

# QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-9

Report and Recommendations of Independent Commissioners  
Regarding Mapping of Wye Creek to Kingston

Commissioners

Denis Nugent (Chair)

Jan Crawford

David Mountfort

## CONTENTS

PART A: LAKE WAKATIPU STATION LIMITED.....	2
PART B: BARBARA KIPKE .....	3
PART C: LOCH LINNHE STATION.....	5
PART D: M & C WILSON .....	10
PART E: KINGSTON LIFESTYLE FAMILY TRUST.....	14
PART F: TIM TAYLOR.....	18
PART G: SUMMARY OF RECOMMENDATIONS.....	21

## PART A: LAKE WAKATIPU STATION LIMITED

**Submitter** Lake Wakatipu Station Limited (Submission 702.19)

**Further Submissions**

none

### 1. PRELIMINARY MATTERS

#### 1.1. Subject of Submissions

1. The submitter sought that the planning maps be amended to reduce the extent of SNA C24A on its property on Kingston Road, Wye Creek. It appears that the submitter has referred to the draft SNA boundaries (the blue outline in the figure attached to their submission) rather than the notified boundaries. The boundary of SNA C24A on the PDP maps was reduced through the consultation process and is the boundary that the submitter sought.
2. For that reason, we recommend to the Council that Submission 702.19 is accepted. No change is required.

## PART B: BARBARA KIPKE

**Submitter**     **Barbara Kipke (Submission 431)**

### 2.     PRELIMINARY MATTERS

#### 2.1.    Subject of Submissions

3.     These submission points related to an area of approximately 5.76 ha, being Lot 1 DP 474749.

#### 2.2.    Outline of Relief Sought

4.     The submission requested the site be zoned Rural Lifestyle, with a minimum lot size of 1 ha and a minimum average of 1.5 ha.

#### 2.3.    Description of the Site and Environs

5.     The site is adjacent to SH6 immediately to the north of Wye Creek, between the road and a group of rural dwellings at Drift Bay Rd and Vista Terrace adjacent to the lake. It is shown on Figure 9-1 below. The site contains one existing dwelling and has had extensive restoration planting since 1999. It is on an elevated sloping fan adjacent to the road, at the foot of the Remarkables Mountains. The existing settlement is at a slightly lower elevation on more steeply sloping land towards the lake. The dwellings in the existing settlement are further from SH6 than the subject land but are visible from the highway, partially screened by plantings.



Figure 9-1: Aerial photograph of the site subject to submission (highlighted yellow). The blue shaded area to the south is an ODP zone not relevant to this report.<sup>1</sup>

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<sup>1</sup> Sourced from Robert Buxton's Section 42A Report

## 2.4. The Case for Rezoning

6. The submitter stated that Rural Lifestyle zoning would enable low scale rural living development similar in density and form to the existing Wye Creek settlement (i.e. along Vista Terrace to the northwest, and Drift Bay Road to the west); that the land could be developed at the intended scale of Rural Lifestyle activity with no more impact on the wider landscape through appropriate design measures, which would be volunteered at the time of subdivision.

## 2.5. Discussion of Planning Framework

7. The site is zoned Rural and is situated in an ONL.
8. Strategic Objectives and policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site<sup>2</sup>.

## 3. ISSUES

- a. Landscape effects
- b. Ecological effects
- c. Spot zoning

## 4. DISCUSSION OF ISSUES AND CONCLUSIONS

9. The site is prominently visible from SH6, more so than the other residences in this small settlement because of being closer. Visibility of dwellings on the site could be softened or screened by existing or new plantings. Dr Read for the Council opposed the proposed zoning because vegetation can die or be lost to fire or deliberately removed.<sup>3</sup> Mr Davis was concerned about the possible loss of some of the indigenous vegetation that has been planted on the site in recent years.<sup>4</sup>
10. We note that the replanting has occurred voluntarily. It has not reached the stage where it could be regarded as a Significant Natural Area (SNA) which the objectives and policies of the PDP would require it to be protected. We also note that vegetation is often used to screen buildings in sensitive locations. We consider this could be achieved at this site. However we do not consider that this would be best achieved by a Rural Lifestyle zoning tailored for this particular site, particularly as this would be very small and isolated. The submitter's aspirations may be able to be met through a resource consent application for a discretionary activity in the Rural Zone, where appropriate conditions of consent may be able to protect the values of the site on an ongoing basis.

