low¹⁸. This is addressed in more detail in DOCUMENT 3. 			
Benefits	<p>(a) The existing Activity Area is already included in the plan and can be implemented easily by expanding over the land in question.</p>	<p>(a) The existing Activity Area B2 is already included in the plan and can be implemented easily by expanding over the land in question or by creating a new Activity Area B6.</p> <p>(b) Achieves NIL's goals for the site;</p>	<p>(a) Enables an efficient use of land in respect of units per land area.</p>

¹⁸ Landscape Assessment Report, prepared by Patch, dated 20 January 2022, paragraph 6.1

	Option 1: Expand Activity Area C1	Option 2: Expand Activity Area B2 or create new Activity Area to enable low density development	Option 3: Create a new Activity Area to enable medium density development (similar to Activity Area D1)
		<p>(c) Provides an appropriate urban residential density for the area, taking into account:</p> <ul style="list-style-type: none"> • its location adjacent to existing zoned and proposed low density suburban residential areas (within Activity Area B2 on NIL land to the east and Activity Area B1 on Allenby Farms Limited land to the south); and • its comparative remoteness from the village centre of Northlake and the higher density living areas close to that centre; <p>(d) Provides benefits from the increased employment arising from the subdivision works and from future construction works on the new residential sites created, and the contribution that new households will make to the local and district economy;</p> <p>(e) Provides benefits to future residents from the expanded number of residential properties that could be established under the provisions, in a desirable location, and thereby generates social wellbeing for the residents and wider community;</p> <p>(f) Provides additional supply and competition in the residential land market.</p>	
Ranking	2	1	3

4.2 Conclusion

The preferable option is therefore the private plan change process to enable additional land for low residential development within a new activity area, Activity Area B6 (Option 2) including a new Required Road Link to Sticky Forest.

Option 2 is therefore evaluated in more detail, in Parts 4 – 9 below.

5. Evaluation of the efficiency and effectiveness of the provisions

Section 32(1)(b)(ii) requires an evaluation of the efficiency and effectiveness of the provisions in achieving the objectives of the proposal. The cost and benefit analysis from Part 4 above contributes to the evaluation of efficiency and effectiveness, under section 32(2)(a).

Table 2 below sets out a high-level overview of the evaluation required under section 32(1)(b) (appropriateness, efficiency and effectiveness of the provisions for achieving the objectives, and identifying other reasonably practicable options for achieving the objectives); and the evaluation required under section 32(2)(a) (costs and benefits of the provisions).

Table 2: Evaluation of provisions

Plan Provisions	Discussion Effectiveness and efficiency, appropriateness
Access to Sticky Forest	
<p>The plan change proposes the following amendments to address access to Sticky Forest:</p> <p>Provisions</p> <ul style="list-style-type: none"> • An amended Policy 3.1 to include reference to Sticky Forest as follows (amended text <u>underlined</u>): <ul style="list-style-type: none"> 3.1 <i>To ensure that roading is integrated with existing development, and the existing road network, <u>and with Sticky Forest (to the west)</u>.</i> • Amendments to the matters of discretion listed under Rule 12.34.2.3(i) to require consideration of the integration with Sticky Forest (amended text <u>underlined</u>): <ul style="list-style-type: none"> (k) Integration of the Outline Development Plan with other parts of the zone, or with other consents with Outline Development Plans that have been approved <u>or, in the case of Activity Area B6, integration with Sticky Forest.</u> • A new rule in Chapter 15 (Subdivision and Development) to that requires legal road establishment of the Required Road Link to Sticky Forest as follows: <p>Rule 15.2.3.4 Non-complying Subdivision Activities</p> <p><i><u>(xx) In the Northlake Special Zone, any subdivision of Activity Area B6 that does not require, by condition of consent, the legal establishment of legal vehicle access to Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District).</u></i></p> <p>Structure Plan</p> <ul style="list-style-type: none"> • An additional Required Road Link to enable access through NSZ to Sticky Forest. 	<p>One objective (i.e. goal) of the plan change is to enable road access and a servicing corridor to Sticky Forest. The amended policy is necessary to achieve an integrated roading network that includes access to Sticky Forest and to direct and inform the changes to the NSZ Structure Plan. It is appropriate and necessary to include a required road link on the NSZ Structure Plan and a new rule in Chapter 15 to ensure long term certainty for providing access to Sticky Forest.</p> <p>Access to Sticky Forest via Northlake is the most efficient and effective routing option, therefore the inclusion of a required road link within the NSZ Structure Plan is efficient and effective in that it locks in the desired outcome.</p> <p>The road link is required to be shown on any:</p> <ul style="list-style-type: none"> • Outline Development Plan lodged under Rule 12.34.2.3(i); and • Any subdivision plan in respect of Activity Area B6 lodged under Chapter 15. <p>Overall, the provisions are appropriate for achieving the objectives and the proposal and, hence, the purpose of the Act.</p>

