



**QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLAN CHANGE COMMISSIONERS**  
Jane Taylor (Chair) and John Lumsden

**DECISION ON PLAN CHANGE 32**  
**BALLANTYNE ROAD MIXED USE ZONE PROPOSED PLAN CHANGE**

**RECOMMENDATION DATED:** 12 November 2008

**DECISION RATIFIED BY COUNCIL:** 28 November 2008

**DECISION NOTIFIED:** 10 December 2008

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**1.0 INTRODUCTION**

This decision sets out the Commissioners' recommendations on submissions received in relation to Plan Change 32 – Ballantyne Road Mixed Use Zone. Although this decision is intended as a stand-alone document, a more in-depth understanding of Plan Change 32, the process undertaken, and related issues may be gained by reading the Section 32 report and associated documentation prepared for Plan Change 32, publicly notified on 16 January 2008. This information is available on the Council website: [www.qldc.govt.nz](http://www.qldc.govt.nz).

Submissions are assessed in groups based on issues raised where the content of the submissions is the same or similar.

In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within square brackets. In summarising further submissions, the name of the further submitter is shown in **bold italics**, with their submission number shown in *italics* within square brackets.

Where there is any inconsistency between the provisions contained in Appendix 3 and amendments made by the Recommendations, then the provisions in Appendix 3 shall be considered correct.

## 2.0 BACKGROUND

Queenstown Lakes District Council (Council) has prepared a Plan Change to the Partially Operative District Plan for the lot within the area known as the Ballantyne Road Oxidation Ponds within Wanaka.

The Ponds Plan Change land is located to the south-east of the Wanaka township, immediately opposite the existing Frederick Street industrial area (refer to Figure 1 below). The site is approximately 20 hectares in area.

Figure 1: Location Plan



The site is currently zoned Rural General and contains the oxidation ponds for the present Wanaka effluent treatment and disposal system. The existing site is overlain by a Queenstown Lakes District Council Designation. The Designation enables any activity that is associated with the operation and maintenance of the oxidation ponds to be undertaken without the need for resource consent. The presence of the Designation also means that any uses not falling within the purpose of the Designation will be subject to the resource consent process and require the approval of the requiring authority.

Council is currently constructing a new effluent reticulation and disposal system for the Wanaka area, known as Project Pure. When this is completed, the existing oxidation ponds will be redundant, providing the opportunity for Council to determine the best use to which the land should be put following decommissioning of the ponds.

In 2002 Council undertook a major community planning exercise for Wanaka entitled *Wanaka 2020*. This exercise assisted the community and Council to identify and plan for the future growth of the Wanaka area. The area of land that is subject to Plan Change 32 (the Ponds site) was included within an area identified as suitable for industrial type activities.

Further to *Wanaka 2020*, Council has undertaken a Wanaka Structure Planning exercise. The purpose of the study was to ensure that there is adequate land zoned for various uses to cater for future growth. The resultant report was adopted as a working document in December 2004 and is now in the process of being finalised by Council. Both the 2004 Structure Plan and the updated Structure Plan identify the Ponds site within the inner growth boundary as suitable for yard-based activities.

The 2006 Commercial Land Needs Study prepared for Council by Hill Young Cooper Ltd identified the need for further business/industrial land to be provided in Wanaka. This report identified a need for approximately 10 hectares of land for yard-based activities, which could be provided at the Ballantyne Road ponds site. This Plan Change directly supports the future land needs identified by the Commercial Land Needs Study. The activity areas identified in Plan Change 32 are shown in Figure 2 below.

Figure 2:



The Section 32 report concluded that the site’s proximity to the growing Ballantyne Road industrial area, the relatively flat topography, the disturbed nature of the site and the ability to service it with appropriate infrastructure make the site ideal for rezoning to enable yard-based and mixed-business activities.

**3.0 LIST OF SUBMITTERS**

<b>Original Submitters</b>
Jo Dippie
Firth Industries
Gordon Trust
Dale & Angus Gordon
Peter & De Gordon
Infinity Investment Group Holdings
Orchard Road Holdings
Transit NZ
Upper Clutha Transport
Willowridge Developments
John & Judy Young
<b>Further Submitters</b>
Queenstown Lakes District Council
Gordon Trust
Firth Industries
Jo Dippie
Willowridge Developments
Orchard Road Holdings
Transit New Zealand

#### 4.0 HEARING

The following is a summary of evidence presented and the submissions received on Plan Change 32. The hearing was held in Wanaka on 3 and 4 July 2008 before Independent Commissioners Jane Taylor (Chair) and John Lumsden.

**Ms Jo Dippie** spoke to her submission, confirming her view that the land was unsuitable for industrial use and that the activities proposed should be moved to the airport or Luggate. She considered the existing industrial area at Frederick Street was acceptable, but contained a mix of activities and is the same as Anderson Road. She considered that truck-based, open yard work is the issue rather than intensified activity. Ms Dippie felt that the site should be used for a community facility.

**Mr Bill Gordon** spoke to the submission of Upper Clutha Transport. He considered that the site should be re-zoned at the same time as the adjacent Three Parks development. Mr Gordon expressed concern about the proposed restriction of goods able to be sold on the site. He also noted that goods are transported 24 hours per day, and trucks must work around the clock to justify the capital cost of \$.75 million. He considered the proposed Zone would regulate industrial activities out of business, and, therefore, Plan Change 32 should be withdrawn or at least shelved.

**Mr Chris Ferguson** provided evidence on behalf of Dale and Angus Gordon, Trustees of the Gordon Trust. He considered that implementation of the Opus Report, particularly with respect to the remediation of the site, is a fundamental prerequisite before proceeding with the Plan Change. He noted that although Otago Regional Council did not submit on the Plan Change, there is still a need to confirm that health and safety will not be compromised.

Mr Ferguson noted that contractors or Council work depots, storage and commercial sales of aggregate from the site will give rise to noise, dust, traffic and visual effects. He considered that there would be a reduction in rural outlook and visual amenity values, through a loss of openness and the addition of buildings, roads, fences, parking areas and outside storage areas. In particular, he raised concerns about increased noise emissions in areas B – E and increased heavy traffic on the surrounding road network.

Mr Ferguson supported the need for industrial land, but not in the location proposed. He suggested that alternatives should be further considered, and not just the areas identified in the Wanaka Structure Plan.

**Mr and Mrs Gordon**, in presenting their submission, spoke about the effects of the existing industrial activities near their property. Mrs Gordon stated that living in the area is already difficult due to the noise and other effects from existing industrial activities in the vicinity. She maintained that yard-based activities in the location proposed will create additional effects from vehicle emissions, noise, smoke and the like. She noted that it is rarely possible to enjoy their property outdoors, given the existing activities in the area. Mrs Gordon considered that opening up the Frederick Street industrial area had already increased vehicle movements on Riverbank Road, which she expects would continue to increase should the proposal proceed. The Plan Change could not maintain amenity values. With respect to alternative locations, Mrs Gordon noted that there were opportunities behind the existing Frederick St area, as well as at the airport and at Cromwell. Mrs Gordon considered the site should be remediated to the highest standards and it should remain as a green area.

Mr Gordon stated that noise from industrial activities is constant and can start as early as 4am. He considered that landscaping and buffering do not stop noise. He said trees take a long time to mature and that noise and dust travel a long way in this climate. Mr Gordon noted that remediation was unlikely to occur until after the ponds were drained and tested. They were not originally sealed and only became watertight over the years. The extent of any contamination will not be known until it is tested. Mr Gordon also expressed concern that there was no proof of demand for yard-based activities. Mr Gordon considered that alternative sites should be investigated, with any new development restricted to the western side of Ballantyne Road. Overall, Mr Gordon also considered that the site would make a great reserve or green area.

Evidence was tabled from **Ms Sarah Totty** on behalf of Firth Industries. She considered the definition of 'yard-based service activities' only referred to service activities and did not reflect the yard-based industrial activities that Plan Change 32 specifically provides for. She reiterated the point in the Firth submission that 'yard-based industrial activities' and 'yard-based service activities' are two different activities that need to be separately defined. She also considered that the matters that Council has retained control over are sufficient to allow an industrial activity to be a controlled activity, subject to appropriate conditions.

Evidence was tabled from **Mr Ian McCabe** on behalf of Transit New Zealand. He reiterated the points made in the original submission.

**Ms Gemma Pemberton** provided resource management evidence on behalf of Queenstown Lakes District Council (Council). She said the Ponds Plan Change was a logical form of development that is appropriately located on a highly modified site that sits at the lower end of the Visual Amenity Landscape (VAL) continuum. She considered that adjacent land cannot be included in Plan Change 32 because the public has not had a chance to appropriately consider this proposal. Ms Pemberton noted that the forthcoming decommissioning of the oxidation ponds has provided the opportunity to rezone the land. She also considered that the proposal is efficient in co-locating similar activities in the same vicinity and in close proximity to a major township. Overall, she considered that Plan Change 32 would protect and enhance amenity values and the quality of the environment, and is consistent with and necessary in achieving the purpose and principles of the Act.

**Ms Rebecca Lucas** provided landscape evidence on behalf of Council. She confirmed Ms Pemberton's view that the landscape classification of the site is Visual Amenity Landscape (VAL) and that this classification is at the lower end of the continuum due to the degree of alternative uses in the area, particularly industrial uses. She noted that landscape buffers, internal planting and retention of views to the surrounding landscape are included in the development proposals, and considered that the proposed walkways, cycleways and planting would enhance existing recreational opportunities. Her evidence was that visibility of the site decreased the further away the viewer was located, due largely to the topography, the obvious exceptions being Mt Iron and Mt Barker. She considered that limited site visibility implies that the landscape has a reasonably high ability to absorb development without compromising the visual amenity from public locations. She noted that, where the subject site is visible from elevated views, the site will be viewed as part of the Frederick Street and Ballantyne Road industrial areas. Ms Lucas also noted that mitigation measures such as roof colouring and tree structure planting will be important in retaining visual amenity from elevated viewpoints.