## 5. RECOMMENDATION

11. For the reasons set out above, we recommend to the Council that Submissions 431.2 and 431.3 be rejected.

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<sup>2</sup> Objective 3.2.5, policies 3.2.5.1, 6.3.11 and 6.3.15

<sup>3</sup> Dr M Read, EIC, 24 May 2017, paragraphs 12.39 – 12.44

<sup>4</sup> G Davis, EIC, 24 May 2017, paragraphs 5.27 – 5.31

## PART C: LOCH LINNHE STATION

**Submitter** Karen and Murray Scott, Loch Linnhe Station (Submission 447)

### 6. PRELIMINARY MATTERS

#### 6.1. Subject of Submissions

12. These submissions related to two areas of land on Loch Linnhe Station on the southern arm of Lake Wakatipu.

#### 6.2. Outline of Relief Sought

13. The submission sought that:

- a. the concept of a Farm Base Area (**FBA**) be included in the PDP;
- b. that FBAs be identified on large rural property in excess of 1000 hectares in area;
- c. that within FBAs, homesteads, staff accommodation and farm buildings be a permitted or controlled activity;
- d. that two FBA's be identified on the subject land;
- e. if (a) to (d) above were not accepted, then the submitter sought Rural Visitor zoning over the two areas identified by it as being suitable FBAs consistent with other stations in the district; and
- f. any other consequential amendments required to give effect to this submission.

#### 6.3. Description of the Site and Environs

14. The submission concerns two areas of land on Loch Linnhe Station which is a very large pastoral lease property on the eastern side of the southern arm of Lake Wakatipu. The first area lies between SH6 and the lake just to the south of Wye Creek, as shown on the attached Figure 9-2.



Figure 9-2 - Aerial photograph of the Wye Creek Block land subject to the submission. (approximate), outlined in red.

15. The second area is adjacent to at the Loch Linnhe homestead, south of the Devil's Staircase, on an alluvial fan between the eastern mountains and SH6 as shown on Figure 9-3 below.



Figure 9-3 - Aerial photograph of the Home Block land subject to the submission (approximate) Original submission outlined in yellow, amended request in white.

16. The original area in the submission, as shown, slightly modified at the hearing, but not to the extent that we considered any parties would be affected by this change.

#### 6.4. The Case for Rezoning

17. The submitters' property at Loch Linnhe Station is located south of Wye Creek and Drift Bay, and east of Lake Wakatipu with access off Kingston Road. In the near future the submitters wish to establish a homestead and farm buildings at the northern end of the property, near Wye Creek, and possibly some visitor accommodation. At a later time the submitter wishes to establish some visitor accommodation and visitor activities near the existing homestead on the southern block. The submitters' intentions for the southern block are much less developed at this time but they seek the opportunity to diversify the economic basis of the station in the future. The submission states that the PDP is disabling of this, as residential activity on a large rural property is treated exactly the same as a residential activity on a small landholding in the Wakatipu Basin. It states that the PDP should provide for areas within large farms (say over 1000 hectares in area) where the erection of homesteads, staff accommodation and farm buildings are a permitted or controlled activity.
18. The submitter referred to the McKenzie District Plan (Plan Change 13). Under that proposed Plan Change the FBAs range from 10 -200 ha, and there can be multiple FBA's on one property; and clustering of homesteads and buildings is encouraged to retain open landscape elsewhere. The submitter acknowledged that the ODP Rural Visitor Zoning was also enabling but that its focus was on subdivision and development which is not the intention of the submitter<sup>5</sup>.

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<sup>5</sup> Mr Vivian told us that as the property was held as pastoral lease, subdivision was not an option.



