

**TO: Queenstown Lakes District Council**

SUBMITTER Moira Jean and Clinton James Hughes  
DETAILS: (And others shown at **Appendix 1** to this Submission) (referred to as **Submitters**)

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#### Details of Section 293 Notice

1. The Environment Court has made directions,<sup>1</sup> pursuant to s 293 of the Resource Management Act 1991 to enable consideration of a change to a Lower Density Suburban Residential Zone and an amended Urban Growth Boundary (**UGB**) at various properties along Orchard and Riverbank Roads (**Property**). The scope of the s 293 Direction is identified in the Summary Document enclosed with this Submission as **Appendix 2 (s 293 Direction)**.
2. The specific provisions that this submission relates to are:
  - (a) Rezoning of the Property from Rural to Lower Density Suburban Residential Zone (**LDRZ**) and amended UGB; and
  - (b) Riverbank Road Structure Plan.
  - (c) Amendments to provisions to give effect to the above as outlined in the s 293 Direction.

#### Submission

3. The Submitters own several properties on the south side of Riverbank Road. The zoning of their properties are largely Rural Lifestyle, with one submitter owning property in the Rural Zone. For many years, the Submitters have enjoyed the visual amenity that comes with that type of zoning, including in particular the open space pastoral activities currently zoned Rural and subject to the s 293 Direction.
4. The Submitters did not lodge a submission on PDP Stage 1 on the basis that the relief sought Rural Residential Zoning, which is generally consistent with the zoning of many of

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<sup>1</sup> *Boyd & Others v Queenstown Lakes District Council* [2021] NZEnvC 50 at [9] and Annexure 1.

the Submitters properties. The Rural Residential Zone generally provides for development at a density of up to one residence every 4000m<sup>2</sup>. The Submitters were surprised to learn that the Appellants and Council had deviated from the Independent Hearing Panel's decision so significantly in their agreement that the zoning be changed to LDRZ, which generally provides for subdivision down to 450m<sup>2</sup>, and instances of densities down to 300m<sup>2</sup>. The possible yield enabled by the rezoning to LDRZ is approximately 600 lots.

5. The Submitters accept that there has been land fragmentation of the existing rural zone such that creating future opportunities for new pastoral farming, or continuing existing pastoral farming is difficult. The Submitters accept that Property would provide a logical extension for new urban zoning as set out in the Independent Hearing Panel decision. However, in coming to the conclusion to maintain the Rural General zoning of the land, as opposed to granting the relief sought, the IHP noted that:<sup>2</sup>

*Consider preparing a strategic structure plan for the land bound by Riverbank Road, Cardrona Valley Road, and Ballantyne Roads, including the land at Lot 3 DP 17123, setting out a long-term zone staging plan, indicative road network and land use distribution.*

6. The IHP also identified further issues associated with this land, noting:<sup>3</sup>

*...future road linkages, open spaces, and other land use outcomes is in our view essential. Although these submitters only sought a Rural Residential zone, we consider that the land is already at the highest possible density that can be justified before more strategic planning is warranted.*

7. The Submitter consider that the Riverbank Road Structure Plan subject to the s 293 Direction does not provide for the positive outcomes that were sought by the IHP in adopting a strategic planning approach to the Property. The Submitters consider that greater emphasis and controls are required to secure a more sensitive transition from the urban to rural lifestyle zoning that are bisected by Riverbank Road.
8. The Submitters are concerned about the increase in traffic and safety concerns arising from what may be up to 550 new lots (taking into account fewer lots if part of the land is zoned Large Lot Residential). Furthermore, there is to be a new "major intersection" at Orchard and Riverbank Road for which there is no detail on the likely design or built form.
9. The Riverbank Road Structure Plan identifies an internal road that is likely to lead to dense housing on the northern side of Riverbank Road, which will be highly visible and in stark contrast to the Rural Lifestyle zoning of the Submitters Properties. There are no controls or rules provided that seek to provide open space areas in proximity to Riverbank Road that would encourage a sensitive transition between those two zones.
10. The Submitters support the inclusion of the Shared Cycle and Pedestrian Path shown with a dashed purple line (**Walkway**). However, the Submitters consider that greater emphasis should be placed on the use of the Walkway to 'soften' the edge between the rural and urban setting by requiring a 15m wide walkway with appropriate planting that provides for screening of the additional development. The policy framework should encourage a single ownership / allotment of the Walkway to discourage fragmentation of the planting through multiple land owners.

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<sup>2</sup> Report 16.2 Stream 12, at paragraph 194

<sup>3</sup> At paragraph 214.