Evidence was tabled from **Mr David Mead** on behalf of the Council. His evidence confirmed that 20 hectares of additional industrial land is required for Wanaka by 2026.

**Mr John Kyle** provided evidence on behalf of Willowridge Holdings Limited and Orchard Road Holdings Limited. He considered that Plan Change 32 does not go far enough, and that the Three Parks land earmarked within the Wanaka Structure Plan for mixed business and commercial activities should be included with the proposal. He considered that rezoning only the Ponds site does not constitute a logical extension to the town; rather, it represents an illogical isolated sporadic development. An isolated block development of the nature envisaged does not successfully integrate with landscape values. Mr Kyle agreed that there is a clear and immediate need for land zoned suitable for mixed business activity, as well as yard-based industry. The Zone should take a more comprehensive approach by meeting shortfalls in all areas of employment through better urban design. Mr Kyle concluded that advancing the Ponds rezoning in isolation from Three Parks is not efficient, effective or appropriate. It is more appropriate to integrate the rezoning of the Ponds site with the adjacent Three Parks land.

**Mr Allan Dippie** spoke on behalf of Willowridge Holdings Limited and Orchard Road Holdings Limited. He said that development of the Ponds site would affect the future development of the Willowridge and Orchard Road sites and vice versa. He agreed there is a lack of business and industrial land, and noted that overall the supply of land remains restricted and expensive.

## **5 RECOMMENDATIONS**

### **5.1 ACCEPT THE PLAN CHANGE IN ITS ENTIRETY**

**Transit New Zealand** [32/8/1] supports the Plan Change, and requests that the Plan Change be accepted in its entirety. This submission is **opposed** by **Dale and Angus Gordon** [32/8/1/1], **Willowridge Developments** [32/8/1/2], **Orchard Road Holdings** [32/8/1/3] and **Gordon Trust** [32/8/1/5] and **partly supported** by **Queenstown Lakes District Council** [32/8/1/4].

**Transit New Zealand** [32/8/2] supports the Plan Change, and requests that Council affirm that the proposal will not have an adverse effect on the wider aspirations of adjoining landowners in terms of its efficient and sustainable land uses and associated road network. This submission is **opposed** by **Dale and Angus Gordon** [32/8/2/1] and **Gordon Trust** [32/8/2/5] and **supported** by **Willowridge Developments** [32/8/2/2], **Orchard Road Holdings** [32/8/2/3] and **partly supported** by **Queenstown Lakes District Council** [32/8/2/4].

### 5.1.1 Explanation

The submitters support the Plan Change, while some of the further submitters do not share this view.

### 5.1.2 Discussion

The Commissioners noted that Plan Change 32 has been prepared by Council in response to Wanaka 2020, the Wanaka Structure Plan 2004 and the 2006 Industrial Land Needs Study. The latter study identified that there is a lack of suitably located land that is appropriately zoned to accommodate yard-based industrial activities. This issue was investigated further in the Section 32 report and it was determined that the site currently occupied by the Wanaka oxidation ponds was suitable for such purposes. The Commissioners considered the evidence of Mr Mead, who supported this view.

The Section 32 report draws on a traffic assessment that addresses the issue of traffic safety and efficiency issues. The Commissioners agreed that the report did not identify any significant traffic issues and it is considered that the concerns of Transit NZ are satisfied, particularly given that no additional issues were raised by Transit in evidence.

### 5.1.3 Recommendation

That the submissions of **Transit New Zealand** [32/8/1, 32/8/2] and further submission of **Queenstown Lakes District Council** [32/8/1/4, 32/8/2/4] be **accepted**, and the further submissions of **Dale and Angus Gordon** [32/8/1/1, 32/8/2/1], **Willowridge Developments** [32/8/1/2, 32/8/2/2], **Orchard Road Holdings** [32/8/1/3, 32/8/2/3] and **Gordon Trust** [32/8/1/5, 32/8/2/5] be **rejected**.

### 5.1.4 Reasons

The Commissioners consider that the Plan Change is important in that it provides appropriate areas for yard-based activities within the Wanaka area in response to studies identifying a lack of suitably zoned land for such purposes.

## 5.2 REJECT THE PLAN CHANGE

**Jo Dippie** [32/1/1] considers that alternative locations should be explored in order to avoid placing an industrial site in close proximity to the town centre. This submission is **opposed** by **Queenstown Lakes District Council** [32/1/1/1] and **Firth Industries** [32/1/1/2], and **supported** by **Gordon Trust** [32/1/1/3] and **Jo Dippie** [32/1/1/4].

**Gordon Trust** [32/3/1] requests that the Plan Change be rejected. This submission is **opposed** by **Queenstown Lakes District Council** [32/3/1/1] and **Firth Industries** [32/3/1/2] and **supported** by **Willowridge Developments** [32/3/1/3] and **Orchard Road Holdings** [32/3/1/4].

**Upper Clutha Transport** [32/9/1] requests that the Plan Change be withdrawn. The submission is **supported** by **Gordon Trust** [32/9/1/3] and **opposed** by **Firth Industries** [32/9/1/1] and **Queenstown Lakes District Council** [32/9/1/2].

**John and Judy Young** [32/11/1] oppose the Plan Change and consider that the land should be offered back to the original owners. This submission is **supported** by **Gordon Trust** [32/11/1/2] and **opposed** by **Queenstown Lakes District Council** [32/11/1/1].

**John and Judy Young** [32/11/3] consider that all truck and yard-based operations should be near the airport. This submission is **supported** by **Jo Dippie** [32/11/3/1] and the **Gordon Trust** [32/11/3/3] and **opposed** by **Queenstown Lakes District Council** [32/11/3/2].

### 5.2.1 Explanation

The ponds site was originally acquired under the Public Works Act for the existing oxidation ponds. Given that the commissioning of Project Pure will render the ponds redundant, the submitters consider that the land should therefore be offered back to the original owners. The submitters also consider that the site is not appropriate for the proposed use, and that the activities considered should be located near Wanaka airport.

### 5.2.2 Discussion

The Section 32 report and the landscape assessment that formed part of that assessment considered alternative locations and concluded that the Ponds site was the most appropriate for such uses. The site is located some distance from the Wanaka town centre and is situated close to the Frederick Street industrial area. The Wanaka Structure Plan and Wanaka 2020 identified the site as appropriate for some form of industrial or business activity.

The Commissioners noted that concerns were raised regarding effects from traffic and noise, particularly from residents in the surrounding area. With respect to traffic effects, the Commissioners relied upon the traffic assessment included with the section 32 material and considered that the additional traffic could be accommodated within the existing roading network. Limiting the number of accesses allowed on to Ballantyne Road would, in the Commissioners' view, ensure that movements into and out of the Zone did not conflict with other traffic on Ballantyne Road.

The Commissioners also considered the potential for noise effects from the proposed activities provided for within the zone. The area set aside for yard based activities is located within the depressed area currently containing the oxidation ponds, and the Commissioners considered that locating such activities in the lower area would assist in ensuring any adverse noise effects were able to be managed. In addition, the Commissioners noted that the buffer areas around the Zone and the various Activity Areas would also provide sufficient separation from activities, and intervening vegetation and buildings would also assist in ensuring that any adverse noise effects were minimal. The Commissioners also noted that the noise standards imposed were the same as for other Industrial zones in the District, and considered that they were appropriate.

The Section 32 report has considered alternative locations, and drew the conclusion that the site is appropriate for the proposed activities. The Commissioners agree with this view.

With respect to the issue of offering the land back to the original owners, the Commissioners agree with the further submission of Council, which noted that the offer back process is not a resource management matter that requires consideration as part of the plan change process. Council decided to seek to rezone the site prior to the ponds being decommissioned so that it could secure the future zoning of the site in accordance with the Wanaka Structure Plan. Rezoning of the site also ensures that immediate provision is made for activities identified as being currently inadequately provided for in the Wanaka area. The Commissioners also noted that the offer back process was to be undertaken under different legislation, and was not a matter that could affect their decision on the proposed Plan Change.

### 5.2.3 Recommendation

That the submissions of **Jo Dippie** [32/1/1], **Gordon Trust** [32/3/1], **John and Judy Young** [32/11/1, 32/11/3] and **Upper Clutha Transport** [32/9/1] and the further submissions of **Gordon Trust** [32/1/1/3, 32/9/1/3, 32/11/1/2, 32/11/3/3], **Jo Dippie** [32/11/1/3, 32/11/1/4], **Willowridge Developments** [32/3/1/3] and **Orchard Road Holdings** [32/3/1/4] be **rejected**, and the further

submissions of **Queenstown Lakes District Council** [32/1/1/1, 32/3/1/1, 32/9/1/2, 32/11/1/1, 32/11/3/2] and **Firth Industries** [32/1/1/2, 32/3/1/2, 32/9/1/1] be **accepted**.

#### 5.2.4 Reasons

- Offering the land back to the previous owners is a process that sits outside the Resource Management Act 1991.
- Zoning of the site to accommodate yard-based industrial activities is consistent with Wanaka 2020 and the Wanaka Structure Plan, both of which were formed after extensive community consultation.
- Withdrawing Plan Change 32 will not enable the Wanaka community to provide for industrial activities that require large yard areas.

### 5.3 INCLUDE ADJACENT LAND IN PLAN CHANGE

**Orchard Road Holdings** [32/7/1] request that the Plan Change be expanded to include adjacent land identified in the submission. The submission is **supported** by **Willowridge Developments** [32/7/1/3] and **partly supported** by **Transit NZ** [32/7/1/1]. The submission is **opposed** by **Dale and Angus Gordon** [32/7/1/2], **Sir Clifford Skeggs** [32/7/1/4], **Queenstown Lakes District Council** [32/7/1/5] and **Gordon Trust** [32/7/1/6].