19. Mr Carey Vivian, the planning witness for the submitter, provided us with a proposed set of provisions to establish FBA's.<sup>6</sup>
20. The landscape evidence presented for the submitter by Mr Ben Espie<sup>7</sup> was that the sites are capable of absorbing the development without adverse effects on the landscape. For the Council, Dr Read accepted that the sites are capable of absorbing some development without undue effects on the landscape but considered that the proposed provisions would be too enabling of larger scale development and adverse effects could result.<sup>8</sup>

#### 6.5. Discussion of Planning Framework

21. The land is zoned Rural within an Outstanding Natural Landscape. Strategic Objectives and policies in Chapters 3 and 6 of the PDP require the identification of ONL's and avoidance of adverse effects on them that would be more than minor and or not temporary. Subdivision and development are discouraged in ONL's unless the landscape can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site.<sup>9</sup>
22. The Zone Purpose for the Rural Zone states that the purpose of the zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity. The Zone Purpose also recognises that a substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long-term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of farm rural properties that utilise the qualities that make them so valuable<sup>10</sup>.
23. Objectives and policies of Chapter 21 provide for a range of land uses including farming to be enabled while protecting landscape, and other natural and amenity values, recognise economic diversification sustainable commercial recreation activities.<sup>11</sup> Rules in the plan provide for residential and larger scale commercial recreation as discretionary activities.

24.

#### 7. ISSUES

- a. Providing for visitor accommodation and commercial recreation activities;
- b. Landscape

#### 8. DISCUSSION OF ISSUES AND CONCLUSIONS

25. Firstly we observe that we are entirely sympathetic to the submitters' wish to provide a second homestead and farm buildings at Wye Creek, and to diversify the economic base of the station by developing visitor accommodation and activities on the two sites. This is specifically

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<sup>6</sup> C Vivian, EIC, 9 June 2017

<sup>7</sup> B Espie, EIC, 9 June 2017

<sup>8</sup> Dr M Read, EIC, 24 May 2017, paragraph 12.49

<sup>9</sup> See Objective 3.2.5, policies 3.2.5.1, and 6.3.11 and 6.3.13.

<sup>10</sup> Chapter 21, Clause 21.1

<sup>11</sup> See Objectives 21.2.1, 22.1.8, 21.1.9, 21.1.10 and their related policies.



recognised and provided for in the PDP provided that it is carried out in an appropriate way.<sup>12</sup> The question to be resolved is the most appropriate way to do this.

26. The submission suggests two options, being either the recommended FBA concept, or, as a less preferred option, the use of the ODP Rural Visitor Zone for the two sites. In evidence Mr Vivian also suggested a third option, being the creation of a Rural Residential Subzone for the two sites.
27. Secondly, and consistently with our recommendations on a number of submissions requesting the use of the ODP Rural Visitor Zone, we record that we are not prepared to import that zone in its present form into the PDP. As discussed in our introductory report, it is a very permissive zone, and when applied to relatively large sites such as these, it could enable quite large-scale development and generate adverse effects on landscape and amenities. We understand that this is not the current intention of the submitters, but we have to consider the worst case outcomes that could result from the suggested provisions.
28. The suggested Rural Residential zone contains a greater level of control in its rules to protect adverse effects on the landscape. We accept that this suggestion is within the scope of the submission, even though not mentioned there, because it would be a form of relief that lies between the Rural Visitor zoning that was requested and the existing Rural zone. However, Rural Residential zoning would still enable quite a lot of development, especially on the larger southern site. No assessment was made of the landscape implications of this. Mr Espie did not address it at all. Mr Vivian's draft provisions seem rather incomplete and not a good fit with the PDP. For example, he appears to be suggesting a Rural Residential Subzone within the Rural Zone, whereas other such subzones fit within a parent Rural Residential zone. No analysis was provided on how a Rural Residential zoning would accord with the strategic objectives and policies in Chapter 3 regarding ONL's. No section 32 analysis was provided.
29. With regard to the possibility of introducing the Farm Base Area concept into the PDP, we acknowledge this may have some merit. However we are aware that it was developed in a different district to address issues there. We do not know if the issues are the same in the Queenstown district. We think that if introduced here, it would be a precedent for other proposals. Overall, we believe that this is a concept which may be worth evaluating at a district-wide level at the time the Council carries it its review of the ODP Rural Visitor Zone.
30. Otherwise we suggest that the Council consider introducing a variation for these sites when it reviews the ODP Rural Visitor Zone sites, so as to enable an appropriate level of development.
31. If the submitter wishes to proceed with anything in the meantime, especially for the homestead and farm buildings at the Wye Creek Site we consider that the opportunity to do so is available by the resource consent process under the Rural Zone. The zone is enabling of farming activities, and the landscape evidence from both Mr Espie and Dr Read indicates that the landscape is able to absorb some development there.