Plan Provisions	Discussion Effectiveness and efficiency, appropriateness
<ul style="list-style-type: none"> A consequential amendment to the western end of the southern Required walkway/cycle link connecting to Sticky Forest, to match the new Required Road Link. 	
<p>Urban development expansion</p>	
<p>The plan change proposes the following amendments to enable additional low density residential development:</p> <p>Structure Plan</p> <ul style="list-style-type: none"> A new Activity Area (B6) in the northwest part of the NSZ, including the Required Road Link that will provide access to Sticky Forest. <p>Provisions</p> <ul style="list-style-type: none"> Consequential amendments to all provisions that relate to Activity Area B to include reference to B6, noting that the anticipated density of development in Activity Area B6 is the same as in all other “B” areas. 	<p>The proposed provisions, including the modifications to the NSZ Structure Plan and the addition of Activity Area B6 to specifically apply to the expanded area for urban residential activities, will be effective in achieving the objectives of the proposal because they will allow subdivision and development to proceed in the expected manner under the existing NSZ provisions. These include the requirement for an Outline Development Plan for the activity area, and the subsequent subdivision process.</p> <p>Specific plan provisions can be drafted to ensure implementation of the required road link to Sticky Forest (see proposed Rule 15.2.3.4(xx) above).</p> <p>The expanded area for low density residential subdivision and development within the new Activity Area B6 is, overall, an appropriate way for achieving the objectives and the proposal and, hence, the purpose of the Act.</p>

6. The risk of acting or not acting

Section 32(2)(c) requires an evaluation of the risk of acting and risk of not acting if there is uncertain or insufficient information about the subject matter of these provisions. In this case it is considered that no such uncertainty or insufficiency exists. However, for completeness these are addressed as follows.

Risk of acting

There is no risk of acting (i.e. proceeding with this plan change).

Risk of not acting

The risks of not acting are:

- (a) NIL's resource consent for the retirement village lapses;
- (b) The opportunity of providing for a formal road access and infrastructure service corridor to Sticky Forest through a change to the NSZ is lost;
- (c) The opportunity for expanded residential capacity in this part of the NSZ is likely to be lost (because of consent hurdles), and the benefits arising from that expanded capacity, and the efficiency and effectiveness of the provisions, as discussed in Parts 4 and 5 above, would be foreclosed.

7. Evaluation of the provisions under the relevant District Plan objectives

For the purposes of section 32(3) the proposal is an amending proposal because it will amend the ODP's NSZ (by modifying the Structure Plan and introducing Activity Area B6). Where a proposal will amend a plan that already exists, the examination under section 32(1)(b) must relate to the provisions of the proposal and the existing ODP objectives to the extent that those objectives are relevant and would remain if the amending proposal were to take effect.

The amending proposal does not seek to change any specific ODP objectives; all objectives will remain if the amending proposal takes effect.

The examination must therefore address how the provisions of the proposal achieve the ODP's relevant objectives. The ODP sets out the Strategic Direction for the District through District-Wide Objectives in Chapter 4. These objectives are then expanded on through policies in the remaining chapters of the ODP.

The relevant objectives are those in:

- Chapter 4.2 (Landscape and Visual Amenity)
- Chapter 4.9 (Urban Growth)
- Chapter 12.33 (the NSZ).

These are addressed in [Table 3](#) below.