**Orchard Road Holdings** [32/7/2] request that Figure 1 be deleted and replaced with the submitter's alternative showing an arterial road network and alternate zoning including the adjacent land. The submission is **supported** by **Willowridge Developments** [32/7/2/3] and **partly supported** by **Transit NZ** [32/7/2/1]. The submission is **opposed** by **Dale and Angus Gordon** [32/7/2/2], **Sir Clifford Skeggs** [32/7/2/4], **Queenstown Lakes District Council** [32/7/2/5] and **Gordon Trust** [32/7/2/6].

**Willowridge Developments** [32/10/1] request that the adjacent Three Parks business land be included as part of Plan Change 32 and that both sites be rezoned simultaneously. The submission is **supported** by **Orchard Road Holdings** [32/10/1/3] and **partly supported** by **Transit NZ** [32/10/1/1]. The submission is **opposed** by **Dale and Angus Gordon** [32/10/1/2], **Sir Clifford Skeggs** [32/10/1/5], **Queenstown Lakes District Council** [32/10/1/4] and **Gordon Trust** [32/10/1/6].

**Willowridge Developments** [32/10/2] request that the adjacent Three Parks land be rezoned from Rural General to B – Mixed Business and F- Retail and Commercial as shown on the map appended to the submission. The submission is **supported** by **Orchard Road Holdings** [32/10/2/2]. The submission is **opposed** by **Dale and Angus Gordon** [32/10/2/1], **Sir Clifford Skeggs** [32/10/2/4], **Queenstown Lakes District Council** [32/10/2/3] and **Gordon Trust** [32/10/2/5].

**Willowridge Developments** [32/10/39] request that Figure 1 be deleted and replaced with the revised Structure Plan attached to the submission. The revised plan identifies the location of arterial roads within the Zone and incorporates some adjoining Willowridge land (part of the Three Parks site). The submission is **supported** by **Orchard Road Holdings** [32/10/39/3] and **partly supported** by **Transit NZ** [32/10/39/1]. The submission is **opposed** by **Dale and Angus Gordon** [32/10/39/2], **Sir Clifford Skeggs** [32/10/39/4], **Queenstown Lakes District Council** [32/10/39/5] and **Gordon Trust** [32/10/39/6].

#### 5.3.1 Explanation

The submission of Orchard Road Holdings and Willowridge Developments both seek to have a portion of the adjoining Three Parks site included within the zoning created by Plan Change 32. The work has been progressing for some time on the preparation of a plan change for the Three Parks site, and the submitters do not consider that advancing the Ponds Plan Change in isolation from Three Parks to be efficient, effective or appropriate. In order to meet current shortfalls in business land, the submitters consider that the proposed business land forming part of the Three Parks site should be included within the Ponds Plan Change in order to meet good urban design and sustainable management.

Willowridge Developments, in particular, also consider that it is inappropriate to defer some of the land in Activity Areas D and E when there is a demonstrated immediate need for business land.

The further submitters that oppose the inclusion of additional land within Plan Change 32 do so on the basis that the inclusion of additional land without undertaking an appropriate Section 32 analysis is beyond the scope of the Plan Change and is *ultra vires* in terms of the Resource Management Act 1991.

### 5.3.2 Discussion

The preliminary issue for determination by the Commissioners is whether the submissions by Orchard Road Holdings Limited (“Orchard”) and Willowridge Developments Limited (“Willowridge”) that part of Willowridge’s land be included in the Plan Change is properly asserted at law, and accordingly can be entertained as part of this plan change process. In forming our view, we have had regard to the law relating to “tag-on” submissions: in particular, *Clearwater Resource Limited and Anor v Christchurch City Council* (High Court, Christchurch, AP34/2002, 14 March 2003, William Young J as he then was) and a very recent case *IHG Queenstown Limited v QLDC* (Environment Court, C078/2008, 3 July 2008, Judge Bollard).

The Court in *Clearwater* held that if the effect of upholding a submission which is alleged to be “on” a change or variation would permit a plan to be “appreciably amended without real opportunity for participation by those potentially affected”, this is a powerful consideration against actioning the request. Although the Orchard and Willowridge submissions in the main support the Plan Change, the Commissioners have formed the view that the additional rezoning of approximately 7 ha of Willowridge land would result in the District Plan being appreciably amended without real opportunity for participation by those potentially affected (to use William Young J’s words). We note that there has not been a full section 32 assessment in relation to the proposed additional area; accordingly potentially affected persons have not had the opportunity to properly assess or make submissions in relation to the proposed rezoning of additional land. The Section 32 process undertaken for the Ponds Plan Change has focused on the appropriate uses of the Ponds site and how activities on that land may be managed so that any and all effects are appropriately managed within the site. Notwithstanding its proximity to the Ponds site, the Orchard and Willowridge request in effect seeks an outcome from “left field”, having regard to the Ponds site and Council’s reasons for promoting this particular plan change. We have formed the view that to include the Willowridge land as part of this Plan Change would, as Judge Bollard found in *IHG Queenstown*, be such an unforeseen extension to the Plan Change as to render it unreasonable for others who may be affected to anticipate, let alone contest, the issues that might arise from the tag-on submission.

Orchard and Willowridge’s remedy is to seek a private plan change accompanied by an appropriate section 32 analysis. We note in this respect that work is currently progressing on the preparation of a plan change for the Three Parks site and, as identified in the Council’s further submission, notification of that plan change will occur in the near future. On the basis that the proposed Three Parks Plan Change is to be notified, there is no justification for the rezoning of a portion of that site before that notification occurs. Plan Change 32 has been designed so that an appropriate integration of activities can occur between the Ponds site and adjoining properties.

Deferring the zoning of Activity Areas D and E is intended to ensure that the land is taken up and developed in an efficient manner. It is recognised that there is a demand for yard-based industrial activities; however, were the entire area to be made available at once there is a risk that the Zone could be developed in an *ad hoc* manner. By deferring part of the zoning until such time as there is sufficient development in Activity Areas A, D and C, Council is better able to ensure that the Zone develops in an efficient and integrated manner.

### 5.3.3 Recommendation

That the submissions of **Willowridge Developments** [32/10/1, 32/10/2, 32/10/39] and **Orchard Road Holdings** [32/7/1, 32/7/2] and the further submissions of **Willowridge Developments** [32/7/1/3, 32/7/2/3] and **Orchard Road Holdings** [32/10/1/3, 32/10/2/2, 32/10/39/3] be **rejected**, and that the further submissions of **Dale and Angus Gordon** [32/7/1/2, 32/7/2/2, 32/10/1/2, 32/10/2/2, 32/10/39/2], **Sir Clifford Skeggs** [32/7/1/4, 32/7/2/4, 32/10/1/4, 32/10/2/4, 32/10/39/4], 39/10/1/5 **Queenstown Lakes District Council** [32/7/1/5, 32/7/2/5, 32/10/1/4, 32/10/1/5, 32/10/2/5, 32/10/39/5] and **Gordon Trust** [32/7/1/6, 32/7/2/6, 32/10/1/6, 32/10/2/6, 32/10/39/6] be **accepted**, and the further submissions of **Transit New Zealand** [32/7/1/1, 32/7/2/1, 32/10/1/1, 32/10/2/1, 32/10/39/1] be **rejected** insofar as they seek the integration of adjoining land into Plan Change 32.

#### 5.3.4 Reasons

- The request by Orchard and Willowridge for the rezoning of 7 ha of additional land is not a submission within the scope of the Plan Change.
- The impending notification of the proposed Three Parks Plan Change will incorporate zoning for business land in the Three Parks site and it is inappropriate to include it in the Ballantyne Road Ponds Plan Change. The Three Parks Plan Change will be the subject of its own Section 32 analysis, following which those potentially affected will have the opportunity to participate fully in the process.

#### 5.4 DEFER THE PLAN CHANGE

**Gordon Trust** [32/3/2] submitted that the Plan Change should not be withdrawn, rather, it should be deferred until such time as the following occurs:

- (a) The site has been investigated and examined by a suitably qualified specialist in waste management to determine the extent of any contamination of the site from current uses of the site.
- (b) Suitable measures have been formulated for the rehabilitation of the site to a standard equivalent to that when the land was acquired for its current purpose.
- (c) Alternative locations for industrial, yard-based and mixed-use business activities have been investigated in the Wanaka area.
- (d) Further consultation occurs with immediately adjoining landowners taking into account the further investigations and amenity effects above.
- (e) The rezoning is formulated with regard to an appropriate level of amenity and concerns raised in this submission.

This submission is **supported** by **Willowridge Developments** [32/3/2/2] and **Orchard Road Holdings** [32/3/2/3] and **opposed** by **Queenstown Lakes District Council** [32/3/2/1].

**Dale and Angus Gordon** [32/4/1] submit that the Plan Change should not proceed until the ponds are decommissioned and all remedial analyses and related issues are undertaken, and consultation with the previous owner takes place. This submission is **opposed** by **Queenstown Lakes District Council** [32/4/1/1] and **Firth Industries** [32/4/1/2].

**Peter and De Gordon** [32/5/1] submit that the Plan Change be deferred until such time as the land can be rezoned together with surrounding land. This submission is **supported** by **Willowridge Developments** [32/5/1/1] and **Orchard Road Holdings** [32/5/1/2] and **partly supported** by **Gordon Trust** [32/5/1/4] and **opposed** by **Queenstown Lakes District Council** [32/5/1/3].

**Willowridge Developments** [32/10/3] submit that, if the Plan Change does not include the Three Parks land as requested, the Plan Change should be rejected until Council is ready to notify the Three Parks Plan Change. This submission is **supported** by **Orchard Road Holdings** [32/10/3/4], **partly supported** by **Transit NZ** [32/10/3/1], and **opposed** by **Dale and Angus Gordon** [32/10/3/2], **Firth Industries** [32/10/3/2], **Queenstown Lakes District Council** [32/10/3/5], **Sir Clifford Skeggs** [32/10/3/6] and **Gordon Trust** [32/10/3/7].

**John and Judy Young** [32/1/2] submit that tests to determine the level of contamination on the site should be undertaken before the Plan Change takes effect. This submission is **supported** by **Jo Dippie** [32/11/2/1] and **Gordon Trust** [32/11/2/3] and **opposed** by **Queenstown Lakes District Council** [32/11/2/2].

