

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on the Proposed District Plan

Report 16.18

Report and Recommendations of Independent Commissioners
Regarding Upper Clutha Planning Maps
East Luggate (Willowridge)

Commissioners

Trevor Robinson (Chair)

Calum MacLeod

Ian Munro

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WILLOWRIDGE DEVELOPMENTS LIMITED (249) (WILLOWRIDGE)

1. SUMMARY OF RECOMMENDATIONS

1.1. Overall Recommendation

1. We recommend the submission seeking rezoning of land at the eastern edge of Luggate variously as Rural Residential and Low Density Residential be rejected.

1.2. Summary of Reasons for Recommendation

2. We had insufficient evidence to satisfy us either that the proposed rezoning would adequately capture the key elements of the consents that had already been granted, or that, to the extent rezoning would enable denser development that is already consented, this would be appropriate.

2. PRELIMINARY MATTERS

2.1. Subject of Submission

3. This submission relates to Lot 1, DP 462959 and Lot 501 DP 375230, a 50.6 hectare area of land located at the eastern edge of Luggate with frontage onto State Highway 6.

2.2. Outline of Relief Sought

4. Submission 249 sought the rezoning of most of the land, currently shown as Rural on Map 11 and 11a, as Low Density Residential. It proposed that part of the land on an upper terrace overlooking the Clutha River be rezoned Rural Residential. These areas were referred to as Stage 2A and 2B respectively.

2.3. Description of the Site and Environs

5. The site is located on the eastern side of the Luggate township as shown in Figure 1 below, copied from Mr Barr's section 42A report.

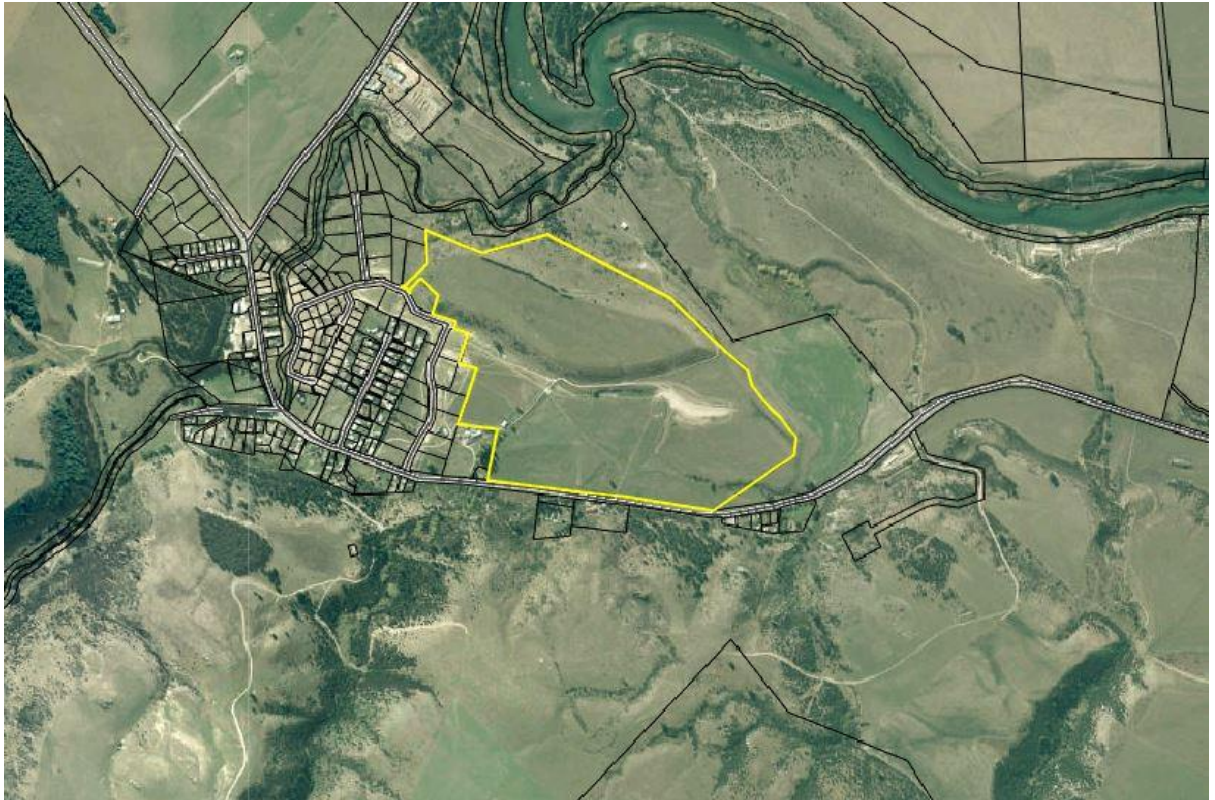


Figure 1 Aerial photograph of the subject site outlined in yellow.