Table 3: Evaluation of key relevant objectives of the ODP

Objective	Assessment
Chapter 4.2 – Landscape and Visual Amenity	
4.2.5 – Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.	The Landscape Assessment (DOCUMENT 5) supports the Change and discusses how the proposed urban expansion will have no more than low extent of adverse effects on the visual amenity and landscape character values of the site and surrounding landscape ¹⁹ .
Chapter 4.9 – Urban Growth	
4.9.3.1 – Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.	The proposed urban expansion is consistent with the NSZ quality of natural environment and landscape values for the reasons discussed in the Landscape Assessment (DOCUMENT 5).
4.9.3.2 – Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.	The proposal will enable urban growth within the NSZ that provides benefits to more future residents from the expanded number of residential properties that could be established under the provisions, in a desirable location, and contributing to the local economy, and generating social and economic wellbeing for the residents and wider community.
4.9.3.3 – Provision for residential growth sufficient to meet the District’s needs.	As discussed in the Spatial Plan ²⁰ , additional dwellings, and land to accommodate dwellings, are required to meet the projected growth. The proposal contributes to meeting the provision for residential growth to meet the District’s needs.
4.9.3.9 – The scale and distribution of urban development is effectively managed	The proposed urban expansion is within the Wanaka Urban Growth Boundary and does not represent sporadic or ad hoc urban development.
Chapter 12.33 – Northlake Special Zone	
12.33.2.1 – A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities.	The Change will enable additional low density residential development.
12.33.2.2 – Development demonstrates best practice in urban design and results in a range of high quality residential environments.	The Change is a logical extension to the low density development within Activity Area B and will extend the high quality residential environment of the NSZ.
12.33.2.3 – Development that is well-connected internally and to networks outside the zone.	The amended Structure Plan will maintain internal connections within the zone and to existing networks outside the zone and will achieve connectivity with the Sticky Forest land which is outside the zone.
12.33.2.4 – Development that takes into account the landscape, visual amenity, and conservation values of the zone.	The proposed urban expansion takes into account the landscape, visual amenity, and conservation

¹⁹ *Landscape Assessment Report*, prepared by Patch, dated 20 January 2022, paragraph 6.1

²⁰ The Queenstown Lakes Spatial Plan, dated July 2021, p51

	values of the NSZ as discussed in the Landscape Assessment (DOCUMENT 5).
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By contributing to how the NSZ provides for growth, and to the potential for Sticky Forest to contribute to growth, the Change will ensure that the NSZ can better achieve the district wide objectives and supporting general policies of the ODP. The Change is likely to better enable use of land to contribute positively to the District's growth in a high quality manner that provides increased housing stock, while achieving the relevant high-level provisions relating to the District's landscape and visual amenity values.

8. Evaluation of the provisions under the relevant regional planning instruments

The District Plan must give effect to the operative Otago Regional Policy Statement and have regard to any Proposed Regional Policy Statements. The relevant provisions of the Partially Operative Regional Policy Statement 2019 (**PORPS19**) and the proposed Regional Policy Statement 2021 (**pRPS21**) are assessed in [Table 4](#) below.

Table 4: Evaluation of key relevant provisions of the regional planning instruments

Objective	Assessment
Partially Operative Regional Policy Statement 2019	
1.1 – Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities	The Change is a sustainable use of land within the NSZ that can absorb urban development and promote economic and social wellbeing for people and the local community.
4.5 – Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.	The Change is a logical expansion of residential development within the NSZ which will integrate with existing and consented NSZ development and with any potential future residential development on the Sticky Forest land.
Proposed Regional Policy Statement 2021	
UFD-O1 – The form and functioning of Otago's urban areas: (1) reflects the diverse and changing needs and preferences of Otago's people and communities, now and in the future, and (2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area.	The Change contributes additional land for residential development to meet the District's current and future needs for land to accommodate growth. The urban expansion within the NSZ does not adversely affect any of the significant values and features identified in the RPS.
UFD-O2 – The development and change of Otago's urban areas: (1) improves housing choice, quality, and affordability, (2) allows business and other non-residential activities to meet the needs of communities in appropriate locations, (3) respects and wherever possible enhances the area's history, setting, and natural and built environment,	The Change provides for additional urban growth and development that: (1) provides additional supply to the market to contribute to housing choice, quality and affordability matters; (2) n/a (3) is consistent with and continues to respect the NSZ's natural and built environment; (4) provides an expanded urban areas that will be subject to NSZ provisions achieving good

<p>(4) delivers good urban design outcomes, and improves liveability,</p> <p>(5) improves connectivity within urban areas, particularly by active transport and public transport,</p> <p>(6) minimises conflict between incompatible activities,</p> <p>(7) manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS,</p> <p>(8) results in sustainable and efficient use of water, energy, land, and infrastructure,</p> <p>(9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,</p> <p>(10) achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region’s urban growth and change, and</p> <p>(11) is guided by the input and involvement of mana whenua.</p>	<p>urban design outcomes and liveability for future residents;</p> <p>(5) improves connectivity with Sticky Forest and would link with existing and any future active transport routes through the NSZ;</p> <p>(6) does not introduce any incompatibilities between activities;</p> <p>(7) n/a – there are no adverse hazard risks;</p> <p>(8) results in sustainable and efficient use of land within the Wanaka Urban Growth Boundary, and infrastructure networks, as discussed in DOCUMENT 7;</p> <p>(9) integrates with existing development within the NSZ and enables and requires an access and infrastructure route to Sticky Forest;</p> <p>(10) achieves consolidated, well designed and located, and sustainable development in an existing urban area;</p> <p>(11) recognises the aspirations of mana whenua in relation to Sticky Forest and will assist to achieve those aspirations.</p>
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Accordingly, the change is consistent with, and gives effect to, the relevant RPS provisions.

