

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the
Proposed District Plan

**SECOND REBUTTAL EVIDENCE OF CRAIG ALAN BARR
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

Planning: Universal Developments (Hāwea) Limited (3248)

19 June 2020

 **Simpson Grierson**
Barristers & Solicitors

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

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1. INTRODUCTION

1.1 My full name is Craig Alan Barr. My qualifications and experience are set out in my Strategic Overview statement of evidence in chief dated 18 March 2020 (**Strategic Evidence**).

1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person. The Queenstown Lakes District Council (**Council**), as my employer, has agreed for me to give expert evidence on its behalf in accordance with my duties under the Code of Conduct.

2. SCOPE

2.1 My rebuttal evidence is provided in response to the following evidence filed on behalf of Universal Developments (**Hāwea**) Limited (**3248**) (**Universal Developments**):

(a) Mr Timothy Williams (planning).

2.2 I also confirm that I have read the following statements of evidence filed on behalf of Universal Developments and consider that, with the exception of limited matters, no response is needed:

- (a) Mr Andy Carr (transport);
- (b) Mr Benjamin Espie (landscape);
- (c) Mr Lane Hocking (representative for Universal Developments);
- (d) Mr Michael Copeland (economics);
- (e) Mr Peter Forrest (geology, stormwater and natural hazards);
- (f) Mr Luc Waite (water supply, wastewater and stormwater);
and
- (g) Mr Glenn Davis (ecology and contaminated land).

2.3 I have also read the evidence of the following persons on behalf of the Council:

- (a) Ms Bridget Gilbert (landscape);
- (b) Mr Mike Smith (transport);
- (c) Ms Natalie Hampson (economics); and
- (d) Mr Richard Powell (infrastructure).

2.4 My evidence has the following attachments:

- (a) **Appendix A:** Recommended amendments to Chapters 7, 8, 15 and 27, and changes to plan map;
- (b) **Appendix B:** Land Use Capability Soil Map Hāwea Basin

2.5 As part of the preparation of this rebuttal evidence I have read the section 32 evaluation report for the Settlement Zone, which included an evaluation of the location and potential amendment to the urban growth boundary (**UGB**) at Lake Hāwea, and the section 42A report prepared on behalf of the Council by Ms Devlin. I was not involved in the preparation of the section 32 for the Settlement Zones. Due to a conflict of interest identified by Ms Devlin when the submitter evidence was filed, I have taken over the Council reporting role, for this rezoning submission.

2.6 I have also reviewed other submissions made in relation to the Settlement Zone, in particular the submission of the Hāwea Community Association (**3287**).

2.7 I have read the further submissions to this submission. However, I have not responded to them in this evidence, given that this rebuttal evidence is confined to the matters raised by Mr Williams. Those further submissions are:

- (a) Willowridge Developments Limited (**FS3417**); and
- (b) Hāwea Community Association (**FS3449**).

2.8 I am familiar with the resource consent obtained under the Housing Accord and Special Housing Area Act 2013 (SH190005), however I

was not involved in the consideration of the expression of interest, recommendations to elected officials, nor the processing of the resource consent application.

2.9 I attended Environment Court mediation on 20 March 2019, as a representative for the Council in relation to the appeal from Clark Fortune McDonald & Associates, and Streat Developments Limited, on decisions on Stage 1 of the Proposed District Plan (**PDP**). The appeals were in relation to whether there should be an UGB at Lake Hāwea Township, and if so, where it should be located.

3. MR TIMOTHY WILLIAMS FOR UNIVERSAL DEVELOPMENTS

3.1 Mr Williams' evidence discusses a range of resource management issues and recommends a suite of provisions and amendments to the PDP as part of his support for rezoning and amending the location of the UGB to the south of Cemetery Road¹.

3.2 The primary submission for Universal Developments sought a combination of urban zones for the site, but no certainty about what urban zone, and where, across the wider site. Mr Williams (and other evidence) filed, provides considerable more certainty and detail, about what is now proposed for the site by the submitter. Mr Williams' consideration of, and recommendation for particular amendments to the PDP are therefore significantly more detailed than the submissions² filed on Stage 3 of the PDP. While my evidence is in direct response to the matters discussed in Mr Williams' evidence, for ease of reference, I have structured my responses by way of resource management issues.

Summary

3.1 Overall, I recommend all of the proposed rezoning is rejected, primarily due to the infrastructure constraints as identified by Mr Powell and Mr Smith in their rebuttal evidence.

1 The land and landowners are identified at [7] of Mr Williams evidence. Collectively I shall refer to this land as the Site.
2 Streat Developments Limited (3221), Aaron and Sally Ford (3261) and Universal Developments (3248).

- 3.2** Infrastructure constraints aside, I partially support the proposed rezoning. However, my support is qualified to the extent of urban zoning and UGB extension only as far as the water race, and with the qualification that the amendments and provisions in my **Appendix A** be included as provisions in the PDP. The GIZ portion of the rezoning request is completely opposed.
- 3.3** In general terms, the alternative rezoning I could support would result in approximately 73ha of LDSR Zone³, without taking into account the land required to be discounted along the western and eastern boundaries that would be utilised for the full 15m wide BRA⁴. Using the same yield methods as Mr Williams' at his paragraph [130⁵], I have estimated the area of LDSR I could support, may yield 1,135 lots at 450m², or 786 lots at 650m². This amount of LDSR lots is in the order of 500m² less than that supported by Mr Williams. I note that for each LDSR lot, a residential unit and a residential flat up to 70m² would be a permitted activity.
- 3.4** **Appendix A** includes a range of provisions that I recommend should be added to the PDP in the event the Hearings Panel recommend accepting the rezoning despite the infrastructure constraints I have discussed above. These recommended provisions are based on the extent of the zoning as recommended in the alternative zoning plan I have also included in **Appendix A**. I have not included a structure plan at this stage given the residual uncertainties and infrastructure restraints, but reiterate that a structure plan (for Chapter 27) should be sufficiently comprehensive and include the matters I have identified in my evidence below, in particular the primary roading network within the subdivision. I note that these provisions have been drafted relatively quickly, given my other commitments over the last two weeks in Environment Court mediation. I anticipate they may need further detailed consideration during the course of the hearing and the Council's right of reply.

3 The total area measured using the Council's web map is 82ha, minus the MDRZ (5.2ha) and LSCZ (3.5ha) as proposed in Mr Williams' evidence. Paragraph 130 of Mr Williams' evidence identifies the LDSR land as 111ha.