**Infinity Investment Group Holdings** [32/6/2] consider that further information is required on the remediation of the site, as the effects are unknown and there is insufficient information on the

proposed methodology and the likely outcome. This submission is **supported** by **Upper Clutha Transport** [32/6/2/1] and **Gordon Trust** [32/6/2/3] and **partly supported** by **Queenstown Lakes District Council** [32/6/2/2].

#### 5.4.1 Explanation

The submitters consider that, given the use of the site for the Wanaka oxidation ponds, there is presently insufficient information to determine the level of any contamination of the site. The submitters considered that this information is necessary prior to changing the zoning of the site, as the nature of any remediation required may affect the nature of activities that are able to be undertaken on the site.

Given that the Ponds site shares three boundaries with the Three Parks site, the submitters consider that the site should be rezoned concurrently with the Three Parks site to ensure consistency and efficiency.

#### 5.4.2 Discussion

Remediation of the Ponds site and any associated decontamination is a process that occurs outside the zoning process. The plan change process will establish the uses that may be undertaken on the site. Irrespective of what future activities may occur, remediation will be required when the ponds are decommissioned. This decontamination is a matter that sits outside the plan change process and is therefore not a matter that should restrict Council's ability to rezone the land. The Commissioners sought independent legal advice on this issue, which confirmed that there was no legal requirement for the land to be reinstated prior to the rezoning of the land. The question of whether remediation would be done prior to the rezoning, or prior to the offer back process to the previous owners, was a matter for Council to determine as land owner. The Commissioners considered that the rezoning established the land uses that could be undertaken on the site subject to any necessary consents. In order to avoid the situation where activities could be undertaken in Activity Area C prior to any remediation taking place, the Commissioners considered it appropriate to include a rule to the effect that any activity that complied with all standards and was not otherwise provided for as controlled, discretionary or non-complying in Activity Area C should be a non-complying activity. The Commissioners also considered that it was appropriate that the default position for activities not expressly provided for in the Zone rules should be that they become non-complying activities in order to avoid the potential situation where an activity not anticipated in the Zone could be established if it satisfied the various standards. The Commissioners considered that the Rule would ensure that Activity Area remained available primarily for yard-based activities.

The Commissioners further noted that Otago Regional Council did not raise any concerns about potential contamination of the site, or on the nature of remediation that may be required. Otago Regional Council did not submit on the Plan Change. As there will be a requirement for consents from Otago Regional Council for the decontamination and remediation of the site, depending upon the nature of work required, the Commissioners considered that any matters that arise can be dealt with at the appropriate time.

Some submitters considered that alternative sites should be investigated. As noted in the further submissions of Council, consideration of alternate sites is not required as part of the plan change process. Notwithstanding this, the Commissioners noted that the Section 32 report and accompanying landscape assessment prepared by Boffa Miskell considered a number of alternative locations and came to the view that the Ponds site was the most appropriate location to provide for yard-based industrial activities.

The Gordon Trust also considers that more consultation should be undertaken. As part of preparing Plan Change 32, Council has complied with the statutory requirements for consultation. Matters raised in the consultation were addressed in the Section 32 report. The Commissioners considered that the Plan Change had been subject to the appropriate public process and did not agree that additional consultation would identify any further issues that have not already been canvassed through the submissions and further submissions.

The Three Parks Plan Change, as noted in Council's further submission, is to be notified in the near future. The Commissioners did not consider it necessary for the two plan changes to be processed in

tandem. The provisions of the Ponds Plan Change have been developed so as to appropriately manage the effects of activities within the Zone, and appropriate provision has been made for landscaping and set backs of activities and buildings from the adjoining Three Parks land. The Commissioners are satisfied that the provision of activities in the Wanaka Structure Plan relating to the Three Parks site had been taken into account in the drafting of the provisions so that there will be no incompatibility between uses on the two sites.

The Commissioners were also satisfied that the maintenance and enhancement of amenity values has been appropriately considered in preparing Plan Change 32. The landscape assessment prepared by Boffa Miskell addressed this issue in detail, and made a number of recommendations that have been incorporated into the Plan Change to ensure that the amenity of the site is enhanced, and that there is appropriate protection of the amenity values of the wider area.

### 5.4.3 Recommendation

That the submissions of **Gordon Trust** [32/3/2], **Dale and Angus Gordon** [32/4/1], **Infinity Investment Group Holdings** [32/6/2], **Peter and De Gordon** [32/5/1], **Willowridge Developments** [32/10/3] and **John and Judy Young** [32/1/2] and the further submissions of **Willowridge Developments** [32/3/2/2, 32/5/1/1], **Orchard Road Holdings** [32/3/2/3, 32/10/3/4, 32/5/1/2], **Gordon Trust** [32/5/1/4, 32/6/2/3, 32/10/3/7, 32/11/2/3], **Transit NZ** [32/10/3/1], **Upper Clutha Transport** [32/6/2/1] and **Jo Dippie** [32/11/2/1] be **rejected**, and the further submissions of **Queenstown Lakes District Council** [32/3/2/1, 32/4/1/1, 32/5/1/3, 32/6/2/2, 32/10/3/5, 32/11/2/2], **Firth Industries** [32/4/1/2, 32/10/3/2], **Dale and Angus Gordon** [32/10/3/2] and **Sir Clifford Skeggs** [32/10/3/6] be **accepted**.

### 5.4.4 Reasons

- Decontamination and remediation of the site is a process that falls outside the plan change process under the Resource Management Act 1991.
- Alternative locations for the proposed activities were considered in the Section 32 report and associated documents, and it was concluded that the Ponds site was appropriate for such uses.
- Council undertook consultation in accordance with the requirements of the Act as part of preparing Plan Change 32.
- The Ponds Plan Change and impending Three Parks Plan Change need not be processed in tandem. Appropriate provision has been made for the interface between the two zones, and the provisions in Plan Change 32 are considered sufficient to ensure that any effects of activities on the site can be managed within the site.
- Plan Change 32 will maintain and enhance the amenity of the site and surrounding area.

## 5.5 DEFINITIONS

**Firth Industries** [32/2/1] request that the Plan Change include a definition of ‘Yard-Based Industrial Activity’. This submission is **partly supported** by **Queenstown Lakes District Council** [32/2/1/1] and **Gordon Trust** [32/2/1/2].

**Firth Industries** [32/2/2] request that the Plan Change include a definition of ‘Yard-Based Service Activity’. This submission is **partly supported** by **Queenstown Lakes District Council** [32/2/2/1] and **Gordon Trust** [32/2/2/2].

### 5.5.1 Explanation

The submitters consider that the creation of separate definitions will make the implementation of Plan Change 32 easier and clarify the nature of activities that are anticipated.

### 5.5.2 Discussion

At present Plan Change 32 does not contain a definition of ‘Yard-Based Industrial Activities’ or of ‘Yard-Based Service Activities’. Incorporation of an appropriately worded definition will assist in the implementation of the Plan Change and avoid uncertainty as to the nature of activities that are

intended to be provided for. The further submission of Queenstown Lakes District Council has suggested the following wording for a definition:

*Yard-Based Service Activity: Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods and/or the storage and servicing of vehicles.*

The Commissioners consider that, in effect, the two definitions provide for one and the same thing, and agreed with the submission of Firth Industries in this regard. The Commissioners consider it appropriate to define both activities and noted that, at the hearing, Council's reporting planner suggested that the definitions be worded as follows:

*Yard-Based Industrial Activity – means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storage of goods, where no more than 40% of the site is covered by built form.*

*Yard-Based Service Activity – means the use of land and buildings for the primary purpose of the transport, storage, maintenance and repair of goods, where no more than 40% of the site is covered by built form.*

The Commissioners considered that the amended definitions were appropriate as they linked the nature of the activities with the maximum building coverage allowed in the Zone rules. If an activity sought to cover more ground than provided for, a different activity status would apply.

Consequential changes will be required to Plan Change 32 to substitute 'Yard-Based Service Activity' for the various terms currently used to describe activities within the Zone.

### 5.5.3 Recommendation

That the submissions of **Firth Industries** [32/2/1, 32/2/2] be **accepted** and the further submissions of **Queenstown Lakes District Council** [32/2/1/1, 32/2/2/1] and **Gordon Trust** [32/2/1/2, 32/2/2/2] be **accepted in part** insofar as they request the creation of appropriate definitions as part of the Plan Change.

### 5.5.4 Reasons

- The recommended definitions more appropriately describe the activities provided for by the Plan Change.

## 5.6 CHANGES TO TABLE 12.22.3.6

**Firth Industries** [32/2/3, 32/2/4, 32/2/5] request that 'Yard-Based industrial Activities' and 'Yard-Based Service Activities' be separated in Table 12.22.3.6, and that each be provided for separately as controlled activities in Area C of Table 12.22.3.6. These submissions are **partly supported** by **Queenstown Lakes District Council** [32/2/3/1, 32/2/4/1, 32/2/5/1] and **Gordon Trust** [32/2/3/2, 32/2/4/2, 32/2/5/2].

**Willowridge Developments** [32/10/25] requests various amendments to the table to create a vibrant mixed-use business zone. The changes requested are set out in the marked-up Plan Section in Appendix 2 to this report. This submission is **supported** by **Orchard Road Holdings** [32/10/25/3] and **opposed** by **Dale and Angus Gordon** [32/10/25/1], **Firth Industries** [32/10/25/2], **Queenstown Lakes District Council** [32/10/25/4], **Sir Clifford Skeggs** [32/10/25/5] and **Gordon Trust** [32/10/25/6].

### 5.6.1 Explanation

The submissions of Firth Industries follow on from the earlier submissions relating to the definitions of Yard-Based and Service-Based activities. If the two were to be individually defined, the submitter requests that Table 12.22.3.6 be amended to show these activities individually. The submitter also

seeks to have these activities considered as discretionary in Activity Area C, which is set aside for this particular activity.