## 9. RECOMMENDATION

32. For the reasons set out above, we recommend that:
  - a. Submission 447.2 be rejected; and

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<sup>12</sup> See objective 3.2.1.8 and Policy 3.3.1

- b. That the Council consider the introduction of a variation to a form of zoning that would enable an appropriate level of development at the submission sites when it reviews the ODP Rural Visitor Zone; and
- c. That the Farm Base Area concept in the McKenzie District Plan be evaluated for possible use in the PDP as part of the process of reviewing the ODP Rural Visitor Zone.

## PART D: M & C WILSON

**Submitter** DM & C Wilson (Submission 848)

**Further Submission**

FS 1344.3 - Tim Taylor - support

### 10. PRELIMINARY MATTERS

#### 10.1. Subject of Submission

33. This submission relates to 84 Glen Nevis Station Road, Section 7 Block I Kingston Survey District, a 20.234 hectare site.

#### 10.2. Outline of Relief Sought

34. The submitter sought that the property and its surrounds on Glen Nevis Rd to the north-east of Kingston Village be rezoned from Rural to Large Lot Residential.

#### 10.3. Description of the Site and Environs

35. The location of the land to which the submission relates is near Kingston, to the east of State Highway 6. Kingston Township is on the western side of SH6.

36. It is located on a gently sloping area of lake beach deposits, with its south eastern boundary close to the steeper mountainside.



Figure 9-4: location of submission site. The land subject to the submission outlined in yellow. The pink shading is Township Zone and the khaki is the Kingston Village Special Zone from the ODP. The remaining land is zoned Rural.

#### 10.4. The case for rezoning

37. The submitter's basis for the request was that

- a. the subject land's characteristics and proximity to existing and proposed areas of development;
- b. it was not within an area of significant landscape importance or ONL;
- c. views of the development from SH. 6 would not be significant and would not be out of place considering the surrounding area and existing patterns of development;
- d. the aspect of the land would offer a high level of amenity for residents;
- e. additional access to the subject land and surrounding properties would not be required from the State Highway and therefore have no impact on its function; and
- f. the area was not located within a flood hazard or management area

38. For the Council, its expert witnesses opposed the proposal. Dr Read opposed the rezoning from a landscape perspective because the effect of this potential development on the character of the landscape would be adverse and significant. Contrary to the submission this site is part of a very large ONL which includes the lake, surrounding mountains and the moraines and beach terraces. She said that this site does not contribute any particularly notable qualities to the landscape, but is an important part of the foreground to the mountain chain behind. Development here would be separated from Kingston township and more prominent in the landscape because of that.<sup>13</sup> Mr Davis drew our attention to an area of rock tors/outcrop and shrubland in the northwest portion of the site that may provide good lizard habitat. This area would require more detailed investigation to confirm it was suitable for residential development. He therefore opposed the submission.<sup>14</sup> Mr Mander considered that the increased traffic would require upgrades of Glen Nevis Road and the intersection with the state highway, and the submitter had provided no information on traffic impacts. He therefore opposed the rezoning from a traffic perspective.<sup>15</sup>

39. Mr Buxton, in his Section 42A Report, said that the Large Lot Residential Zone is intended to be applied within an Urban Growth Boundary, which does not exist at Kingston. He drew our attention to the Kingston Community Plan "Kingston 2020 November 2003". In Chapter 9 Rural Character this states:

*The rural land surrounding Kingston is characterised by large parcels of land owned by a small number of landowners. The Glen Nevis area may support some growth, however it should be in sympathy with the surrounding landscape and environment. Any development of this area should be considered in terms of its visibility from the lake, the Highway and the residential area. Large lifestyle lots may be appropriate in this area and should be affordable so that the character of Kingston is retained.*

40. The submitter did not appear at the hearing or provide any expert evidence on the matters raised by the Council.

#### 10.5. Discussion of Planning Framework

41. Large Lot Residential Zoning is a form of urban development. Relevant objectives and policies of the PDP are set out in Strategic Chapter 3 and include for urban development:

*Objective 3.2.2 Urban growth is managed in a strategic and integrated manner.*

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

- *promote a compact, well designed and integrated urban form;*

<sup>13</sup> Dr M Read, EIC, 24 May 2017, paragraphs 13.10 – 13.13

<sup>14</sup> G Davis, EIC, 24 May 2017, paragraph 5.19

<sup>15</sup> D Mander, EIC, 24 May 2017, paragraphs 7.1 – 7.4

- *build on historical urban settlement patterns;*
- *achieve a built environment that provides desirable, healthy and safe places to live, work and play;*
- *minimise the natural hazard risk, taking into account the predicted effects of climate change;*
- *protect the District's rural landscapes from sporadic and sprawling development; and*

....