4 i.e. the area adjacent to Domain Road that Mr Williams supports as a 5m BRA, and the area adjacent to the SHA consent along the eastern boundary that has no BRA. The land following the water race was already proposed to be utilised for the BRA.

5 I note that the Yield Calc column is missing a '0', i.e. 43000/450 should be 430000/450 to achieve 956 lots.

- 3.5** If the Hearings Panel support the full zoning as recommended by Mr Williams, I consider that additional provisions are likely to be required in various chapters to ensure the full extent of matters identified above are resolved.

Landscape

- 3.6** Mr Williams' states at paragraph [32] that the site is not sensitive in a landscape/visual sense, and at paragraph [94] concludes that the site is considered to be within an area of the rural environment with potential to absorb change, relying on Mr Espie's landscape evidence for Universal Developments.

- 3.7** I have also reviewed Ms Gilbert's rebuttal evidence for the Council, who overall, agrees with Mr Espie and Williams that some parts of the site have capacity to absorb urban development, however identifies⁶ that the site has sensitivities in terms of the following matters:

Western edge (Domain Road)

- (a) The reduction of the BRA along the western edge where it reduces from 15m to 5m wide BRA along the northern extent of the west frontage would not form a defensible edge. I accept Ms Gilbert's evidence and I conclude that the narrower BRA along this part of the west boundary is attributable to the smaller size of those properties that are also part of the rezoning submission;
- (b) I do not support reducing the BRA for the reason that individual property owners may potentially 'lose out' on development yield, which is how I infer Mr Williams' paragraph [127(a)]. I consider that it would be a more comprehensive and appropriate response to apply a consistent landscape and reserve treatment along the entirety of the boundary site;

Southern Edge

- (c) Ms Gilbert's rebuttal evidence at [5.34 to 5.48] considers the effects of the proposed rezoning on rural character and the

6 B Gilbert Rebuttal Evidence 12 June 2020 at [5.6 – 5.26].

modifications to the sense of place that would result from a rezoning that extends the size of the existing township by another 60%;

- (d) Ms Gilbert considers that urban development should coincide with the existing irrigation race, augmented with a 15m BRA/reserve;
- (e) I agree with Ms Gilbert that the scale of the proposal, notwithstanding the proposed BRA areas and considered design, is very large. While this is not a reason, on its own, to not support a rezoning, the modification to Hāwea and the change in the nature and scale, in terms of the changes to the immediate and wider Hāwea environment, will result in adverse effects on the character of Hāwea and the rural character of the locality. I do not consider these effects to be appropriate at the current time. Nor what is likely in the (medium term) next ten years. I consider this not only because I agree and rely on Ms Gilbert's opinion in terms of effects of rural character, but collectively because of the overall effects of the proposed urban extension to the south of Lake Hāwea Township, which I discuss further below;

Eastern Edge

- (f) Ms Gilbert does not support that part of the rezoning where there is no landscape treatment along the eastern boundary of the site, being where the Special Housing Area (**SHA**) has been consented. I also agree with Ms Gilbert at her paragraphs 5.19 – 5.26, where she questions the strength of the area identified as being subject to a flood hazard, being a suitable boundary to contain future additional urban development. The evidence of Mr Forrest for Universal Developments concludes that the natural hazard risk is low, at least in the eastern margin of the subject site⁷, but then in turn Mr Espie and Mr Williams appear to place a reliance on this natural hazard feature as a proxy for containment of future urban development⁸;

7 P Forrest EIC, at [28].

8 T Williams' EIC at [32] and B Espie EIC at [26].

(g) I do not support the absence of a BRA/reserve strip adjacent to what is shown as the SHA consent area. I also consider this to be another example of where a more comprehensive approach could be taken because the proposed zoning and related structure plan and landscape/UGB treatment does not need to be bound to the constraints of a resource consent.

3.8 I do not agree with Mr Williams that the zoning and structure plan is comprehensive (i.e. at his paragraphs [8, 12, 15, 44, 98] and in particular at [100 and 101]) as it relates to PDP Chapter 4 Policy 4.2.2.22 in relation to the appropriate extension of urban settlements and definition of urban growth boundaries. In the event the Hearings Panel supports the requested rezoning, for the reasons outlined directly above, I agree with and adopt the recommendations of Ms Gilbert at paragraph [5.49] of her rebuttal evidence.

Soil Values

3.9 Mr Williams states at his paragraph [32] that the site does not contain 'LUC class 1-3 High Class Soils', while Mr Hocking at his paragraph [8] states that the site is '*unable to be farmed productively and is widely considered extremely poor land from an agricultural perspective*'. Related to this issue, Mr Espie also notes at his paragraph [20] that the site has limited productive value and that this has a bearing on the visual appearance of the site not '*impart[ing] classically pastoral or picturesque aesthetics in the way some of the more verdant parts of the district's rural areas do*'.

3.10 I acknowledge that I am neither a soil resource nor agricultural land use expert, however I consider that it is important to provide some balancing context to the above statements. **Appendix B** contains a soil map which identifies that the site has a soil land use capability (**LUC**) of 6, which confirms Mr Williams' statement that the soil is not a 'high class soil'. In this context the proposal does not run counter to the Proposed Otago Regional Policy Statement (**PORPS**) (consent order version) Policies 3.2.17 (Identifying significant soil), and 3.2.18 (Managing Significant Soil).

3.11 PORPS Policy 3.2.17 is as follows (with the red underline and ~~strike out~~ showing changes to the decisions version policies as agreed by the parties to the PORPS and submitted to the Environment Court in the form of consent orders):

Policy 3.2.17 Identifying significant soil¹⁴

Identify areas of soil that are significant according to one or more of, using the following criteria:

- a) Land classified as land use capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory;
- b) Degree of significance for primary production;
- c) Significance for providing contaminant buffering or filtering services;
- d) Significance for providing water storage or flow retention services;
- e) Degree of rarity.

Policy 3.2.18 Managing significant soil

Protect Manage areas of significant soil, by all of the following:

a) Maintaining those values which make the soil significant;

- a) Avoiding significant adverse effects on those values which make the soil significant;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising that loss of significant soil to urban development urban expansion on significant soils may occur in accordance with any future development strategy be appropriate due to location and proximity to existing urban development and infrastructure;
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.

3.12 Policy 3.2.17 identifies soils deemed significant by the PORPS using the LUC classification, while limbs (b) to (e) also require consideration of other resource matters. I note that in any event Policy 3.2.18 (c) acknowledges that significant soils may be lost to urban development in accordance with a future urban development strategy. I note that at this point in time the Council have not yet completed and published its Future Development Strategy.