Likewise, the submission of Willowridge Developments seeks to have changes made to accommodate the inclusion of a portion of the Three Parks land into the Plan Change (identified in the submission as Activity Area F).

## 5.6.2 Discussion

In Section 5.5 above, the Commissioners considered it appropriate to create individual definitions for Yard-Based Service Activities and Yard-Based Industrial Activities. Accordingly, the Commissioners consider it appropriate to separate the two activities and provide for them as individual activities as requested in the submissions.

The submission of Willowridge Developments introduces provisions that will facilitate the inclusion of part of the Three Parks land into Plan Change 32. It is recommended earlier in this decision that the inclusion of additional land in Plan Change 32 be rejected as it is beyond the scope of the Plan Change. The Commissioners therefore consider that the additional provisions sought by the submitter are inappropriate.

## 5.6.3 Recommendation

That the submissions of **Firth Industries** [32/2/3, 32/2/4, 32/2/5] be **accepted**, and the further submissions of **Queenstown Lakes District Council** [32/2/3/1, 32/2/4/1, 32/2/5/1] and **Gordon Trust** [32/2/3/2, 32/2/4/2, 32/2/5/2] be **accepted in part** insofar as they relate to the separate provision for the two activities.

That the submissions of **Willowridge Developments** [32/10/25] and **Orchard Road Holdings** [32/10/25/3] be **rejected**, and the further submissions **Dale and Angus Gordon** [32/10/25/1], **Firth Industries** [32/10/25/2], **Queenstown Lakes District Council** [32/10/25/4], **Sir Clifford Skeggs** [32/10/25/5] and **Gordon Trust** [32/10/25/6] be **accepted**.

## 5.6.4 Reasons

- It is appropriate to provide separately for Yard-Based Service/Industrial Activities as each has been separately defined to better identify the activities that are intended to be facilitated by the Plan Change.
- The changes requested by Willowridge Developments relate to the portion of Three Parks land the submitter wishes to be incorporated into the Plan Change. This is beyond the scope of the Plan Change and is therefore inappropriate.

## 5.7 CHANGES REQUESTED TO PLAN PROVISIONS

**Willowridge Developments** requested that part of its adjacent Three Parks land be rezoned in tandem with the Ponds Plan Change (submission point 32/10/2, discussed above). Subsequently, Willowridge Developments requested a number of changes to the Plan Change provisions in order to facilitate the inclusion of this land, and to ensure that the Plan Change provisions were appropriately worded to provide for the additionally zoned land.

As discussed above, it is recommended in this report that the submissions seeking the inclusion of additional land be rejected, for reasons including:

- Inclusion of other land areas was not considered through the Section 32 process.
- The Three Parks land is subject to a separate Plan Change that is currently being prepared.
- Inclusion of additional land is beyond the scope of the Ponds Plan Change.

The changes requested in these submissions are identified in the marked Plan Section in Appendix 2 to this report. The submissions requesting alterations to the Plan provisions are as follows:

### **5.7.1 Changes to Issues, Objectives and Policies:**

**Willowridge Developments** [32/10/4] request changes to the Zone Statement in Section 12.21.1. This submission is **supported** by **Orchard Road Holdings** [32/10/4/2] and **opposed** by **Dale and Angus Gordon** [32/10/4/1], **Queenstown Lakes District Council** [32/10/4/3], **Sir Clifford Skeggs** [32/10/4/4] and **Gordon Trust** [32/10/4/5].

**Willowridge Developments** [32/10/5] request changes to Section 12.21.2(i) as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/5/2] and **opposed** by **Dale and Angus Gordon** [32/10/5/1], **Queenstown Lakes District Council** [32/10/5/3], **Sir Clifford Skeggs** [32/10/5/4] and **Gordon Trust** [32/10/5/5].

**Willowridge Developments** [32/10/6] request changes to Section 12.21.2(ii) as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/6/2] and **opposed** by **Dale and Angus Gordon** [32/10/6/1], **Queenstown Lakes District Council** [32/10/6/3], **Sir Clifford Skeggs** [32/10/6/4] and **Gordon Trust** [32/10/6/5].

**Willowridge Developments** [32/10/7] requests that Policy 1.3 be deleted and replaced as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/7/2] and **opposed** by **Dale and Angus Gordon** [32/10/7/1], **Queenstown Lakes District Council** [32/10/7/3], **Sir Clifford Skeggs** [32/10/7/4] and **Gordon Trust** [32/10/7/5].

**Willowridge Developments** [32/10/8] request changes to the Principal Reasons for Adoption for Objective 1 as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/8/2] and **opposed** by **Dale and Angus Gordon** [32/10/8/1], **Queenstown Lakes District Council** [32/10/8/3], **Sir Clifford Skeggs** [32/10/8/4] and **Gordon Trust** [32/10/8/5].

**Willowridge Developments** [32/10/9] request changes to the Principal Reasons for Adoption for Objective 2 as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/9/2] and **opposed** by **Dale and Angus Gordon** [32/10/9/1], **Queenstown Lakes District Council** [32/10/9/3], **Sir Clifford Skeggs** [32/10/9/4] and **Gordon Trust** [32/10/9/5].

**Willowridge Developments** [32/10/10] request changes to Objective 3 as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/10/2] and **opposed** by **Dale and Angus Gordon** [32/10/10/1], **Queenstown Lakes District Council** [32/10/10/3], **Sir Clifford Skeggs** [32/10/10/4] and **Gordon Trust** [32/10/10/5].

**Willowridge Developments** [32/10/11] request changes to Policy 3.1 as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/11/2] and **opposed** by **Dale and Angus Gordon** [32/10/11/1], **Queenstown Lakes District Council** [32/10/11/3], **Sir Clifford Skeggs** [32/10/11/4] and **Gordon Trust** [32/10/11/5].

**Willowridge Developments** [32/10/12] request that Policy 3.5 be replaced as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/12/2] and **opposed** by **Dale and Angus Gordon** [32/10/12/1], **Queenstown Lakes District Council** [32/10/12/3], **Sir Clifford Skeggs** [32/10/12/4] and **Gordon Trust** [32/10/12/5].

**Willowridge Developments** [32/10/13] request that Policy 3.7 is deleted. This submission is **supported** by **Orchard Road Holdings** [32/10/13/2], **partially supported** by **Queenstown Lakes District Council** [32/10/13/3] and **opposed** by **Dale and Angus Gordon** [32/10/13/1], **Sir Clifford Skeggs** [32/10/13/4] and **Gordon Trust** [32/10/13/5].

**Willowridge Developments** [32/10/14] request changes to the Principal Reasons for Adoption for Objective 3 as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/14/2] and **opposed** by **Dale and Angus Gordon** [32/10/14/1], **Queenstown Lakes District Council** [32/10/14/3], **Sir Clifford Skeggs** [32/10/14/4] and **Gordon Trust** [32/10/14/5].

**Willowridge Developments** [32/10/16] requests that a new Objective 6 and associated policies is included as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/16/2] and **opposed** by **Dale and Angus Gordon** [32/10/16/1], **Queenstown Lakes District Council** [32/10/16/3], **Sir Clifford Skeggs** [32/10/16/4] and **Gordon Trust** [32/10/16/5].

### 5.7.1.1 Explanation

Willowridge Developments seek a number of changes to the provisions of the Ballantyne Road Mixed Use zone, as it is considered the existing provisions are too restrictive and the changes requested would enable more flexible and efficient development of the Zone. According to Willowridge Developments, incorporation of the Three Parks land, including provisions relating to that land in the Plan Change, will enable a greater mix and range of land use activities.

The submitter is concerned that the focus of the Plan Change on yard-based industrial activities fails to recognise the need for land for general business service and industrial activities.

### 5.7.1.2 Discussion

The submissions of Willowridge Developments are focussed on incorporating a portion of Three Parks land into Plan Change 32 to enable a greater range of activities in the Zone. As discussed earlier in this report at 5.3.2, the Commissioners consider that it is inappropriate to include additional land within the area to be rezoned by the Plan Change. A number of further submitters have raised the issue that such changes are beyond the scope of the Plan Change. It is further noted that the Three Parks Plan Change is currently being drafted, and this will address the future zoning and activities within that land.

A number of changes requested by the submitter would result in activities being enabled in the Zone that were not contemplated by Plan Change 32, such as making retail and commercial activities permitted in some areas.

The Ballantyne Road Mixed Use Zone has been developed following a Section 32 analysis that focused on the existing oxidation ponds site. The submission of Willowridge Developments seeks to incorporate a large area of land to accommodate business and mixed use activities in the absence of the rigour of a Section 32 analysis. For the reasons previously discussed, the changes requested are considered to be beyond the scope of the Plan Change. Plan Change 32 has been developed in response to a demonstrated need for activities that require large amounts of land, with the balance of the site given to uses that will buffer such developments and enable integration of the Zone with the surrounding land.

As noted by the further submission of Queenstown Lakes District Council, the changes requested to the Plan Change are driven by the desire to have a large area of the Three Parks land zoned as part of the Ponds Plan Change. This is considered to be inappropriate, as the Plan Change is specific to the Ponds site. The impending Three Parks Plan Change is the appropriate means by which to change the zoning of the land owned by the submitter.