*Objective 3.2.5 The retention of the District's distinctive landscapes.*

*Policy 3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.*

*Policy 6.3.3 Avoid urban development and subdivision to urban densities in the rural zones;*

*Policy 6.3.11 Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application.*

42. The purpose of the Large Lot Residential Zone is stated in Chapter 11 of the PDP as:

*The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries. The zone generally provides for a density of one residence every 2000m<sup>2</sup>: to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space....*

## 11. ISSUES

- Urban growth
- Landscape effects
- Ecology
- Traffic

### 11.1. Discussion of issues and conclusion

43. With regard to urban growth, firstly we note that the proposal is broadly consistent with the 2003 Kingston Community Plan Kingston 2020 quoted above. However, matters have moved on since 2003, particularly with the preparation of the PDP and its objectives for urban growth and landscape. Large lot residential development is a form of urban development, and is clearly intended to be within Urban Growth Boundaries. While Kingston does not at present have a UGB as such, it is a relatively compact township with clear edges. This proposal is approximately 2 kilometres from Kingston Township with rural land between. It could not be

efficiently provided with urban services if or when those are eventually provided at Kingston. This would not be the type of compact and integrated development envisaged by the objectives and the zone statement.

44. We have considered the issue of whether further land needs to be zoned at Kingston for future urban growth. Given general growth demand in the proximity of Queenstown, we consider this is likely to be the case and the Council is undertaking further research on growth options to meet its obligations under the NPSUDC. However, as we note in our recommendations on other submissions at Kingston, there are several other opportunities for growth that would be much better integrated with the township.
45. With regard to landscape, the site is not far from State Highway 6 and would be visible from there against the backdrop of the mountains. In the absence of any expert evidence from the submitter as to how effects on the landscape could be mitigated, we accept the evidence of Dr Read and note the inconsistency with the PDP's landscape objectives and policies.
46. With regard to ecology, the identified area is part of the wider site, and could probably be protected during the design of a subdivision, but we received no detailed evidence about this.
47. With regard to traffic, it is likely that if improvements to intersections were required, this could be brought about at the time of any subdivision, but again we received no detailed evidence about this.
48. Overall, we have concluded that this site is inappropriate for Large Lot Residential zoning. It is possible that the site might have been better suited to Rural Residential or Rural Lifestyle zoning, but that was not the proposal before us and we did not receive the type of assessment that would have been necessary, given that the same landscape, traffic and ecological issues would still apply.
49. We conclude that the Rural Zoning on this site best meets the objectives and policies of the PDP.

## 12. RECOMMENDATION

50. For the reasons set out above, we recommend that Submission 848.2 and Further Submission FS1344.3 be rejected.



## PART E: KINGSTON LIFESTYLE FAMILY TRUST

**Submitter**     **Kingston Lifestyle Family Trust (Submission 689)**

### 13. PRELIMINARY MATTERS

#### 13.1. Subject of Submissions

51. These submissions related to an area of approximately ha 3.93 ha at Kingston.

#### 13.2. Outline of Relief Sought

52. The submissions requested that the site be rezoned from Rural to either Kingston Township Zone (ODP zone), Low Density Residential or Kingston Village Special Zone (ODP zone).

#### 13.3. Description of the Site and Environs

53. The site is immediately to the southwest of the intersection of State Highway 6 and Kent St, which is the entrance to Kingston. The site is shown on Figure 9-5 below.