3.13 The soil LUC map in **Appendix B** shows that large parts of the Hāwea Basin comprise LUC 6 soils, and I consider it is evident through the transparency provided in that image, that productive farming activities are undertaken over these LUC 6 soils, including relatively intensive farming involving travelling irrigation systems and intensive grazing supported by irrigation. I consider that the prevalent condition of the subject site may be attributable to the customs and practices of the

land ownership regime at that time, rather than due to a perceived poor state of the soil resource.

3.14 Rural Zone Objective 21.2.2 of the PDP provides '*The life supporting capacity of soil is sustained*', and accompanying Policy 21.2.2.2 is '*Maintain the productive soil potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetative cover*'.

3.15 The loss of the soil resource associated with the rezoning of Rural Zoned land to an urban zone would not implement Policy 21.2.2.2 nor achieve Objective 21.2.2 PDP, however these costs need to be considered in the context of the benefits of the rezoning in terms of the provision of additional urban zoned land, including opportunities for a variety of housing options.

3.16 While I do not oppose the rezoning due to effects on productive soils, I note that there does not appear to be any factual impediment to the Rural Zoned parts of the subject site being farmed in a more productive way than what appears to have been the practice by former landowners. I also consider that because the site has the same soil LUC classification as the land to the south (but not the land to the east which is identified as LUC 3 soil classification), I do not support Mr Williams' view at paragraph [32] of his evidence that the site represents a logical extension of Lake Hāwea Township because (his reasons):

...

- *A majority of the land was pine covered and unproductive.*

...

- *The Site is bound to the south by Domain Road and productive irrigated dairy farm land.*

3.17 I do not consider that the presence of productively farmed land to the south of the subject site provides a logical or defensible new urban limit. I have identified above that the land to the south of the subject site is of the same soil type as the subject site. If Mr Williams' reasoning were supported, then in the future, a landowner to the south could make a case for an urban extension on the basis of the soils on that site being of equally low value. I consider that this matter is a relevant

contextual factor as to the consideration of the southern extent of the rezoning.

Housing Supply and Capacity

- 3.18** Mr Williams' provides at his paragraphs [38 - 86] detailed explanation of how, in his view, the proposed rezoning would give effect to the National Policy Statement on Urban Development Capacity 2016 (**NPSUDC**), and provides an overview of the relevant NPSUDC, PORPS and PDP objectives and policies, including contextual discussion on the Council's housing taskforce initiatives and affordability measures in the District.
- 3.19** Mr Williams' asserts at [66-67] that the NPSUDC is inherently enabling and that the implications for the community from a lack of competition and undersupply of housing and business capacity are much more severe than those of an oversupply of enabled capacity.
- 3.20** With regard to housing, and save for specific criticisms made by Mr Williams as to the Council's position on the demand and supply of housing in the Hāwea and Wānaka area⁹, I generally agree with Mr Williams. In this regard, my views differ from the section 32 evaluation report prepared by the Council, and the S42A report of Ms Devlin (while acknowledging the limited information she had at the time of preparing her evidence). The reason I state that is while I consider it fundamental that the Council shows it is achieving the objectives of the NPSUDC, which it is¹⁰, compliance with the NPSUDC does not mean that new urban extensions should be discouraged. The benefits provided by new urban extensions are but one of the factors that need to be considered as part of the section 32 evaluation, as well as the costs on the environment of the proposed urban extension.
- 3.21** I also note Policy 4.2.2.23 of the PDP has been agreed to be amended through Environment Court mediation as follows:

9 Ms Hampson has addressed these matters in her Rebuttal evidence dated 12 June 2020.
10 Refer to Ms Hampson's Rebuttal Evidence 12 June 2020 at [4.2 – 4.8].

4.2.2.23 *Rural land outside of the Urban Growth Boundaries is not used for urban development until ~~further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin~~ and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.*

3.22 I consider my view above is consistent with the amended Policy 4.2.2.23 that no longer relies on a justification that demand is needed for urban development.

3.23 I do not consider the NPSUDC should be used in isolation as a handbrake, or as the primary statutory reference / enabler for new urban extensions when Council has already shown it is giving effect to the NPSUDC. Rather the focus of the evaluation for any urban extension should be on the extent to which the proposed rezoning achieves the purpose of the Act as it has been enunciated for this District in the strategic direction in PDP Chapters 3-6. I also refer to and rely on Ms Hampson's evidence at paragraphs [4.11 to 4.18] where she cautions against the unbridled optimism of simply acknowledging the yield the proposed rezoning may accrue as a socio economic benefit.

3.24 I also refer to Ms Hampson's rebuttal evidence at [4.18] where she concludes that the urban extension sought is not necessary in the medium term to achieve the objectives and policies of the NPSUDC in the context of Hāwea. From a planning perspective, I infer from Ms Hampson's rebuttal evidence that the benefits accrued to the Hāwea and Wānaka area housing supply, that would be derived from accepting the full extent of the rezoning, do not need to outweigh other costs. These costs are landscape and amenity effects, effects on infrastructure including the transport network, and the effect of the overall change on Hāwea in terms of the overall changes that accepting the full extent of the rezoning would have on the vibe and sense of place of Hāwea.

Proposed General Industrial Zone

- 3.25** Mr Williams' at paragraph [20] supports the proposed General Industrial Zone located at the southern extent of the subject site.
- 3.26** Ms Hampson provides a countervailing view to Mr Williams' support at paragraphs [4.22 - 4.26] of her rebuttal evidence. Ms Hampson does not consider the NPSUDC obliges local authorities to provide business land of all types in all locations. Ms Hampson also identifies the inefficiencies of spreading industrial and service activities over multiple locations in the Wānaka Ward, and the long-term strategic importance of consolidating industrial activities in Wānaka as identified through Stage 3 of the PDP.
- 3.27** I refer to and rely on Ms Hampson's economic and activity distribution related reasons for her not supporting a General Industrial Zone as part of the proposed wider urban rezoning. In addition, I consider a General Industrial Zone at this location would further play a substantial part in the change of the sense of place of Hāwea and its lower-key relationship to Wānaka. An industrial zone at this location, in addition to the built form effects would have a marked effect on the character of the area, in addition to built form effects. Coupled with the rebuttal evidence from Ms Gilbert as to the overall extent of the proposed rezoning, I too do not support the General Industrial Zone as proposed.
- 3.28** While the proposed General Industrial Zone can find support in strategic provisions such as PDP Policy 4.2.1.2, which is to focus urban development primarily on land within and at selected locations adjacent to the existing larger urban settlements (Hāwea can be considered a larger urban settlement). The proposed General Industrial Zone would generate costs (inefficiencies through the distribution of activities as described in Ms Hampson's rebuttal evidence, and adverse landscape, amenity and transport effects). These costs, in my view, do not outweigh the costs to amenity and the retention of Hāwea township at a scale that is commensurate to the needs of the community in the short and medium term.