### 5.7.1.3 Recommendation

- (i) That the submissions of **Willowridge Developments** [32/10/4, 32/10/5, 32/10/6, 32/10/7, 32/10/8, 32/10/9, 32/10/10, 32/10/11, 32/10/12, 32/10/13, 32/10/14, 32/10/16] and the further submissions of **Orchard Road Holdings** [32/10/4/2, 32/10/5/2, 32/10/6/2, 32/10/7/2, 32/10/8/2, 32/10/9/2, 32/10/10/2, 32/10/11/2, 32/10/12/2, 32/10/13/2, 32/10/14/2, 32/10/16/2] be **rejected**; and
- (ii) the further submissions of **Dale and Angus Gordon** [32/10/4/1, 32/10/5/1, 32/10/6/1, 32/10/7/1, 32/10/8/1, 32/10/9/1, 32/10/10/1, 32/10/11/1, 32/10/12/1, 32/10/13/1, 32/10/14/1, 32/10/16/1], **Queenstown Lakes District Council** [32/10/4/3, 32/10/5/3, 32/10/6/3, 32/10/7/3, 32/10/8/3, 32/10/9/3, 32/10/10/3, 32/10/11/3, 32/10/12/3, 32/10/13/3, 32/10/14/3, 32/10/16/3], **Sir Clifford Skeggs** [32/10/4/4, 32/10/5/4, 32/10/6/4, 32/10/7/4, 32/10/8/4, 32/10/9/4, 32/10/10/4, 32/10/11/4, 32/10/12/4, 32/10/13/4, 32/10/14/4, 32/10/16/4] and **Gordon Trust** [32/10/4/5, 32/10/5/5, 32/10/6/5, 32/10/7/5, 32/10/8/5, 32/10/9/5, 32/10/10/5, 32/10/11/5, 32/10/12/5, 32/10/13/5, 32/10/14/5, 32/10/16/5] be **accepted**.

### 5.7.1.4 Reasons

- Incorporation of the Three Parks land into Plan Change 32 is beyond the scope of the Plan Change.

## **5.7.2 Changes to Zone Statement**

**Willowridge Developments** [32/10/17] requests changes to the Zone Purpose Statement in Section 12.22.1 as shown. This submission is **supported** by **Orchard Road Holdings** [32/10/17/2] and **partially supported** by **Queenstown Lakes District Council** [32/10/17/3] and **opposed** by **Dale and Angus Gordon** [32/10/9/1], **Sir Clifford Skeggs** [32/10/9/4] and **Gordon Trust** [32/10/9/5].

### **5.7.2.1 Explanation**

The submitter requests that the description of the purpose of the Zone be amended to include a wider range of activities, and to reflect the increased area of the Plan Change that would result from the requested incorporation of the area of Three Parks land the submitter wishes to have included in Plan Change 32.

### **5.7.2.2 Discussion**

As noted by the further submission of Queenstown Lakes District Council, the changes requested to Plan Change 32 are driven by the desire to have a large area of Three Parks land zoned as part of the Ponds Plan Change. This is considered to be inappropriate by the Commission, as Plan Change 32 is specific to the Ponds site, and the impending Three Parks Plan Change is the appropriate means by which to change the zoning of the land owned by the submitter.

### **5.7.2.3 Recommendation**

That the submission of **Willowridge Developments** [32/10/17] and the further submission of **Orchard Road Holdings** [32/10/17/2] be **rejected**, and the further submissions of **Queenstown Lakes District Council** [32/10/17/3], **Dale and Angus Gordon** [32/10/9/1], **Sir Clifford Skeggs** [32/10/9/4] and **Gordon Trust** [32/10/9/5] be **accepted**.

### **5.7.2.4 Reasons**

- Incorporation of the Three Parks land into Plan Change 32 is beyond the scope of the Plan Change, and it is therefore unnecessary to make the amendment requested by the submitter.

## **5.7.3 Changes to Rule 12.22.3.2 - Outline Development Plan**

**Willowridge Developments** [32/10/18] request changes to 12.22.3.2(i)(a) by referring to three access points rather than two. This submission is **supported** by **Orchard Road Holdings** [32/10/18/2] and **opposed** by **Dale and Angus Gordon** [32/10/18/1], **Queenstown Lakes District Council** [32/10/18/3], **Sir Clifford Skeggs** [32/10/18/4] and **Gordon Trust** [32/10/18/5].

**Willowridge Developments** [32/10/19] request changes to 12.22.3.2(i)(b) such that landscaping also be required to be identified on the outline development plan. This submission is **supported** by **Orchard Road Holdings** [32/10/19/2] and **opposed** by **Dale and Angus Gordon** [32/10/19/1], **Queenstown Lakes District Council** [32/10/19/3], **Sir Clifford Skeggs** [32/10/19/4] and **Gordon Trust** [32/10/19/5].

**Willowridge Developments** [32/10/21] request the inclusion of building platforms as a matter of control in 12.22.3.2(i). This submission is **supported** by **Orchard Road Holdings** [32/10/21/2] and **opposed** by **Dale and Angus Gordon** [32/10/21/1], **Queenstown Lakes District Council** [32/10/21/3], **Sir Clifford Skeggs** [32/10/21/4] and **Gordon Trust** [32/10/21/5].

**Willowridge Developments** [32/10/22] submit that 12.22.3.2(ii) be deleted as buildings should be permitted if they comply with the outline development plan. This submission is **supported** by **Orchard Road Holdings** [32/10/22/2] and **opposed** by **Dale and Angus Gordon** [32/10/22/1], **Queenstown Lakes District Council** [32/10/22/3], **Sir Clifford Skeggs** [32/10/22/4] and **Gordon Trust** [32/10/22/5].

### 5.7.3.1 Explanation

The submitter seeks a number of changes to the outline development plan requirement. The request to include reference to an additional roading link is derived from the submitter's earlier submission that adjoining Three Parks land be included in the Plan Change.

The submitter also requests that landscaping of the zone be identified on the outline development plan. The further submission by Queenstown Lakes District Council considers that landscaping is appropriately addressed in the Plan Change as notified.

The inclusion of building platforms as a matter of control is also requested, with subsequent buildings on those platforms becoming a permitted activity provided they comply with the outline development plan. The further submissions do not consider this appropriate or necessary.

### 5.7.3.2 Discussion

As discussed earlier in this report, it is not considered appropriate to include part of the Three Parks land in the Plan Change. The area requested is large and the activities proposed have not been subjected to the same rigorous Section 32 analysis as the Ponds site. In addition, the Three Parks Plan Change is to be notified in the near future, and this is considered to be the appropriate time for the zoning of that land to be considered.

Zone Standard 12.22.5.2(v) in Plan Change 32, as notified, requires that a minimum width of 10 metres of the 15m landscaping strip of Activity Area A be undertaken prior to any development of the Zone. Furthermore, Zone Standard 12.22.5.2(vi) requires that

*a minimum of 50% of all setback areas, excluding any area set aside for vehicle entry or exit to a site, shall be landscaped. Such landscaping is to be identified on a landscape plan accompanying a land use consent application.*

The Plan Change enables future developers of individual lots to identify their landscaping requirements at the time a consent application is submitted. The Commissioners consider that this Zone Standard makes it clear that a minimum of 50% of all setback areas are required to be landscaped as part of the development of the site. Accordingly, as the Zone Standards clearly identify the amount of landscaping required, there is no need to require the landscaping to be shown on the outline development plan..

The identification of building platforms is not considered necessary in the Zone. The Commissioners consider that the Zone is established in order to provide for yard-based activities, which require minimal buildings. The Commissioners agree that establishing building platforms is unnecessary and unduly restrictive, and noted that the Site and Zone Standards, particularly the setback and coverage requirements, are sufficient to ensure that buildings will be appropriately located within the Zone. The outline development plan will identify the building design parameters for the Activity Areas. Future developments are a controlled activity if they comply with the outline development plan so that the specifics of each development may be considered by Council. The Commissioners consider that the outline development plan and controlled activity status for buildings in the Zone are appropriate.

### 5.7.3.3 Recommendation

That the submissions of **Willowridge Developments** [32/10/18, 32/10/19, 32/10/21, 32/10/22] and the further submissions of **Orchard Road Holdings** [32/10/18/2, 32/10/19/2, 32/10/21/2, 32/10/22/2] be **rejected**, and the further submissions of **Dale and Angus Gordon** [32/10/18/1, 32/10/19/1, 32/10/21/1, 32/10/22/1], **Queenstown Lakes District Council** [32/10/18/3, 32/10/19/3, 32/10/21/3, 32/10/22/3], **Sir Clifford Skeggs** [32/10/18/4, 32/10/19/4, 32/10/21/4, 32/10/22/4] and **Gordon Trust** [32/10/18/5, 32/10/19/5, 32/10/21/5, 32/10/22/5] be **accepted**.

### 5.7.3.4 Reasons

- The Plan Change provisions, as notified, adequately address the issue raised by the submitter.

- Incorporation of the Three Parks land into Plan Change 32 is beyond the scope of the Plan Change, and it is therefore unnecessary to make the amendment requested by the submitter.

#### **5.7.4 Changes to Rule 12.22.3.3 – Discretionary Activities**

**Willowridge Developments** [32/10/23] request the addition of a new rule making buildings discretionary if they are not in compliance with an approved outline development plan. This submission is **supported** by **Orchard Road Holdings** [32/10/23/2] and **opposed** by **Dale and Angus Gordon** [32/10/23/1], **Queenstown Lakes District Council** [32/10/23/3], **Sir Clifford Skeggs** [32/10/23/4] and **Gordon Trust** [32/10/23/5].

##### **5.7.4.1 Explanation**

The submitter considers that Plan Change 32 presently does not cover the situation that may occur if applications for buildings are made prior to the approval of an outline development plan.

##### **5.7.4.2 Discussion**

The matters of control stated for buildings within the Zone in Rule 12.22.3.2(ii) include compliance with the approved outline development plan. Non-compliance with the outline development plan renders any application a discretionary activity pursuant to Rule 12.22.3.3(ii). Accordingly the Commissioners consider that the relief sought by the submitter is unnecessary as the existing Plan Change provisions adequately address the issue.

##### **5.7.4.3 Recommendation**

That the submission of **Willowridge Developments** [32/10/23] and further submission of **Orchard Road Holdings** [32/10/23/2] be **rejected**, and the further submissions of **Dale and Angus Gordon** [32/10/23/1], **Queenstown Lakes District Council** [32/10/23/3], **Sir Clifford Skeggs** [32/10/23/4] and **Gordon Trust** [32/10/23/5] be **accepted**.

##### **5.7.4.4 Reasons**

- The Plan Change provisions as notified adequately address the issue raised by the submitter.