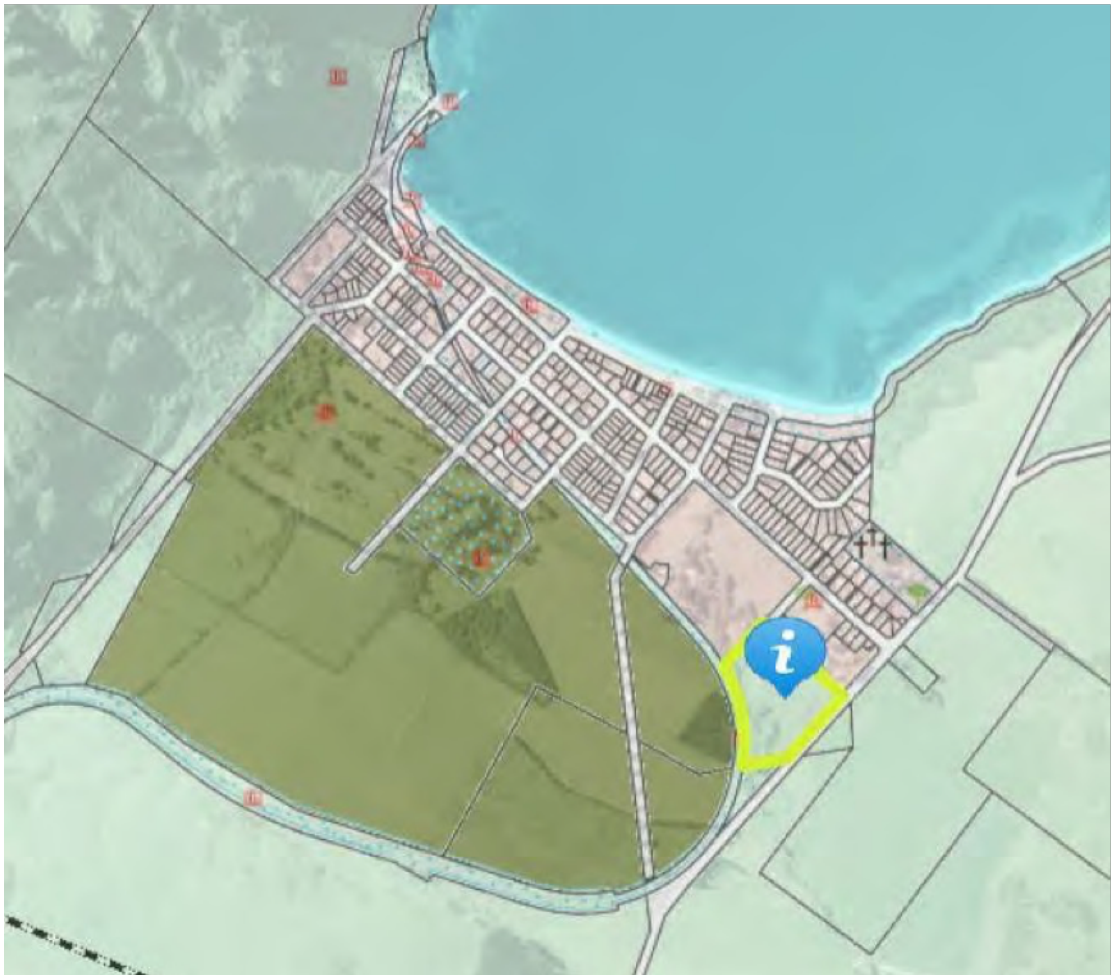


Figure 9-5 - The land subject to the submission outlined in yellow. The pink shading is Township Zone and the khaki is the Kingston Village Special Zone from the ODP. The remaining land is zoned Rural.



### 13.4. The Case for Rezoning

54. The submitter's basis for the relief sought includes:
- a. The site's characteristics and proximity to existing and proposed areas of development;
  - b. development would provide a reasonable number of residential allotments for future growth;
  - c. it was not within an area of significant landscape importance or ONL;
  - d. views of the development from SH 6 would not be significant and would not be out of place considering the surrounding area and existing patterns of development;
  - e. the aspect of the land would offer high level of residential amenity for residents;
  - f. legal access to a partially formed legal road (Kent Street) with no access required from SH 6;
  - g. feasible infrastructure servicing;
  - h. not located within a flood hazard or management area; and
  - i. the unnamed creek adjoining the site could be protected by way of reserve strip, which would provide public access and be a significant positive effect.
  - j. the site had a practical connection to the existing Kingston Township, and development of the site would be readily integrated.