11. The Submitters draw support from these concerns from Strategic Objective 3.2.2.1(a), (c), (e) and (g), outlined below:

**3.2.2.1 Urban development occurs in a logical manner so as to:**

- (a) promote a compact, well designed and integrated urban form;
  - (b) build on historical urban settlement patterns;
  - (c) achieve a built environment that provides desirable, healthy and safe places to live, work and play;
  - (d) minimise the natural hazard risk, taking into account the predicted effects of climate change;
  - (e) protect the District's rural landscapes from sporadic and sprawling urban development;
  - (f) ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
  - (g) contain a high quality network of open spaces and community facilities;
  - (h) be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure. (also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)
12. Furthermore, the Submitters consider that the wider Walkway is supported by Policy 4.2.2.2 (i) in terms of providing for safe, desirable and accessible open spaces:
- 4.2.2.2 Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:**
- (i) the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;

**Outcome sought**

13. The Submitters seek amendments to the Riverbank Road Structure Plan that encourage a more sensitive transition from the urban to rural lifestyle setting, including:
- (a) The Walkway have a minimum legal width of 15 metres from Riverbank Road and be landscaped with appropriate shrubs and trees that will assist in screening urban development. If necessary, the first internal roadway from Riverbank Road could be moved westward.
  - (b) Amend Objective 27.3.x to ensure that the Walkway is located within the Riverbank Road Structure Plan and not within the road reserve.
  - (c) Amend Policy 27.3.x.2 or include a new policy to ensure that the Walkway is landscaped to encourage a sensitive transition between the rural and urban setting along Riverbank Road through planting and landscaping.

- (d) Between the Walkway and the first internal roadway to the west be zoned Large Lot Residential, with a minimum lot size of 2000m<sup>2</sup>. Furthermore, an amendment to Rule 11.5.1.2 to insert (c) *on sites adjoining Riverbank Road*.
- (e) That subdivision treatment/conditions require a consistent landscape treatment (including consideration of the use of mounding such as the example of Pisa Moorings along SH6) and fencing to ensure good urban design outcomes that interface between the Walkway and Riverbank Road.
- (f) Add a new policy to Chapter 27 to ensure high quality amenity and transition between the urban and rural setting so that the additional residential zoned land is not perceived as sporadic or sprawling development but fits in with and is sensitive to the surrounding rural landscape.
- (g) That greater design detail for the major intersection is provided.
- (h) Further or consequential relief to give effect to the outcomes sought.



S R Peirce

Counsel for the Submitters

Dated 27 May 2021

**Appendix 1: Submitter Details**

Name	Address
Nicholas Robert Fellows, Reika Fellows	239 Riverbank Rd
Jonny & Lucy Benson (directors of Sellick Benson Trust Limited)	245 Riverbank Rd
Angela Jane Nichol and Peter Mark Nichol	249 Riverbank Rd
Susanne Merle Rankin, William Courtenay Rankin	253 Riverbank Rd
Clinton James Hughes, Moira Jean Hughes	261 Riverbank Rd
Dean Alex Murray, Jeanette Elizabeth Booth	269 Riverbank Rd
Ashley Wayne Blair, Ruth Elizabeth Blair	289 Riverbank Rd
Shane Douglas Hurdell & Alice Jane Watson	293 Riverbank Rd
Jeffrey Craig Limmer, Sandra Joan Limmer	295 Riverbank Rd
Christopher Ellis Hayes, Jean Mary Hayes	307 Riverbank Rd
Neville Ernest Sanders, Robyn Lynne Hunt	317 Riverbank Rd
Nicola Leigh Ann Scurr, Robert Kevin Scurr	329 Riverbank Rd
Karen Elizabeth Studholme, Phillip John Studholme	377 Riverbank Rd

**Appendix 2: Section 293 Proposal Summary Document**



## SECTION 293 PROPOSAL

### ALTERATION TO THE PROPOSED DISTRICT PLAN MAPPING AND PROVISIONS APPLYING TO LAND LOCATED AT ORCHARD AND RIVERBANK ROADS, WĀNAKA

1. This document provides a summary of the proposed alteration to the Proposed District Plan mapping and provisions relating to 40ha of land adjoining the southern edge of Wānaka's urban area, located at the corner of Orchard and Riverbank Roads.

#### Background

2. In 2018 a number of appeals were lodged with the Environment Court relating to the Proposed Queenstown Lakes District Plan.
3. The zoning of the subject site was the focus of one of those appeals. Through the course of Environment Court mediation, the parties reached an agreement that Lower Density Suburban Residential (**LDSR**) zoning is the most appropriate zone for the land, provided that certain matters are addressed through site-specific provisions, and that a section 293 process should be initiated to facilitate that outcome.
4. The Court confirmed, through an interim decision issued on 9 October 2020<sup>1</sup> that it was appropriate to consider the rezoning request through a section 293 process. The Court has considered the material notified as part of this alteration and directed the Council to notify the relevant information.