#### **5.7.5 Changes to Rule 12.22.3.4 – Non-Complying Activities**

**Willowridge Developments** [32/10/24] request the addition of a new rule making any development in advance of the approval of an outline development plan non-complying. This submission is **supported** by **Orchard Road Holdings** [32/10/24/2], **partly supported** by **Queenstown Lakes District Council** [32/10/24/3] and **opposed** by **Dale and Angus Gordon** [32/10/24/1], **Sir Clifford Skeggs** [32/10/24/4] and **Gordon Trust** [32/10/24/5].

##### **5.7.5.1 Explanation**

The submitter considers that any development undertaken in advance of the approval of an outline development plan should be a non-complying activity, and requests the insertion of a rule to address this matter.

##### **5.7.5.2 Discussion**

Zone Standard 12.22.5(xiii) of the Plan Change as notified states that:

*“No development shall be undertaken within the Zone or part of the zone until such time as an Outline Plan has been approved by the Council”.*

The structure of Plan Change 32, consistent with the Queenstown Lakes District Council District Plan, is such that non-compliance with a Zone Standard makes any application a non-complying activity. The Commissioners, therefore, consider that the Plan Change provisions appropriately address this issue.

### 5.7.5.3 Recommendation

That the submission of **Willowridge Developments** [32/10/24] and further submission of **Orchard Road Holdings** [32/10/24/2] be rejected, and the further submissions of **Dale and Angus Gordon** [32/10/24/1], **Queenstown Lakes District Council** [32/10/24/3], **Sir Clifford Skeggs** [32/10/24/4] and **Gordon Trust** [32/10/24/5] be accepted.

### 5.7.5.4 Reasons

- The Plan Change provisions as notified adequately address the issue raised by the submitter.

### 5.7.6 Changes to Rule 12.22.5.1 - Site Standards

The following submissions by Willowridge Developments request various amendments to Activity Area B and the insertion of new rules addressing Activity Area F, the area of the Three Parks land the submitter wishes to be added to the Plan Change.

**Willowridge Developments** [32/10/26] request the addition of a new Rule 12.22.5.1(i) making the maximum building height in Activity Area F 10m. This submission is **supported** by **Orchard Road Holdings** [32/10/26/2] and **opposed** by **Dale and Angus Gordon** [32/10/26/1], **Queenstown Lakes District Council** [32/10/26/3], **Sir Clifford Skeggs** [32/10/26/4] and **Gordon Trust** [32/10/26/5].

**Willowridge Developments** [32/10/27] request that Rule 12.22.5.1(ii)(a) be amended by making the maximum site coverage in Activity Area B 80%. This submission is **supported** by **Orchard Road Holdings** [32/10/27/2] and **opposed** by **Dale and Angus Gordon** [32/10/27/1], **Queenstown Lakes District Council** [32/10/27/3], **Sir Clifford Skeggs** [32/10/27/4] and **Gordon Trust** [32/10/27/5].

**Willowridge Developments** [32/10/28] request the addition of a new Rule 12.22.5.1(ii)(e) making the maximum building coverage in Activity Area F 100%. This submission is **supported** by **Orchard Road Holdings** [32/10/28/2] and **opposed** by **Dale and Angus Gordon** [32/10/28/1], **Queenstown Lakes District Council** [32/10/28/3], **Sir Clifford Skeggs** [32/10/28/4] and **Gordon Trust** [32/10/28/5].

**Willowridge Developments** [32/10/29] request that the internal setbacks in Rule 12.22.5.1(iv) be amended, including no minimum setback for proposed Activity Area F. This submission is **supported** by **Orchard Road Holdings** [32/10/29/2] and **opposed** by **Dale and Angus Gordon** [32/10/29/1], **Queenstown Lakes District Council** [32/10/29/3], **Sir Clifford Skeggs** [32/10/29/4] and **Gordon Trust** [32/10/29/5].

**Willowridge Developments** [32/10/30] request that the Internal Zone setbacks in Rule 12.22.5.1(vi) be amended by reducing the setback for Activity Area B to 3 metres, and requiring no setback for Activity Area F. This submission is **supported** by **Orchard Road Holdings** [32/10/30/2] and **opposed** by **Dale and Angus Gordon** [32/10/30/1], **Queenstown Lakes District Council** [32/10/30/3], **Sir Clifford Skeggs** [32/10/30/4] and **Gordon Trust** [32/10/30/5].

**Willowridge Developments** [32/10/31] request that a new clause (x) be added providing for 250m<sup>2</sup> of retail floor area within any Activity Area. This submission is **supported** by **Orchard Road Holdings** [32/10/31/2] and **opposed** by **Dale and Angus Gordon** [32/10/31/1], **Queenstown Lakes District Council** [32/10/31/3], **Sir Clifford Skeggs** [32/10/31/4] and **Gordon Trust** [32/10/31/5].

#### 5.7.6.1 Explanation

The submitter has requested that an area of Three Parks land adjoining Ballantyne Road be added to the Plan Change, and that the rezoning provide for areas of mixed business and commercial/retail activities.

#### 5.7.6.2 Discussion

The submissions of Willowridge Developments are focussed on incorporating a portion of Three Parks land into Plan Change 32 to enable a greater range of activities in the Zone. As discussed earlier in

this report at 5.3.2, the Commission considers that it is inappropriate to include additional land within the area to be rezoned by the Plan Change. It is further noted that the Three Parks Plan Change is to be notified in the near future and will address the future zoning and activities within that land.

### 5.7.6.3 Recommendation

That the submissions of **Willowridge Developments** [32/10/26, 32/10/27, 32/10/28, 32/10/29, 32/10/30, 32/10/31] and further submissions of **Orchard Road Holdings** [32/10/26/2, 32/10/27/2, 32/10/28/2, 32/10/29/2, 32/10/30/2, 32/10/31/2] be **rejected**, and that the further submissions of **Dale and Angus Gordon** [32/10/26/1, 32/10/27/1, 32/10/28/1, 32/10/29/1, 32/10/30/1, 32/10/31/1], **Queenstown Lakes District Council** [32/10/26/3, 32/10/27/3, 32/10/28/3, 32/10/29/3, 32/10/30/3, 32/10/31/3], **Sir Clifford Skeggs** [32/10/26/4, 32/10/27/4, 32/10/28/4, 32/10/29/4, 32/10/30/4, 32/10/31/4] and **Gordon Trust** [32/10/26/5, 32/10/27/5, 32/10/28/5, 32/10/29/5, 32/10/30/5, 32/10/31/5] be **accepted**.

### 5.7.6.4 Reasons

- Incorporation of the Three Parks land into Plan Change 32 is beyond the scope of the Plan Change.

### 5.7.7 Changes to Rule 12.22.5.2 – Zone Standards

**Willowridge Developments** [32/10/32] request that the road setbacks in Rule 12.22.5.2(ii)(iv) be amended, including no minimum setback for proposed Activity Area F and a reduction in Activity Area B to 2 metres. This submission is **supported** by **Orchard Road Holdings** [32/10/32/2] and **opposed** by **Dale and Angus Gordon** [32/10/32/1], **Queenstown Lakes District Council** [32/10/32/3], **Sir Clifford Skeggs** [32/10/32/4] and **Gordon Trust** [32/10/32/5].

**Willowridge Developments** [32/10/33] request the addition of a new Rule 12.22.5.2(iii) making the maximum building height in Activity Area F 10m. This submission is **supported** by **Orchard Road Holdings** [32/10/33/2] and **opposed** by **Dale and Angus Gordon** [32/10/33/1], **Queenstown Lakes District Council** [32/10/33/3], **Sir Clifford Skeggs** [32/10/33/4] and **Gordon Trust** [32/10/33/5].

**Willowridge Developments** [32/10/34] request the addition of a new Rule 12.22.5.2(iv) making the maximum building coverage in Activity Area B 80% and in Activity Area F 100%. This submission is **supported** by **Orchard Road Holdings** [32/10/34/2] and **opposed** by **Dale and Angus Gordon** [32/10/34/1], **Queenstown Lakes District Council** [32/10/34/3], **Sir Clifford Skeggs** [32/10/34/4] and **Gordon Trust** [32/10/34/5].

**Willowridge Developments** [32/10/35] request that Zone Standard 12.22.5.2(vii) be amended as shown in Appendix 2. This submission is **supported** by **Orchard Road Holdings** [32/10/35/2] and **opposed** by **Dale and Angus Gordon** [32/10/35/1], **Queenstown Lakes District Council** [32/10/35/3], **Sir Clifford Skeggs** [32/10/35/4] and **Gordon Trust** [32/10/35/5].

**Willowridge Developments** [32/10/36] request that Zone Standard 12.22.5.2(ix)(a) be amended as shown in Appendix 2. This submission is **supported** by **Orchard Road Holdings** [32/10/36/2] and **opposed** by **Dale and Angus Gordon** [32/10/36/1], **Queenstown Lakes District Council** [32/10/36/3], **Sir Clifford Skeggs** [32/10/36/4] and **Gordon Trust** [32/10/36/5].

**Willowridge Developments** [32/10/37] request that a new Zone Standard 12.22.5.2(xiv) be included providing for up to 250m<sup>2</sup> of retail floor space per site in the Zone. This submission is **supported** by **Orchard Road Holdings** [32/10/37/2] and **opposed** by **Dale and Angus Gordon** [32/10/37/1], **Queenstown Lakes District Council** [32/10/37/3], **Sir Clifford Skeggs** [32/10/37/4] and **Gordon Trust** [32/10/37/5].

#### 5.7.7.1 Explanation

The submitter has requested that an area of Three Parks land adjoining Ballantyne Road be added to the Plan Change, and that the rezoning provide for areas of mixed business and commercial/retail activities. The submissions seek the inclusion of additional Zone Standards to provide for activities on this additional land.