Proposed Local Shopping Centre Zone

- 3.29** Mr Williams discusses, at paragraph [89], the benefits to the community and for Hāwea to become more self-sufficient than what is currently available, as part of his support for a Local Shopping Centre Zone (**LSCZ**) along the Cemetery Road frontage of the subject site. Mr Williams has identified Strategic Policies 3.3.3, 3.3.9, 3.3.10 and 3.3.11 which collectively support local service and retail opportunities while ensuring the role of the Wānaka Town Centre and Three Parks are not likely to be undermined. Mr Williams also identifies at paragraph [155] that given the existing LSCZ at Hāwea, no changes are necessary to provide for the proposed LSCZ provided on the site.
- 3.30** Ms Hampson has also discussed the merit of the proposed LSCZ, she notes at paragraph 4.31 of her rebuttal evidence that the existing LSCZ at Lake Hāwea Township has a total capacity of 0.46ha, while the net developable area of the proposed LSCZ located south at Cemetery Road would be 2.8ha.
- 3.31** Ms Hampson supports the LSCZ as proposed, but on the basis that in addition to Rule 15.5.10, which limits the gross floor area of individual office and retail activities, a limitation is placed on the overall gross floor area of retail activities. The reason for this is to manage the risk of retail dominating the (ground floor) of the centre at the expense of achieving a more functional mix of activities to serve the current and future needs of the Hāwea community. Also, to minimise the risk of retail distribution effects on Wānaka Town Centre and Three Parks (should the proposed LSCZ sustain more than just convenience retail). I note that a similar sized 'greenfield' LSCZ located at Cardrona Valley Road within Wānaka has rules limiting the scale of individual retail and office activities, as well as an overall limit of 3000m² gross floor area for the total combined office and retail (Rule 15.5.11).
- 3.32** Ms Hampson at paragraph 4.45 of her rebuttal evidence supports the proposed LSCZ with the qualification that the following limitations on retail and office activities be imposed:

- (a) the existing rules in Chapter 15 that relate to limits on individual office and retail activities (Rule 15.5.10.a and Rule 15.5.10.b);
- (b) a new standard for the proposed Hāwea LSCZ that enables a single retail activity between 300-400m²); and
- (c) a new standard for the proposed Hāwea LSCZ that limits overall retail GFA to 4,000m² (similar to Rule 15.5.5.a).

3.33 I accept Ms Hampson's conditional support for a LSCZ and have included a suite of amended rules that reflect Ms Hampson's recommendations in **Appendix A**.

3.34 I consider that the existing policy framework in Chapter 15 of the PDP is sufficient to manage these resource manage issues. In particular Policies 15.2.1.3, 15.2.1.4 and 15.2.1.5.

Transport and Infrastructure

3.35 Mr Williams states at his [17] that infrastructure is not a limiting factor, and that increased development contributions and rates will be provided to help the cost associated with a potential increase of zoned land. I disagree with this statement and the overall sentiment of Mr Williams' perspective of infrastructure costs associated with the proposed rezoning. In particular, I do not agree with Mr Williams at paragraph [163] where he considers that the Council is relying too heavily on NPSUDC Policy PA 1. While I acknowledge Mr Williams' focus toward the overall suite of NPSUDC objectives and policies and their impetus to enable urban development (i.e. PA 4), Policies PA 1 and PA 2 are critical in terms of the obligation placed on local authorities to not only ensure there is sufficient feasible urban zoned land, but that when land is zoned, that it is then serviced.

3.36 The proposed rezoning seeks urban zoning without any controls as to the availability of that land for applications for subdivision and development. In relation to this issue, I have identified the following aspects of Policies PA1 and PA2 and the obligation placed on local authorities to ensure zoned urban (housing and business) land is serviced:

NPS Policy PA1:

PA1: *Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:*

Short term	<i>Development capacity must be feasible, zoned and serviced with development infrastructure.</i>
Medium term	<i>Development capacity must be feasible, zoned and either:</i> <ul style="list-style-type: none"><i>• serviced with development infrastructure, or</i><i>• the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.</i>
Long-term	<i>Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.</i>

3.37 The following components of PA1 are relevant and defined in the NPS as set out below:

Development capacity means in relation to housing and business land, the capacity of land intended for urban development based on:

- (a) *the zoning, objectives, policies, rules and overlays that apply to the land, in the relevant proposed and operative regional policy statements, regional plans and district plans; and*
- (b) *the provision of adequate development infrastructure to support the development of the land.*

Short term means within the next three years.

Medium term means between three and ten years.

Long term means between ten and thirty years.

Development infrastructure means network infrastructure for water supply, wastewater, stormwater, and land transport as defined in the Land Transport Management Act 2003, to the extent that it is controlled by local authorities.

NPS Policy PA2:

PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.

3.38 The transport rebuttal evidence of Mr Smith for the Council has identified that the proposed rezoning would require substantial upgrades to the following:

- (a) Cemetery Road;
- (b) Domain Road;
- (c) The intersection of Cemetery Road and Domain Road, including the likely requirement for the Council as road controlling authority to acquire land at 6 Cemetery Road to facilitate the required intersection upgrades¹¹; and
- (d) The intersection of the Hāwea Control Structure road, Domain Road and Capell Avenue, while acknowledging that effects on this intersection are also likely to be attributable to the proposed zoning of the existing Lake Hāwea Township, which as part of Stage 3 of the PDP has been proposed to be zoned from Township to LDSR.

3.39 Mr Smith discusses at his paragraph [3.31] that the dominant turning movement at the intersection of the Hāwea Control Structure road, Domain Road and Capell Avenue would change from a left hand turn into Capell Avenue and along the Lake Hāwea moraine/lakefront, to a right turn into Domain Road. I also acknowledge the potential upgrade constraints identified by Mr Smith at his paragraphs [3.34 - 3.35] presented by the embankment and engineered formation of the Hāwea Control Structure (a dam) that the road carriageway sits atop of.