A District Plan must not be inconsistent with a Regional Plan. There are two relevant regional plans: the **Regional Plan: Water** and the **Regional Plan: Air**.

The Regional Plan: Air addresses the use and management of Otago’s air resource and includes frameworks for managing air quality issues and discharges of contaminants into the air. It provides objectives, policies and other methods of implementation to address the use and management of the air resource.

The Regional Plan: Water addresses the use, development and protection of the freshwater resources of the Otago region, the beds and margins of water bodies, and the use, development and protection of those water resources. It provides objectives, policies rules and implementation to address the use and management of the water resources.

To the extent that these regional plans are relevant, the Change is not inconsistent with them because the amended provisions of the District Plan will continue to give effect to the regional plans.

9. Evaluation of the provisions under the relevant national planning instruments

9.1 Introduction

National Policy Statements (**NPSs**) provide objectives and policies for matters of national significance. All subsequent Resource Management documents, including regional policy statements, regional plans and district plans must give effect to (implement) any relevant NPSs.

The following NPSs have no applicability to this requested Change:

- The *National Policy Statement for Renewable Electricity Generation*
- The *National Policy Statement on Electricity Transmission*

The *National Policy Statement for Freshwater Management* has limited applicability to the requested Change. The stormwater from the additional residential development will be managed onsite as discussed in **DOCUMENT 7**, and in accordance with all existing rules and codes of practice, and therefore there will be no adverse effects on the freshwater bodies in the Clutha Mata-au Freshwater Management Unit.

To the extent that this statement is relevant, the requested Change is consistent with it.

9.2 Assessment under the *National Policy Statement on Urban Development 2020*

The *National Policy Statement on Urban Development 2020 (NPS-UD)* is relevant to this Change. It came into effect in August 2020, at which time it replaced the previous National Policy Statement on Urban Development Capacity 2016.

The NPS-UD requires all councils that have all or part of an urban environment within their district or region to plan well for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes:

- Ensuring that plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth;
- Developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions; and
- Aligning and coordinating planning across urban areas.

The NPS-UD is a directive document. It includes objectives and policies that councils must give effect to in their resource management decisions. The NPS-UD is relevant to the extent that Queenstown-Lakes is a “tier-2 authority” and has various obligations for improving housing affordability and supporting competitive land and development markets.

The key relevant objectives of the NPS-UD are assessed in **Table 5** below.

Table 5: Evaluation of key relevant provisions of the NPS-UD

Objective	Assessment
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.	As discussed above, the proposal will contribute more land for residential development to meet the District’s future needs and will enhance the well-functioning NSZ urban environment enabling more people to provide for their social, economic and cultural wellbeing by assisting mana whenua to achieve their aspirations for Sticky Forest.
2 – Planning decisions improve housing affordability by supporting competitive land and development markets.	The proposal will provide additional supply to the housing market.
3 – Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located	The proposal will enable more people to live in NSZ which has a high demand for housing.

<p>in, areas of an urban environment in which one or more of the following apply:</p> <ul style="list-style-type: none"> a) the area is in or near a centre zone or other area with many employment opportunities b) the area is well-serviced by existing or planned public transport c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment. 	
<p>6 – Local authority decisions on urban development that affect urban environments are:</p> <ul style="list-style-type: none"> a) integrated with infrastructure planning and funding decisions; and b) strategic over the medium term and long term; and c) responsive, particularly in relation to proposals that would supply significant development capacity 	<p>The proposed urban expansion integrates with existing infrastructure and will contribute to the supply of residential development in Wanaka.</p>

The key objectives of the NPS-UD are therefore achieved by this Change.

10. Summary and conclusions

The above evaluation has examined the Change under section 32 of the Act. The broad conclusions from that evaluation are that:

- (a) Under section 32(1)(a), the objectives of the Change are necessary and are the most appropriate way to achieve the purpose of the Act, taking into account the existing higher order provisions of the District Plan and the relevant provisions of the regional and national planning instruments;
- (b) The provisions are the most appropriate way to achieve the NIL objectives, taking into account the expert reports, the Fast-track consent decision and the existing Structure Plan;
- (c) The provisions will be efficient and effective in achieving the objectives, taking into account their costs and benefits including the environmental, social and economic costs and benefits;
- (d) There is no risk to acting, however the risks of not acting are significant to NIL and the wider community.

Overall, for the reasons expressed above, and in the supporting reports including the assessment of effects on the environment, the Change will achieve the higher order objectives of the District Plan and the purpose and principles of the Act.