#### The proposed alteration

5. The proposed alteration relates to land fronting Orchard and Riverbank Roads, Wānaka, as shown on the **attached** map. The alteration rezones the site from Rural Zone to LDSR Zone, and moves the Urban Growth Boundary (**UGB**) around the outer edge of the site. The UGB will be aligned with the site boundary.
6. The associated proposed provisions will result in the inclusion of a Structure Plan, one Objective and provisions in Chapter 27 of the PDP (Subdivision and Development) to ensure the roading layout within the structure plan area is integrated with adjoining future development and will achieve a safe walking and cycling environment along Orchard and Riverbank Roads. The adjoining land is also subject to a structure plan (27.13.11 Alpine Meadows).
7. The proposed provisions will also manage reverse sensitivity noise effects resulting from an existing frost fan located within the structure plan area, by requiring new development located within 250m of the frost fan, to comply with sound insulation requirements. In the event that the frost fan is disestablished, the sound insulation requirements would no longer apply.
8. The experts involved in the appeal, both for the Appellant and for Council, agree that from an infrastructure/servicing perspective the site is suitable for development, and that reverse sensitivity noise effects, that may result from the existing frost fan, can be appropriately managed while the frost fan is still in operation.

#### Section 293 process / next steps

<sup>1</sup> *J Boyd, J F A & S J Redai & Ors v Queenstown Lake District Council* [2020] NZEnvC 172.

9. Section 293 of the RMA allows the Environment Court to direct appropriate procedural steps that provide for the consideration and determination of amendments to the Proposed District Plan.
10. In this case, the Environment Court has directed that a section 293 process be used in relation to the proposed alteration to the provisions and maps.
11. This document has been prepared to accompany a public notice, which advises of the proposed rezoning and amendment to the UGB, and the associated directions issued by the Court.
12. The directions provide for certain persons to make written comments on the proposed alteration, by **27 May 2021**. After all written comments are received, the Council will file a report with the Court (and evidence, as required), and the Court will then consider the matter further.
13. The complete directions issued by the Court are set out below:

Under s293, RMA, it is directed:

*Notification*

a. Within 10 working days [of the date of this decision], QLDC must:

- (i) serve written notice on owners of all properties that are subject to the rezoning, and all properties that are located directly next to the rezoned land (as shown in the attached map) by way of letter to all registered ratepayers of those properties;
- (ii) publicly notify the proposed rezoning and change in UGB, by way of written notice on Council's website and in the local newspaper;
- (iii) state in both notices that:
  - a. any person may provide to QLDC written comments and any supporting expert evidence (see (b) below) on the change by a date specified in the notice (not less than 20 working days after publication of the notice), which will be taken into account in the Council's report (see (d) below) but that;
  - b. any person who wants to formally join the Boyd, Redai & Ors appeal as a section 274 party (see (c) below), which would give them the ability to be involved in any Environment Court hearing on the proposed change (if necessary) and future appeal rights, needs to have an interest greater than the interest of the general public;
- (iv) provide a summary description of the proposed rezoning and UGB change with the public notices; and



- (v) direct people in the public notices to Council's website where the 'consultation package' will be available;

*Rights to make written comments*

- b. by the date specified in the notices in (a)(i) and (a)(ii) (not less than 20 working days after the date of written notice), any person may provide to Council:
  - (i) written comments on the proposed rezoning and UGB change;  
and
  - (ii) any supporting expert evidence.

*Formally joining the Boyd, Redai & Ors appeal as a section 274 party*

- c. by the date specified in the notices in (a)(i) and (a)(ii) (not less than 20 working days after the date of written notice), any person who has an interest greater than the general public, may formally join the Boyd, Redai & Ors appeal by lodging with the Environment Court, and serving on the Council, a section 274 notice. If they wish to make a written comment, they must also do that under (b) above.

*Council report*

- d. within 20 working days after the date on which written comments are to be provided in accordance with (b), Council must file with the Court a report which:
  - (i) summarises the written comments and any expert evidence received (if any), and which also provides a link to all written comments and expert evidence received (should the Court wish to review that documentation);
  - (ii) Makes recommendations for the Court's consideration.

*Court's determination*

- e. once the Court has received the report from Council as directed in (e), this will be considered and the Court will then either, determine the rezoning and UGB alteration, or issue further directions.



Amended Zoning for Riverbank Road