11 M Smith Rebuttal Evidence at [3.26 and 3.28].

- 3.40** I also acknowledge Mr Smith's comment at his paragraph [3.36] where he refers to the road as within the 'electricity designation'. I note that the carriageway is not defined on the plan maps or QLDC Webmaps as road (in the defined sense). The carriageway where it sits atop the Hāwea Control Structure is zoned Rural, but I note that the area is part of the 'Hydro Generation Overlay' that sits within the Volume B (the as yet un-reviewed part of the PDP).
- 3.41** I infer from Mr Smiths' comments that an upgrade of the Hāwea Control Structure Road, Capell Avenue and Domain Road intersection would be potentially complex in a physical sense. Furthermore, the land that is not road (and owned by a road controlling authority), but is owned by Contact Electricity who are obviously first and foremost interested in the integrity of Hāwea Control Structure, means that an intersection upgrade at this location may be complex for many reasons.
- 3.42** Mr Powell's (infrastructure expert for the Council) rebuttal evidence also identifies that the water and wastewater servicing required for the proposed rezoning is not currently provided for by the Council, not is any funding included in the Council's LTP.
- 3.43** I accept that these matters can be identified and form part of future Council infrastructure investment programmes, but at this point in time they do not exist and there are LGA processes to work through for them to change, including funding decisions that might require reallocation of other planned works. Should the proposed rezoning be accepted by the Council and no appeals made, applications for subdivision could be envisaged on the new zone before the end of this year. This would leave the Council responding in an ad hoc manner to the requirement to service development infrastructure that is not part of its LTP and infrastructure planning programme.
- 3.44** For these reasons I consider that accepting the proposed rezoning would not give effect to NPSUDC Policies PA1 or PA2. In this particular case, I consider that the identified road network effects and necessary upgrades can be distinguishable from other anticipated development in the Hāwea area. I consider the matters identified by Mr Smith should

be linked to the subdivision and development of the proposed rezoning (should it be accepted). I consider any costs associated to specific provisions in the PDP associated with infrastructure upgrades or development are far outweighed by the benefits ensuring the proposed urban extension would be developed in-line and at a commensurate level of demand with the upgrade or development of infrastructure.

- 3.45** Particularly in this case the proposed rezoning would increase the size of the existing Lake Hāwea township by another 60%, and the effects on infrastructure, and the local roading network in particular are considered substantial and can be directly attributed to this particular rezoning proposal. I also consider the same justification in section 32 terms, applies to the alternative rezoning I have suggested in **Appendix A**.
- 3.46** I have not recommended any upgrades or development of the intersection of the Hawea Control Structure, Domain Road and Capell Avenue intersection be attributed to the development of the proposed rezoning. This is because of the existing and proposed development at Lake Hāwea Township.
- 3.47** For these reasons I disagree with Mr Williams at paragraph [84] of his evidence where he considers the proposal would implement SP 3.2.1.9. It is my view that if the proposed rezoning were accepted as sought, and the infrastructure upgrades left for consideration as part of the future subdivision, this would not enable SP 3.2.1.9 to be implemented such that infrastructure can be operated, maintained, developed and upgraded efficiently and effectively to meet the community's needs.
- 3.48** In the event that the Hearings Panel recommend accepting all or part of the rezoning submission for urban development on the southern side of Cemetery Road, I recommend provisions are included in the PDP that require infrastructure upgrades (specifically roading width/environment, intersection, water and wastewater upgrades) as part of any development that occurs in addition to the SHA consent. I have recommended provisions in **Appendix A** that require consideration of infrastructure upgrades.

Implications of the Special Housing Area Development

- 3.49** At paragraphs [22 and 23] Mr Williams discusses the resource consent obtained under alternative legislation to the RMA, by way of the Housing Accords and Special Housing Area Act 2013. Mr Williams does not discuss or consider at all, the potential for rezoning of the SHA area to act as a disincentive to give effect to the SHA consent, in accordance with the housing affordability contribution. I understand that housing affordability contribution to act as a significant political lever for SHA developments.
- 3.50** Mr Williams refers to a deed between the Council, Universal Developments and the Queenstown Lakes Community Housing Trust that requires an affordability contribution in the form of 12.5% of the yield to be gifted to the Queenstown Lakes Community Housing Trust. Mr Williams does not discuss how this deed or implementing the SHA consent with those obligations to provide a portion of development would not be potentially fettered by the rezoning proposal being accepted.
- 3.51** I agree with Ms Devlin's s42A report concerning rezoning the SHA prior to implementation of the SHA consent being inappropriately pre-emptive¹². I too am concerned that zoning the SHA area to enable urban development could result in a landowner letting those SHA consents lapse and then seeking subdivision and land use consents under the new urban zone, without needing to commit to the affordability measures secured through stakeholder agreements between the developer, Council and the Queenstown Lakes Community Housing Trust.
- 3.52** If the rezoning were accepted as sought by the submitter, there is also the potential for the land around the SHA area to be developed first, which also creates a disincentive for a landowner to implement the SHA consent and provide the affordable housing component. While Mr Hocking has stated this is not his intention¹³, zoning runs with the land

12 Section 42A report of Rosalind Mary Devlin, Settlement and Lower Density Suburban Residential Zones - Mapping, 18 March 2020, para 26.4.

13 Evidence of at [6].

and the PDP cannot control who owns land, but only what activities occur on it.

- 3.53** To reduce the risk of this potential effect I consider that if the Hearings Panel recommend accepting the proposed rezoning in full or part, a deferred zoning of the land other than the SHA should be implemented to require the SHA consent is developed first and the affordable housing contribution is realised. I consider that a deferred zoning regime for the purposes of ensuring a SHA consent is implemented, only for the purposes of realising a contribution of affordable housing may be likely to be complex and fraught with implementation problems.
- 3.54** An alternative method, which is likely to be much simpler and not encumbered by the legacy of the SHA consent to be brought through into planning provisions, is to include provisions that require a contribution toward housing affordability across the entire development (i.e. not only the SHA consent area or equivalent yield/contribution agreed through that process). I consider that a contribution of Low Density Suburban Residential (**LDSR**) and Medium Density Residential (**MDR**) zoned areas would be appropriate as a replacement for the affordable housing contribution required through the SHA consent. The provision of an affordable housing contribution would also align with Mr Williams' views at paragraphs [163-168] of his evidence that the proposed rezoning is essential to bolster what is in his view an underperforming housing supply market. I have recommended a suite of provisions in **Appendix A**.