### 13.5. Discussion of Planning Framework

55. This case is principally about urban growth. Relevant objectives and policies are set out in Chapter 3 of the PDP. In particular:

*Objective 3.2.2 Urban growth is managed in a strategic and integrated manner.*

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

- *promote a compact, well designed and integrated urban form;*
- *build on historical urban settlement patterns;*
- *achieve a built environment that provides desirable, healthy and safe places to live, work and play;*
- *minimise the natural hazard risk, taking into account the predicted effects of climate change;*
- *protect the District's rural landscapes from sporadic and sprawling development; and*

56. The purpose of the LDR zoning requested is set out in Chapter 7 as being for low density zoning that is within identified urban growth boundaries, at traditional suburban densities. Housing will typically be detached and set on sections between 450 and 1000 square metres in area, with, some increased density, as well as community activities and facilities, home occupations and limited commercial activities to address a demonstrated local need provided residential amenity is not compromised<sup>16</sup>.
57. The alternative zones requested, Kingston Township and Kingston Special zone are not in the PDP at this stage. As we are in general very reluctant to import ODP zones that have yet to be reviewed into the PDP, especially in the absence of evidence, we do not discuss these alternatives further.

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<sup>16</sup> Chapter 7, Clause 7.1 of the PDP.

## 14. ISSUES

- a. Urban growth
- b. Landscape
- c. Traffic

## 15. DISCUSSION OF ISSUES AND CONCLUSIONS

58. In general, we agree with most of the case for rezoning set out in the submission. We note that technically the site is within the ONL, as is the whole of Kingston township. However the site is bounded by urban zoning on two sides and the highway and railway on the other two sides. Visually, the site appears to be part of the township. We do not consider landscape to be a relevant issue in this case as development of the site would simply merge it into the adjacent township with minimal effects on the landscape. Traffic needs to be considered, especially if any upgrading of the nearby state highway intersection would be required. This is likely to occur in any case because of other development likely to occur on adjacent vacant land in the Kingston Township and Kingston Special zones, as can be seen on Figure 9-5 above. The site does have the advantage that it would keep all urban development on the same side of the state highway, leaving the other side completely rural. The site would be easily connected to urban reticulation when and if this occurs. Finally we do not consider the site is suitable for most of the rural activities that are allowed for in the present Rural zoning, and could possibly only be used as a single lifestyle bloc, which would be an inefficient use of the land.
59. For these reasons we consider that some form of urban zoning would best achieve the urban growth objectives, without contravening any other strategic objectives and policies.
60. However, the issue remains as to what the best form of zoning would be. Our general approach to these zoning submissions has been to avoid the use of zones imported from the ODP which have not yet been reviewed, except in very exceptional circumstances. That is because these zonings are of very longstanding, and highly likely to be modified when they are reviewed in later stages of the PDP process, which would leave sites such as this quite anomalous.
61. Neither are we enthusiastic about using the PDP Lower Density Suburban Residential zoning here, because even in the Kingston context this is a small site and there is no other LDR zoning there. Instead we consider this site should be developed in a similar manner to any other sites that come to be developed in future at Kingston, particularly the vacant sites adjacent to this one. Consequently we believe the Council should introduce a variation to zone this site consistently with whatever is proposed for those adjacent sites when the Kingston zones are reviewed, and we recommend accordingly.

## 16. RECOMMENDATION

62. For the reasons set out above, we recommend that:
- a. Submissions 689.1 and 689.2 be rejected; and
  - b. Further Submissions FS 1344.5 and FS 1348.4 be rejected; and

- c. The Council consider the introduction of a variation to rezone this site consistently with other vacant land within the Kingston Township when the Kingston Township and Kingston Village Special Zones are reviewed.

## PART F: TIM TAYLOR

**Submitter** Tim Taylor (Submission 826)

**Further Submitter**

FS1348.3 - M & C Wilson - support

### 17. PRELIMINARY MATTERS

#### 17.1. Subject of Submissions

63. These submissions related to 87 Kingston-Garston Highway (SH6), Section 1 and 2, Block I Kingston SD, and Pt Run 323A, an area of approximately 39.33 ha near Kingston.

#### 17.2. Outline of Relief Sought

64. The submitter sought that the properties be rezoned to provide for residential and commercial land uses.

#### 17.3. Description of the Site and Environs

65. The property is situated on the eastern side of SH6 immediately opposite the township of Kingston. The property is shown on Figure 9-6 below. The land slopes gently upwards towards the foot of the adjacent mountain range.