6. Luggate township straddles both sides of the State Highway and has an operative Township zoning (excluded from both Stage 1 and the recently notified Stage 2 of the PDP). Within the township area, there is a small commercial precinct east of Kingan Road, with residential development around the edges. The Upper Clutha Transport depot and Ballance Fertiliser site occupies a large area of flat land on the western side of SH 6, beyond which (to the west) is a pine and willow plantation. South of the plantation is a large Council Domain and walkway along Luggate Creek.
7. To the north and east of the township on the opposite side of SH 6 is an extensive area of Rural Residential development fronting Church Road, Alice Burn Drive and Pisa Road. A smaller area of fully developed Rural Residential zoning applies to sites on the western side of the highway and northwest of the Township Zone up to the south side of Atkins Road. In our Report 16.9, we have recommended that the Rural Residential zone be extended to the west of Atkins Road and wrap around the Township zoned land as far as Luggate Creek.
8. The area sought to be rezoned Rural Residential is on a higher terrace overlooking the township of Luggate (to the south west) and the Clutha River (to the north) that is clearly visible on Figure 1. When we visited the site in early Map 2017, development of the land was already underway, with heavy earthmoving equipment on site.
9. The area sought to be rezoned Low Density Residential is a flat area of land running parallel to State Highway 6, adjoining existing Rural Residential land (to the west) that has been developed. When we visited the site, development of the site was underway (pursuant to resource consents granted in 2007 that we discuss further below), with a number of sites already pegged out.

2.4. The Case for Rezoning

10. Willowridge's submission stated that the land the subject of submission was already consented for development and sought rezoning "in order to make the zoning consistent with the intended land use".
11. At the hearing, no expert evidence was called for the submitter, but Mr Alan Dippie, Director of Willowridge Developments Ltd, and Ms Alison Devlin, In-house planning adviser, addressed us on a number of different sites the company submitted on, including the Luggate site. Mr Dippie advised that the main benefit of rezoning from his perspective was to enable increased density of development on the Stage 2A land. He advised that 138 lots were already consented and emphasised the desirability of a denser more efficient use of land, enabling in turn, more affordable 600m² sites to be developed. Mr Dippie discussed infrastructure, landscape and traffic issues discussed in the Council's section 42A report and the supporting evidence. He confirmed Mr Barr's advice to us that expansion and upgrade of infrastructure services to Luggate was the subject of active discussion. Lastly, Mr Dippie drew our attention to the imposition on residents of an effectively urban area caused by their needing to seek consents (e.g. for garden sheds) within a Rural Zone framework.
12. As regards the Stage 2B land, Mr Dippie advised that from his perspective, the zoning of the land was not a material issue because there was no additional land to subdivide and quite tight controls on what was done on the land.
13. Mr Barr recommended that the submission not be accepted in his s42A report. He noted concern expressed by Ms Mellsope regarding potential landscape effects, because rezoning would enable additional adverse effects beyond those consented, by Ms Banks because of the lack of information on the effects of rezoning from a traffic perspective, and by Mr Glasner, opposing the rezoning on the basis of the lack of infrastructure capacity and the lack of certainty if and how upgrades will occur.
14. As regards the Stage 2B land, Mr Barr considered the consented development outcome to be more sympathetic than could be envisaged under a Rural Residential zoning. He did not consider the elevated terrace suitable Rural Residential zoning.
15. In his reply evidence, Mr Barr provided us with feedback on Mr Dippie's evidence, and further information for our consideration. In particular, Mr Barr provided us with a copy of the consent decision on the Stage 2A subdivision. He drew to our attention the range of mitigation requirements within the conditions for that consent. While Mr Barr agreed with Mr Dippie that rezoning the lower (Stage 2A) land would both facilitate more affordable housing and be more efficient in terms of resource consent applications made subsequently by individual lot owners, he pointed to the lack of evidence on the effects of development under a Low Density Residential zoning.
16. Responding specifically at our request to Mr Dippie's suggestion that Council was being inconsistent in the messages it was sending regarding the importance of affordable housing, Mr Barr accepted the desirability, in principle, of providing for more affordable homes, but drew to our attention that housing density was canvassed in the 2007 consent process, and that the Commissioners hearing the application appeared to accept that the density should not be reduced, in order to maintain the character and feel of Luggate. He was of the view that rezoning would create more problems than it would solve, and did not support increasing the development yield if it would detract from the mitigation provided through the existing consent, or create unexpected infrastructure servicing issues.