Provision for a Primary School

- 3.55** Mr Williams discusses and supports the identification of 3.5ha of part of the proposed LDSR zone for the provision of a school at paragraphs [55, 111 and 129]. I am unclear if this is intended to be a zone or an overlay on the Structure plan. The area is identified on his zoning plan, however there are not any provisions identified for the district plan that would implement this.
- 3.56** I do not consider there to be a need to identify the area for a future school. The Ministry of Education can use its powers as a requiring

authority to provide for a school at this location via a notice of requirement. I do not support the provision for a school to be shown on the zoning plan. I consider the identification of a school may result in more problems than answers in the event a school is not pursued - it could result in some presumption or misunderstanding that the identified 3.5ha area is appropriate for some other type of community or commercial activity, when none of these have been determined to be appropriate.

Medium Density Residential Zone

3.57 At paragraph [153] Mr Williams seeks that provision is made to permit 100m² commercial activities per site. In my opinion this is not necessary because of the relatively large adjoining LSCZ. The MDRZ at this location does need to make provision for local convenience commercial activities.

Overall Rezoning and Recommended Provisions (Structure Plan, objectives, policies and rules)

3.58 Mr Williams discusses the proposed zoning framework and provisions, including whether bespoke provisions are appropriate at paragraphs [152-162], and Appendices B and C of his evidence. For the reasons identified above, I do not agree with Mr Williams that the full extent of the rezoning sought is appropriate.

3.59 In addition to the above matters, I make the following comments with regard to Mr Williams' proposed provisions:

- (a) I understand Mr Williams' Appendix B 'Zoning/Structure Plan; to be what would be added to the PDP subdivision chapter and plan maps. It is my strong preference that the structure plan, to be added to the Subdivision and Development Chapter provides detail more akin to his Appendix C 'Indicative Master Plan', including:
 - (i) The identification of primary roads within the Zone, as well as the location points of external roads;

- (ii) Moving the southern road adjoining the MDRZ so that the full 15m BRA can be achieved;
- (iii) Identifying the intersection of Domain and Cemetery Roads as an infrastructure upgrade associated with the development anticipated within the Structure Plan;
- (iv) Providing a 15m wide BRA/reserve buffer around the entirety of the west, south and east boundaries of the subject site;
- (v) Imposing a BRA over what will remain as Rural Residential Zoned land, on the Streat Developments (Domain Acres) land, I also note that the costs of the loss of developable Rural Residential land to that landowner is in my view easily outweighed by the 'up zoning' of the northern part of that site to LDSR¹⁴; and
- (vi) Removal of the education zone/structure plan overlay.

3.60 The above amendments are considered necessary from both an effects, and costs and benefits perspective, and also because subdivision that is consistent with a structure plan that is identified in the PDP is a controlled activity which means applications that are consistent with the structure plan cannot be declined. For these reasons I consider the structure plan should be as comprehensive as practicable.

3.61 Overall, I recommend all of the proposed rezoning is rejected, primarily due to the infrastructure constraints I have discussed above and as identified by Mr Powell and Mr Smith in their rebuttal evidence.



Craig Alan Barr

19 June 2020

14 Buildings within a BRA would be a non-complying activity pursuant to Rule 22.4.12.

**APPENDIX A: Recommended Amendments to Chapters 7, 8, 15 and 27 PDP and
Plan Maps**

Key:

Black text reflects PDP decisions text

Tim Williams' recommended changes to the PDP decisions text are shown in black underline text for additions and ~~strike through~~ text for deletions.

Rebuttal 19/06/2020 recommended changes are shown in green underline text for additions and ~~green strike through~~ text for deletions.

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

Chapter 7 Lower Density Residential Suburban Zone

	Activities located in the Lower Density Suburban Residential Zone	Activity Status
<u>7.4.A</u>	<u>At Lake Hāwea South, any residential activity that has not implemented Rules 27.7.A.4 and 27.7.A.7.</u>	<u>NC</u>

Chapter 8 Medium Density Residential Zone

8.1 Zone Purpose

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

8.4 Rules – Activities

	Activities located in the Medium Density Residential Zone	Activity Status
<u>8.4.A</u>	<u>At Lake Hāwea South, any residential activity that has not implemented Rules 27.7.A.4 and 27.7.A.7.</u>	<u>NC</u>

8.5 Rules – Standards

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

Chapter 15 Local Shopping Centre Zone

15.5 Rules - Standards

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.10	<p>Retail and Office activities</p> <p>a. individual Retail activities shall not exceed 300m² gross floor area.</p> <p>b. individual Office activities shall not exceed 200m² gross floor area.</p> <p>c. In the Local Shopping Centre Zone at Cardrona Valley Road, in addition to Rule 15.5.10.a two individual retail activities may exceed 300m² gross floor area, but shall not exceed 400m² gross floor area.</p> <p><u>d. In the Local Shopping Centre Zone at Lake Hāwea South, in addition to Rule 15.5.10.a one individual retail activity may exceed 300m² gross floor area, but shall not exceed 400m² gross floor area.</u></p> <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	NC
15.5.11	<p><i>[Retail and Office Activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wānaka</i></p> <p><i>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</i></p> <p><i>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail</i></p>	D

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
	<i>and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road.]</i>	
<u>15.5.A</u>	<p><u>Retail Activities in the Local Shopping Centre Zone at Lake Hāwea South.</u></p> <p><u>The total combined area of retail activities shall occupy no more than 4,000m² gross floor area.</u></p> <p><u>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail activities within the entire Local Shopping Centre Zone adjacent to Cemetery Road.</u></p>	<u>D</u>

Chapter 27 Subdivision and Development

27.3 Location Specific Objectives and Policies

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

...

Lake Hāwea South Structure Plan

Objective 27.3.X – High quality urban subdivision and development of the land on the ~~northern side of Domain Road~~ southern side of Cemetery Road Hāwea, that is planned around, and integrated with infrastructure, the water race reserve, key road connections and provides a strong green and well defined urban edge to the southern extent of the township Lake Hāwea Township.