Figure 9-6 - The land subject to the submission is outlined in red. The pink shading is Township Zone and the khaki is the Kingstown Village Special Zone from the ODP. The remaining land is zoned Rural.<sup>17</sup>

#### 17.4. The Case for Rezoning

66. The submission states that the land is conveniently situated in close proximity to the Kingston Township, that the land and that the surrounds would be more appropriately place in an

<sup>17</sup> Sourced from the Section 42A Report of Mr Robert Buxton

alternative zone that provides for residential and commercial activity. The lower areas of the property closest to the State Highway could be developed without having adverse landscape effects and would maintain views and outlook to the wider Outstanding Natural Landscape in the area. It would provide for future growth in Kingston.

#### 17.5. Discussion of Planning Framework

67. The site is zoned Rural and is within the Outstanding Natural Landscape. Objectives and policies of the Proposed District Plan are to achieve compact and well-integrated urban growth built on historic settlement pattern and able to be connected to urban infrastructure. New development should only be accepted in ONL's in exceptional circumstances where the landscape is able to absorb the change and be difficult to see beyond the Boundaries of the site.<sup>18</sup>

### 18. ISSUES

- a. Urban Growth
- b. Landscape
- c. Traffic

#### 18.1. Discussion of Issues and Conclusions

68. The site is close to the existing township of Kingston, but separated from it by SH6 which currently has a 80km/h speed limit. It would be large enough to provide over 300 dwellings based on the existing minimum lot size of 800m<sup>2</sup> in the Kingston Township zone. Having the township split by the State Highway would be a significant change in its character and could have adverse effects on traffic safety. Significant undeveloped capacity already exists in Kingston without crossing the State Highway, within the Kingston Special Zone and the site we are recommending for rezoning.

69. Because of its elevation, the site would be prominently visible within the ONL from the existing township, the State highway and the lake. For the Council, Dr Read considers this would be an undesirable change in the landscape character.

70. The Council's traffic expert, Mr Mander noted that no assessment of traffic effects had been provided, and that there could be adverse effects on traffic safety. We note that even if speed limits are lowered, there can be considerable difficulty in getting traffic to slow down sufficiently from highway to urban speeds over such a short section of approximately 300 metres.<sup>19</sup>

71. The submitter did not attend the hearing or provide any evidence to counter the views of the Council experts.

72. We accept the views of the Council witnesses, and conclude that if further urban growth is required at Kingston then it would be more appropriately located west of SH6 adjacent to the existing township where there is significant land already zoned. Therefore retaining the site in the Rural Zone and the ONL would best achieve the objectives and policies off the PDP.

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<sup>18</sup> See objectives 3.2.2, 3.2.5 and policies 6.3.3 and 6.3.11 and our discussion of Submission 848 above.

<sup>19</sup> D Mander, EIC, 24 May 2017, paragraphs 8.5 – 8.8

19. RECOMMENDATION

73. For the reasons set out above, we recommend that Submission 826.2 and Further Submission 1348.3 be rejected.

## PART G: SUMMARY OF RECOMMENDATIONS

### 20. RECOMMENDATION

74. For the reasons set out above, we recommend that:

- a. Submission 702.19 be accepted;
- b. Submissions 431.2 and 431.3 be rejected;
- c. Submission 447.2 be rejected;
- d. Submission 848.2 and Further Submission 1344.3 be rejected;
- e. Submissions 689.1 and 689.2 and Further Submissions FS 1344.5 and FS 1348.4 be rejected;  
and
- f. Submission 826.2 and Further Submission 1348.3 be rejected.

75. We further recommend that the Council:

- a. consider the introduction of a variation to a form of zoning that would enable an appropriate level of development on Loch Linnie Station when it reviews the Rural Visitor Zone in the Operative District Plan;
- b. evaluate the Farm Base Area concept as provided for in the Mackenzie District Plan for possible use in the PDP as part of the process of reviewing the Rural Visitor Zone in the Operative District Plan;
- c. consider the introduction of a variation to rezone Lot 3 DP 12725 consistently with other vacant land within the Kingston Township when the Kingston Township and Kingston Village Special Zones are reviewed.

**For the Hearing Panel**



**Denis Nugent (Chair)**

**Date: 4 April 2018**