17. Mr Barr did, however, suggest that development efficiencies (and therefore affordability improvements) might be gained through a series of consent condition variations that he itemised.¹

2.5. Discussion of the Planning Framework

18. Mr Barr did not identify any specific aspects of the planning background relevant to this submission, and the submitter provided no expert planning evidence for our consideration.
19. In our Report 16, we summarised the key background provisions in the PDP, as recommended by the Hearing Panel. For the purposes of our discussion here, we take that discussion as read, although we note that the effect of proposed policy 3.3.15, given the absence of an Urban Growth Boundary for Luggate, is that we have a broader discretion than would be the case for a similar proposal on the margins of Wanaka, for instance.
20. We also observe that while proposed objective 3.2.2.1 promotes access to housing that is more affordable, it also references the importance of an integrated urban form, building on historic settlement patterns. Integration with existing and planned future infrastructure is also an issue under this objective.

3. ISSUES

21. Given the background discussed above, the issue we have to address for each area of land is whether the developments occurring on the land are more appropriately managed under the proposed new zoning, or under the existing consents overlaid on a Rural zoning.

4. DISCUSSION OF THE ISSUES AND CONCLUSION

22. The existence of resource consents permitting a level of development, and the fact that those consents are, from our observation, in the process of being implemented means, in our view, that the provisions noted in Report 16 regarding retention of rural character on both areas of land need to be applied with that fact in mind. We discuss the extent to which principles related to the 'existing environment' apply to a rezoning proposal in Report 16.16. Applying the principles discussed in that report, we consider that the effects of the consented development form part of the existing environment, and therefore that Mr Barr correctly focussed on the incremental effects the proposed rezoning would have relative to what has been consented.
23. Looking first at the Stage 2B land, we consider that this can be addressed relatively quickly. Mr Dippie was at best ambivalent as to whether rezoning the land Rural Residential was either necessary or desirable. Given Mr Barr's clear recommendation that Rural Residential zoning would not be appropriate, we have no basis to recommend rezoning.
24. The case for rezoning the Stage 2A land cannot be dismissed quite so easily.
25. On one hand, the lack of confirmed infrastructure capacity, in particular for wastewater, might be considered decisive, given the cases discussed in Report 16. However, the evidence of Mr Glasner, confirmed by Mr Barr, indicates that Council is clearly working on an infrastructure solution for Luggate. This is not a situation where Council has decided not to provide

¹ Refer C Barr Reply evidence at 28.13

infrastructure services to a particular area. Accordingly, while relevant to our decision, we do not think it appropriate to rest our decision on infrastructure grounds.

26. More significant though, Mr Barr, Ms Mellsop and Ms Banks identified the potential for additional adverse effects to result from rezoning the Stage 2A land. Mr Dippie presented no expert evidence to contradict the Council's evidence. As regards traffic issues, Mr Dippie rather tended to confirm there were unresolved issues when he advised us that he was in discussions with NZTA.
27. We also place some weight on the Commissioners' considered rejection of a denser pattern of development on the Stage 2A land.² While the strategic direction provided by proposed objective 3.2.2.1 means that the desirability of providing for denser and therefore more affordable development might well be given greater weight relative to the desirability of preserving the character of Luggate than was the case in 2007, the same objective indicates the existing pattern of development (with Rural Residential development between the site and the Township zoned land further west) remains an important consideration. More generally, to reach the conclusion that a Low Density Residential zoning was the more appropriate outcome, we would need to understand the extent to which the mitigation provisions felt necessary in 2007 would be eroded (or even lost) as a result of rezoning. The submitter, however, provided us with no analysis of the effect of rezoning on the conditions to contradict that of Mr Barr beyond Mr Dippie's somewhat enigmatic comment that the conditions of consent were both tight and "interesting".
28. We record Mr Barr's acceptance that a Low Density Residential zoning would impose less cost on the future owners of the Stage 2A land, and would be the more efficient zoning from other perspectives, but we find that we do not have a proper basis to conclude that the countervailing costs in terms of additional adverse effects (relative to the consented development) are outweighed by those benefits and therefore to find that the Low Density Residential zone is the most appropriate way to achieve the objectives of the PDP.
29. While it is not for us to proffer an assessment of their substantive merits, it does appear to us that the suggestions in Mr Barr's reply evidence as to how (by targeted consent condition changes), development of the Stage 2A land might proceed more efficiently deserve further consideration by the submitter as an alternative option to rezoning.

5. OVERALL CONCLUSIONS AND RECOMMENDATIONS

30. In summary, the lack of evidence to support the requested relief and overcome the adverse effects identified in the Council evidence is the decisive point. We accept the recommendation in the Council evidence that the land the subject of this submission not be rezoned.

² Refer paragraph 20 of their decision dated 13 September 2007

31. Given we are recommending maintenance of the status quo, no further analysis in terms of section 32AA of the Act is required.

For the Hearing Panel

A handwritten signature in blue ink, consisting of a large, stylized initial 'T' followed by a series of connected loops and a horizontal line extending to the right.

Trevor Robinson, Chair
Dated: 27 March 2018