Policies

- 27.3.X.1 Ensure subdivision and development at Lake Hāwea South is undertaken in accordance with the Lake Hāwea South Structure Plan (Schedule 27.13.X) to provide integration and coordination of access to properties and the wider road network.
- 27.3.X.2 Ensure integrated and safe transport connections by providing for key road connections (as shown on the Lake Hāwea South Structure Plan (Schedule 27.13.x)) and limiting new additional access from Domain and Cemetery Road.
- 27.3.X.3 Ensure subdivision and development at Lake Hāwea South provides (as shown on the Lake Hāwea South Structure Plan (Schedule 27.3.x)) 15m wide Building Restriction Areas to:
- a. Provide a green edge/buffer to the Hāwea Industrial Area, Domain Road and the southern extent of the Township via a landscape planted reserve, and

- ~~b. Provide a water race reserve and associated pedestrian and cycle trail.~~
- a. create and maintain a legible and strong urban edge along the western Zone boundary defined by Domain Road, the existing water race defining the southern extent of the Zone, and the eastern boundary of the Zone;
- b. visually integrate urban development with the surrounding rural environment located to the west, south and east of the Lake Hāwea South Structure Plan area;
- c. provides walking and cycling access; and
- d. mitigates the effects of urban development on the surrounding Rural Character Landscapes, primarily through planting and sympathetic mounding within the Building Restriction Areas that results in a planted buffer that filters views of built development from the surrounding rural landscape.

27.3.X.4 Following the approval of subdivision or development of up to 500 residential allotments, and prior to the subdivision of any Local Shopping Centre Zoned land, ensure that any further subdivision or development makes a contribution to the upgrade or development of the following infrastructure:

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

27.3.5.5 Ensure that infrastructure contributions are efficient and effective to achieve the full development realised by the Lake Hāwea South Structure Plan.

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

27.3.5.7 Require affordable lots or units to be:

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

27.3.5.8 Provision of affordable lots or units outside the development site should only occur where this leads to a superior outcome in terms of access to services and community facilities, or involves a financial contribution to the Council.

27.3.5.9 Avoid buildings and development within the Building Restriction Area A as shown on the Plan Maps and the Lake Hāwea South Structure Plan, so as to maintain a legible and strong urban edge and transition from urban to the rural environment.

27.3 Location Specific Objectives and Polices

	Zone and Location Specific Rules	Activity Status
27.7.1	<p><i>[Subdivision consistent with a Structure Plan that is included in the District Plan.</i></p> <p><i>Control is reserved to:</i></p> <ul style="list-style-type: none"> <i>a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;</i> <i>b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions;</i> <i>c. property access and roading;</i> <i>d. esplanade provision;</i> <i>e. the adequacy of measures to address the risk of natural hazards;</i> <i>f. firefighting water supply;</i> <i>g. water supply;</i> 	C

	Zone and Location Specific Rules	Activity Status
	<p><i>h. Stormwater design and disposal;</i></p> <p><i>i. sewage treatment and disposal;</i></p> <p><i>j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;</i></p> <p><i>k. open space and recreation; and</i></p> <p><i>l. ecological and natural values;</i></p> <p><i>m. historic heritage;</i></p> <p><i>n. easements;</i></p> <p><i>o. any additional matters relevant to achievement of the objectives and policies in part 27.3 of this Chapter.]</i></p>	
	...	
<p><u>27.7.A</u></p>	<p><u>Lake Hāwea South</u></p> <p><u>27.7.A.1</u> In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent with the <u>Lake Hāwea South Structure Plan</u> shown contained in schedule <u>27.13-x</u>, the following shall be additional matters of control:</p> <p><u>a.</u> the comprehensive landscape design and planting of the <u>15m wide linear building restrictions</u> areas and timing for construction of the pedestrian and cycle trails.;</p> <p><u>b.</u> infrastructure upgrades, with particular reference to water, wastewater, Cemetery Road and Domain Road where these adjoin the <u>Lake Hāwea South Structure Plan area and the intersection of Domain Road and Cemetery Road;</u></p> <p><u>c.</u> provision of walking and cycling access throughout the <u>Lake Hāwea Structure Plan Area.</u></p>	<p><u>C</u></p>

	Zone and Location Specific Rules	Activity Status
	<p><u>27.7.A.2 Any subdivision that is inconsistent with the Lake Hāwea South Structure Plan contained in Section 27.13</u></p> <p><u>For the purposes of determining compliance with this rule the following deviations from the Lake Hāwea South Structure Plan are permitted:</u></p> <p><u>In terms of consistency with the structure plan:</u></p> <ul style="list-style-type: none"> <u>a. the key primary Road connections on Domain road may move however no fewer or more than the number of connections shown shall be provided.</u> <u>b. Other Key Road connections internal to the Lake Hāwea South Structure Plan area may move by up to 50m.</u> <u>c. Other than in relation to Domain Road additional road connections may be provided in addition to the key road connections shown on the structure plan.</u> <u>c. the road connections shown on Cemetery Road may move by up to 20m.</u> 	<p><u>DN-C</u></p>
	<p><u>27.7.A.3 Affordable Housing</u></p> <p><u>Subdivision and development within the Low Density Residential Zone, and the Medium Density Residential Zone that is proposed to contain, or is capable of containing, more than three residential lots or units (including residential visitor accommodation units) and provides affordable housing in accordance with Rule 27.7. A.4.</u></p> <p><u>Control is reserved to:</u></p> <ul style="list-style-type: none"> <u>a. Method of provision of affordable housing</u> <u>b. Location of affordable dwelling units and/or lots</u> 	<p><u>C</u></p>

	Zone and Location Specific Rules	Activity Status
	<p>c. <u>Retention method</u></p> <p>d. <u>External appearance, site layout and design of buildings.</u></p> <p><u>For the purposes of this rule, the term 'capable of containing' is to be determined by reference to the net site area of the development site, the minimum lot size or maximum density controls of the relevant zone and by reference to adjacent development intensities in the surrounding area.</u></p>	
	<p><u>27.7.A.4 Affordable Housing</u></p> <p><u>Affordable Housing shall be provided as follows:</u></p> <p>a. <u>15% of serviced lots are sold to eligible buyers at a price which ensures that a dwelling can be constructed on the lot that will be affordable to households on 100% of the District's Median Household Income, in accordance with Schedule 27.A, or</u></p> <p>b. <u>10% of completed residential units (or units equal to 10% of net floor area of an apartment development) are sold to eligible buyers at a price that is affordable to households on 100% of the District's Median Household Income, in accordance with Schedule 27.A, or</u></p> <p>c. <u>a financial contribution shall be made to the council as follows:</u></p> <p>i. <u>10% of serviced lots transferred for no monetary or other consideration to the council, or</u></p> <p>ii. <u>5% of completed dwelling units (or units equal to 5% of the net floor area for apartment type developments) transferred for no monetary or other consideration to the council, or</u></p> <p>iii. <u>a monetary contribution equal to the value of c (i) or (ii).</u></p> <p><u>For the purposes of this rule, residential units less than 40sqm in floor area shall not be counted as contributing to the total number of residential units in</u></p>	<u>D</u>

