

9.26 Discussion of Issues and Conclusions

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

10. ORCHARD ROAD /RIVERBANK ROAD

ORCHARD ROAD HOLDINGS LTD (249)

Further Submission: FS1027 DENISE AND JOHN PRINCE

Further Submission: FS1131 JACKIE AND SIMON REDAI

JACKIE REDAI AND OTHERS (152)

Further Submission: FS1013 ORCHARD ROAD HOLDINGS

Further Submission: FS1136 IAN PERCY

IAN PERCY AND FIONA AITKEN FAMILY TRUST (725)

Further Submission: FS1013 ORCHARD ROAD HOLDINGS LTD

10.1 Overall Recommendation

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

10.2 Summary of Reasons for Recommendation

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

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

10.3 Subject of Submissions

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

10.4 Outline of Relief Sought

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

10.5 Description of site and environs:

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

10.6 The Case for Rezoning

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

10.7 Issues

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

10.8 Discussion of Issues and Conclusions

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

213. We are concerned that zoning for 600+ units, which is significant in terms of Wanaka, when there has been no confirmation of how the necessary infrastructure would or even could be accommodated does not reflect sound resource management practice.
214. In terms of the Redai et al submission, we have greater concerns. There is already a degree of land fragmentation. However, for almost 40ha of land, an agreed plan relating to future road linkages, open spaces, and other land use outcomes is in our view essential. Although these submitters only sought a Rural Residential zone, we consider that the land is already at the highest possible density that can be justified before more strategic planning is warranted.
215. We are concerned that providing for greater fragmentation now without the benefit of such a plan could plausibly enable long-term inefficiencies and adverse effects arising from not 'locking in' a vision for how to manage what is, in our view, the very probable scenario that higher density such as Low Density Residential zone (or higher) will in the (reasonably foreseeable) medium term be desirable on the land. Short term intensification that precludes what will be the most appropriate medium to long term outcome on the land is not in our view likely to promote sustainable management in this part of Wanaka. We note the Environment Court's comments in the context of the Northlake Plan Change appeal where it observed that planning density from the outset will likely deliver superior urban form outcomes compared to progressive intensification⁷¹.
216. Mr Percy and Ms Aitken seek a rural character zone akin to the Gibbston-Character Zone. While they provided suggested permitted activities with their submission, they provided no supporting evidence that would have enabled us to assess the relief they sought in terms of s32AA and Mr Barr did not support it. Accordingly, we have no basis on which to consider it further. Likewise the alteration to the UGB also sought.
217. The obvious difference in objectives between Mr Percy and Ms Aitken (given the relief sought in their submission) and their neighbours, however, supports a need for strategic planning to optimise the outcome.
218. Ultimately, we find that the land that is the subject of these submissions is strategically very significant for Wanaka and that it is very likely it will be most appropriately utilised for urban density residential and commercial activities in the reasonably foreseeable future. There remains a significant information gap relating to infrastructure serviceability and cost, staging and urban form opportunities. Given that Wanaka is subject to firm and fixed long-term growth boundaries the promotion of sustainable management would be best served by subjecting the land to a more strategic and long-term development planning exercise. Based on the information before us, neither the Council nor the submitters have undertaken this satisfactorily.
219. Overall, we recommend the submissions be rejected, but that the Council, working with the landowners, consider developing a structure plan for the land and also including Lot 3 DP 17123 (subject to a submission from Willowridge Developments Ltd and addressed separately in the next section of this report). That should include land staging, transport networks and connectivity, infrastructure supply and timing, land use mix and densities. That structure plan would form in our view the most suitable framework for zoning the land for urban development. We therefore recommend that the further submissions that opposed the relief sought should be accepted.

⁷¹ *Appealing Wanaka Inc v QLDC* [2015] NZEnvC 139 at [192]

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

WILLOWRIDGE DEVELOPMENTS LTD (249)

10.9 Overall Recommendation

221. Reject the submission.

10.10 Summary of Reasons for Recommendation

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

10.11 Subject of submission

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

10.12 Outline of Relief Sought

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

10.13 Description of site and environs

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

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

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

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

10.14 The Case for Rezoning

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

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

10.15 Issues

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

10.16 Discussion of Issues and Conclusions

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

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

11. ANDERSON ROAD

MURRAY FRASER (293)

11.1 Overall Recommendation

238. Accept the submission in part.

11.2 Summary of Reasons for Recommendation

239. The most appropriate minimum lot size (method) to implement the PDP objectives and policies within the Large Lot Residential zone at 115 Anderson Road is 2,000m² rather than the 4,000m² set out in the notified PDP.

11.3 Subject of submission

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

11.4 Outline of Relief Sought

241. The submission stated that the notified Large Lot Residential zone minimum lot size of 4,000m² was excessive, and sought that a 2,000m² minimum apply. While the matter of general planning provisions for this residential zone was a matter for the Stream 6 Hearing, the Council