#### **5.7.7.2 Discussion**

The submissions of Willowridge Developments are focussed on incorporating a portion of Three Parks land into Plan Change 32 to enable a greater range of activities in the Zone. As discussed earlier in this report at 5.3.2, the Commission considers that it is inappropriate to include additional land within the area to be rezoned by the Plan Change. It is further noted work on the proposed Three Parks Plan Change is progressing and will address the future zoning and activities within that land.

#### **5.7.7.3 Recommendation**

That the submissions of **Willowridge Developments** [32/10/32, 32/10/33, 32/10/34, 32/10/35, 32/10/36, 32/10/37] and further submissions of **Orchard Road Holdings** [32/10/32/2, 32/10/33/2, 32/10/34/2, 32/10/35/2, 32/10/36/2, 32/10/37/2] be **rejected**, and that the further submissions of **Dale and Angus Gordon** [32/10/32/1, 32/10/33/1, 32/10/34/1, 32/10/35/1, 32/10/36/1, 32/10/37/1], **Queenstown Lakes District Council** [32/10/32/3, 32/10/33/3, 32/10/34/3, 32/10/35/3, 32/10/36/3, 32/10/37/3], **Sir Clifford Skeggs** [32/10/32/4, 32/10/33/4, 32/10/34/4, 32/10/35/4, 32/10/36/4, 32/10/37/4] and **Gordon Trust** [32/10/32/5, 32/10/33/5, 32/10/34/5, 32/10/35/5, 32/10/36/5, 32/10/37/5] be **accepted**.

#### **5.7.7.4 Reasons**

- Incorporation of the Three Parks land into the Plan Change is beyond the scope of the Plan Change.

### **5.7.8 Changes to Environmental Results Anticipated**

**Willowridge Developments** [32/10/40] request that Environmental Result Anticipated 12.21.4(iv) be revised to reflect the desire that the Wanaka economy should not be constrained by the availability of land for yard based activities and mixed business including service, light industrial and commercial activities. The submission is **supported** by **Orchard Road Holdings** [32/10/40/2] and **opposed** by **Dale and Angus Gordon** [32/10/40/1], **Sir Clifford Skeggs** [32/10/40/3], **Queenstown Lakes District Council** [32/10/40/4] and **Gordon Trust** [32/10/40/5].

#### **5.7.8.1 Explanation**

The submitter has requested that an area of Three Parks land adjoining Ballantyne Road be added to the Plan Change, and that the rezoning provide for areas of mixed business and commercial/retail activities. The changes to this provision reflect the expansion of the Plan Change requested by the submitter.

#### **5.7.8.2 Discussion**

As noted in the further submission of Queenstown Lakes District Council, the changes requested to Plan Change 32 are driven by the desire to have a large area of Three Parks land zoned as part of the Ponds Plan Change. This is considered by the Commission to be inappropriate, as Plan Change 32 is specific to the Ponds site, and the impending Three Parks Plan Change is the appropriate means by which to change the zoning of the land owned by the submitter.

#### **5.7.8.3 Recommendation**

That the submission of **Willowridge Developments** [32/10/40] and the further submission of **Orchard Road Holdings** [32/10/40/2] be rejected, and the further submissions of **Dale and Angus Gordon** [32/10/40/1], **Sir Clifford Skeggs** [32/10/40/3], **Queenstown Lakes District Council**

[32/10/40/4] and **Gordon Trust** [32/10/40/5] be **accepted**.

#### 5.7.8.4 Reasons

- Incorporation of the Three Parks land into Plan Change 32 is beyond the scope of the Plan Change.

### 5.8 AFFORDABLE HOUSING PROVISIONS

**Willowridge Developments** [32/10/15] submit that Objective 6 and its associated policies relating to affordable housing should be deleted. The submission is **supported** by **Orchard Road Holdings** [32/10/15/2] and **opposed** by **Dale and Angus Gordon** [32/10/15/1], **Sir Clifford Skeggs** [32/10/15/4], **Queenstown Lakes District Council** [32/10/15/3] and **Gordon Trust** [32/10/15/5].

**Willowridge Developments** [32/10/20] submit that Rule 12.22.3.2(l), relating to affordable housing, should be deleted as it is premature. The submission is **supported** by **Orchard Road Holdings** [32/10/20/2] and **opposed** by **Dale and Angus Gordon** [32/10/20/1], **Sir Clifford Skeggs** [32/10/20/4], **Queenstown Lakes District Council** [32/10/20/3] and **Gordon Trust** [32/10/20/5].

**Willowridge Developments** [32/10/38] submit that the fourth bullet point in Assessment Matter 12.22.6L relating to affordable housing should be deleted as the submitter does not support affordable housing provisions. The submission is **supported** by **Orchard Road Holdings** [32/10/38/2] and **opposed** by **Dale and Angus Gordon** [32/10/38/1], **Sir Clifford Skeggs** [32/10/38/4], **Queenstown Lakes District Council** [32/10/38/3] and **Gordon Trust** [32/10/38/5].

#### 5.8.1 Explanation

The submitter notes that Plan Change 24, relating to affordable housing, and pending central government initiatives will be likely to be sufficient to address affordable housing for the Zone, and including the provisions in Plan Change 32 is, therefore, unnecessary.

#### 5.8.2 Discussion

Through a separate plan change process (Plan Change 24), Council has investigated the affordable housing issue and introduced provisions into the District Plan to ensure that developments make appropriate contributions to affordable housing in the District. As Council's further submission has noted, a commitment has been made to providing affordable housing throughout the District. The Commissioners consider that Objective 6 and the associated policies and other provisions submitted on are consistent with Council's wider initiatives as expressed in Plan Change 24.

#### 5.8.3 Recommendation

The submissions of **Willowridge Developments** [32/10/15, 32/10/20 and 32/10/38] and further submissions of **Orchard Road Holdings** [32/10/15/2, 32/10/20/2 and 32/10/38/2] be **rejected** and the further submissions of **Dale and Angus Gordon** [32/10/15/1, 32/10/20/1, 32/10/38/1], **Sir Clifford Skeggs** [32/10/15/4, 32/10/20/4, 32/10/38/4], **Queenstown Lakes District Council** [32/10/15/3, 32/10/20/3, 32/10/38/3] and **Gordon Trust** [32/10/15/2/5, 32/10/20/5, 32/10/38/5] be **accepted**.

#### 5.8.4 Reasons

- Incorporation of the affordable housing provisions in the Plan Change is consistent with Council's wider policy approach to affordable housing, as expressed in Plan Change 24.

### 5.9 MISCELLANEOUS SUBMISSIONS

**Infinity Investment Group Holdings** [32/6/1] state that consolidation of the industrial area to the west of Ballantyne Road is desirable. This submission is **supported** by **Upper Clutha Transport** [32/6/1/1] and **Gordon Trust** [32/6/1/3] and **partly supported** by **Queenstown Lakes District Council** [32/6/1/2].

**Firth Industries** [32/2/6] request that Council make any consequential amendments to the Plan Change to give effect to its submission. This submission is **partly supported** by **Queenstown Lakes District Council** [32/2/6/1] and **Gordon Trust** [32/2/6/2].

The **Gordon Trust** [32/3/3] requests that Council make any consequential amendments to the Plan Change to give effect to the submission. This submission is **supported** by **Willowridge Developments** [32/3/3/2] and **Orchard Road Holdings** [32/3/3/3] and **opposed** by **Queenstown Lakes District Council** [32/3/3/1].

### 5.9.1 Explanation

The Infinity submission does not seek any specific relief apart from supporting the consolidation of the industrial area west of the Ponds site.

The submissions of Firth and the Gordon Trust enable Council to make consequential changes to the Plan Change in order to give effect to the submission points raised.

### 5.9.2 Discussion

The Commissioners consider that the submission by Infinity is unclear as to whether it considers the industrial activities should be provided for within the existing Frederick Street area, or whether Plan Change 32 is supported given its proximity to the existing Frederick Street industrial area. The Section 32 report identifies the presence of the Frederick Street industrial area as a positive factor in that it enables the activities provided for in the Ponds Plan Change to be included within an environment that already displays some of the characteristics the Plan Change will bring about. The Commissioners consider that consolidating industrial activities around an existing area is an efficient way of managing the effects of such activities.

The submissions of Firth Industries and the Gordon Trust are useful in that they enable the Council to make any minor changes to the provisions of Plan Change 32 so as to give effect to the matters raised in the submissions.

### 5.9.3 Recommendation

- (i) That the submission of **Infinity Investment Group Holdings** [32/6/1] and the further submissions of **Upper Clutha Transport** [32/6/1/1], **Gordon Trust** [32/6/1/3] and **Queenstown Lakes District Council** [32/6/1/2] be **accepted in part** insofar as they relate to the consolidation of industrial activities in the vicinity of the Frederick Street industrial area.
- (ii) That the submissions of **Firth Industries** [32/2/6] and] and the further submissions of **Queenstown Lakes District Council** [32/2/6/1] and **Gordon Trust** [32/2/6/2] be **accepted in part**.
- (iii) That the submission of **Gordon Trust** [32/3/3] and the further submissions of **Willowridge Developments** [32/3/3/2] and **Orchard Road Holdings** [32/3/3/3] be **rejected**, and the further submission of **Queenstown Lakes District Council** [32/3/3/1] be **accepted**.

### 5.9.4 Reasons

- The submission by Infinity Investment Group Holdings expresses general support for the accumulation of industrial activities in the Frederick Street area.
- The submission of Firth Industries enables Council to make any minor changes necessary to the Plan in order to give effect to the matters raised in the submission.
- The Gordon Trust seeks the withdrawal of the Plan Change, and the submission point above enables Council to make any consequential changes to the Plan Change in order to give effect to that submission.

**APPENDIX 1: RECOMMENDED AMENDMENTS TO THE DISTRICT PLAN PROVISIONS FOR PONDS PLAN CHANGE AS NOTIFIED**

**Changes to District Plan for Ballantyne Road Mixed Use Zone - Plan Change 32**

The changes to the notified provisions recommended within this Decision are depicted in the following amended plan section by underlining for additions, and as ~~strike through~~ for deletions.