	Zone and Location Specific Rules	Activity Status
	<u>a development, nor be able to be counted towards fulfilling the requirement of Rule 27.7. A.4.</u>	
	<u>27.7.A.5 Affordable Housing</u> <u>Affordable housing required by 27.7.A.4 must be provided for within the development site</u>	<u>D</u>
	<u>27.7.A.6 Affordable Housing</u> <u>Where development is to be staged, the affordable housing requirement must be provided as each stage proceeds, on a proportionate basis.</u>	<u>D</u>
	<u>27.7.A.7 Infrastructure</u> <u>Any single or cumulative subdivision or development that creates more than 500 allotments that has not implemented Policy 27.7. A.4.</u>	<u>NC</u>

Schedule 27.A Affordable Housing Lake Hāwea South Structure Plan

Retention Mechanism

1. In the first instance, the requirement in 27.7.A.4 (a) or (b) above shall be offered to a Registered Community Housing Provider approved by the Council, or the Council itself, for purchase.
2. Where the affordable dwelling lot or housing is to be transferred to a registered community housing provider or the Council, then no specific retention mechanism is required.
3. Where the requirement in 27.A.1 is not taken up by the registered community housing provider or the council within 3 months of the offer, then the requirement in 27.7.A.4 (a) or (b) must be met by the lot or dwellings being sold to an eligible buyer with a legally enforceable retention mechanism. The retention mechanism shall be fair, transparent as to its intention and effect and registrable on the title of the property, including, but not limited to, a

covenant supported by a memorandum of encumbrance registered on the certificate of title or consent notice under the RMA, that:

- a. limits ownership and re-sale (including a future dwelling in the case of a vacant site subdivision) to:
 - (i) a registered community housing provider approved by the council, Housing New Zealand or the council, or
 - (ii) an occupier who is approved by the council as meeting the eligibility criteria below, and

- b. limits rent and resale to an eligible buyer based on a formula that ensures that the lot or dwelling remains affordable into the long term, including a future dwelling in the case of vacant site subdivision; and

- c. prevents circumvention of the retention mechanism and provides for monitoring of the terms of the retention mechanism covenant or consent notice and the process should those terms be breached including where occupiers have defaulted on the mortgage and lenders seek to recover their interests in the property, and

- d. is legally enforceable by the council in perpetuity through the means of an option to purchase in favour of the council at the price determined in accordance with (e), supported by a caveat.

- e. at the time of resale, requires the reseller to:
 - (i) apply the same formula used to determine the price of the original purchase;
 - (ii) allows the reseller to recover the cost of capital improvements made subsequent to purchase, approved by the council at a value determined by a registered valuer.

Eligibility

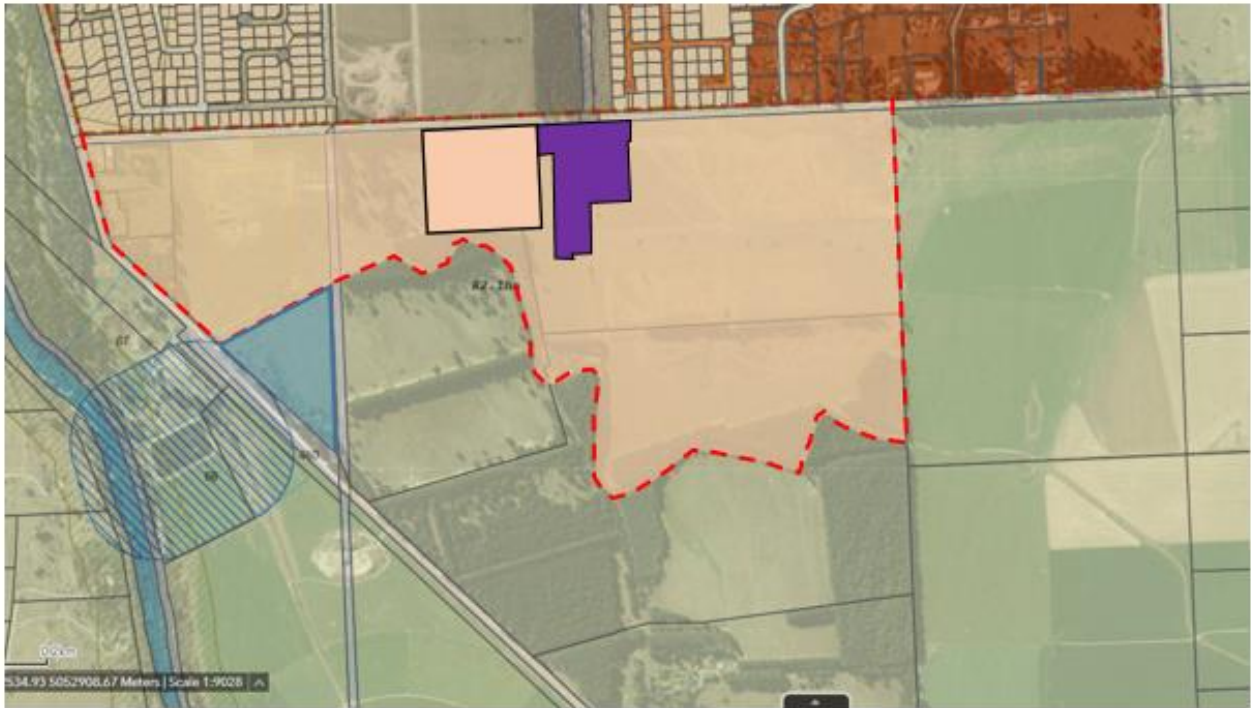
4. An eligible buyer shall:
 - a. Be a household with a total income of no more than 100% of the District's median household income;

- b. Whose members do not own or have interest in other property;
- c. Reside permanently within the District during the majority of the year;
- d. Will live at the address and not let or rent the unit to others; and
- e. Have at least one member who is a New Zealand resident or citizen.

Affordability

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

Amended Plan Map



Key



Urban Growth Boundary

Landscape Classification Boundary

15m wide Building Restriction Area, includes:

- Walkway and cycleway
- Visual mitigation (planting and mounding)



Medium Density Zone (same size and shape as sought by Submitter)



Local Shopping Centre Zone (same size and shape as sought by Submitter)



Building Restriction Area A (affects Rural Residential Zone land)



Lower Density Suburban Residential Zone

APPENDIX B: Land Use Capability Soil Map Hāwea Basin

