



QUEENSTOWN LAKES DISTRICT COUNCIL

PLAN CHANGE HEARING COMMITTEE

FOR HEARING 2 JULY 2008

**REPORT FOR PLAN CHANGE 32
BALLANTYNE ROAD MIXED USE ZONE
PROPOSED PLAN CHANGE**

SUBMITTED BY: **ANDREW HENDERSON, CONSULTANT PLANNER
BOULDER PLANNING (OTAGO) LTD FOR QUEENSTOWN LAKES
DISTRICT COUNCIL**

REPORT DATED: **13 June 2008**

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1.0 INTRODUCTION

This Report discusses and makes recommendations on submissions received in relation to Plan Change 32 – Ballantyne Road Mixed Use Zone. Although this Report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, 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.

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

The Queenstown Lakes District Council (the 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 site 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.

The site is currently zoned Rural General and contains the oxidation ponds for the 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.

The 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 the Council to determine the best use to which the land should be put.

In 2002 Council undertook a major community planning exercise for Wanaka entitled Wanaka 2020. This community planning exercise assisted the community and Council in identifying and planning for the future growth of the Wanaka area. The area of land that is subject to this proposed Plan Change (the Ponds site) was included within an area identified as being suitable for industrial type expansion.

Further to Wanaka 2020, the 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. This 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 and 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 that there was 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 section 32 report concluded that 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

| Original Submitters |
|------------------------------------|
| 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 |
| |
| Further Submitters |
| |
| Queenstown Lakes District Council |
| Gordon Trust |
| Firth Industries |
| Jo Dippie |
| Willowridge Developments |
| Orchard Road Holdings |
| Transit New Zealand |

4. PLANNERS REPORT AND RECOMMENDATIONS

The following Sections of this report provide a brief summary of each submission, and a recommendation in response to each of the decisions sought. The submissions are grouped into sections based on issues or concerns raised by the submissions.

4.1 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 the 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].

4.1.1 Explanation

The submitters support the Plan Change.

4.1.2 Discussion

This plan change has been prepared by the 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 section 32 report draws on a traffic assessment that addresses the issue of traffic safety and efficiency issues. The report does not identify any significant traffic issues and it is considered that the concerns of Transit NZ are satisfied.

4.1.3 Recommendation

That the submissions of **Transit New Zealand** [32/8/1, 38/8/2] 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.

4.1.4 Reasons

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

4.2 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].

4.2.1 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.

4.2.2 Discussion

The section 32 report and the landscape assessment that formed part of that assessment considered alternative locations and concluded that the 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 that the site was appropriate for some form of industrial or business activity.

The section 32 report has considered alternative locations, and drew the conclusion that the site is appropriate for the proposed activities.

With respect to the issue of offering the land back to the original owners, the further submission of the Council has noted that the offer back process is not a resource management matter that needs to be provided for in the Plan Change process. The Council took the decision 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. Withdrawal of the Plan Change would not enable the Wanaka community to provide for these industrial activities that require large yard areas.

4.2.3 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**.

4.2.4 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.
- Withdrawing the Plan Change will not enable the Wanaka community to provide for industrial activities that require large yard areas.

4.3 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 3 Parks business land be included as part of the Plan Change 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 3 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].

4.3.1 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 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 appropriate to defer some of the land in Activity Areas D and E when there is demonstrated immediate need for Business land.

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

4.3.2 Discussion

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. The section 32 process undertaken for the Ponds Plan Change has focused upon 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.

Inclusion of additional land in the Plan Change process is considered inappropriate as there has not been a full section 32 assessment undertaken in relation to the area that the submitters wish to be included within the Plan Change. As noted in the further submissions, inclusion of additional land in the Plan Change is *ultra vires*. Given that the proposed Three Parks Plan Change is to be notified, there is no need to rezone a portion of that site before that notification occurs. Plan Change 32 has been designed so that 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 made available at once there is a risk that the zone would be taken up 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, the Council is able to ensure the Zone develops in an efficient and integrated manner.

4.3.3 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 **rejected**, 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.

4.3.4 Reasons

- Inclusion of additional land into Plan Change 32 is beyond the scope of the Plan Change.
- The upcoming notification of the proposed Three Parks Plan Change will incorporate zoning of the Business land in the Three Parks site and there is no need to include it within the Ballantyne Road Ponds Plan Change.

4.4 DEFER THE PLAN CHANGE

Gordon Trust [32/3/2] submit that should the Plan Change not be withdrawn, 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 users 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) that further consultation occurs with immediately adjoining landowners taking into account the further investigations and amenity effects above.
- (e) that the rezoning is formulated with regard to an appropriate level of amenity and concerns raised in this submissions.

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 the 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].

4.4.1 Explanation

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

Given that the Ponds site shared 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.

4.4.2 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 the Council's ability to rezone the land.

It is noted that the Otago Regional Council has not raised any concerns about potential contamination on the site or on the nature of remediation that may be required. The Regional Council did not submit on the Plan Change. There will be a requirement for consents from the Otago Regional Council for the decontamination and remediation of the site depending upon the nature of work required, and it is therefore considered that any matters that arise will be appropriately dealt with at the appropriate time in the process.

Some submitters have considered that alternative sites should be investigated. As noted in the further submissions of the Council, consideration of alternate sites is not required as part of the Plan Change process. That notwithstanding, 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 the Plan Change, the Council has complied with the statutory requirements for consultation. Matters raised in the consultation were addressed within the section 32 report. It is not considered that additional consultation would identify any further issues that have not already been identified through the submissions and further submissions.

The Three Parks Plan Change, as noted in the Council's further submission, is to be notified in the near future. It is not considered 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. Activities that the Wanaka Structure Plan provides for on the Three Parks site have been taken into account in the drafting of the provisions so that there will be no incompatibility between uses on the two sites.

The maintenance and enhancement of amenity values has been taken into consideration in preparing the Plan Change. The landscape assessment prepared by Boffa Miskell has 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 appropriate protection of the amenity of the wider area is protected.

4.4.3 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**.

4.4.4 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.
- The Council undertook consultation in accordance with the requirements in the Act as part of preparing the Plan Change.
- The Ponds Plan Change and upcoming 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 the Plan Change are considered sufficient to ensure that any effects of activities on the site can be managed within the site.

- The Plan Change will maintain and enhance the amenity of the site and surrounding area.

4.5 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].

4.5.1 Explanation

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

4.5.2 Discussion

At present the plan Change 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 the 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.

This wording is considered appropriate as it covers the nature of activities that the Plan Change intends to provide for. The section 32 report and associated documents discusses the need to provide for activities that require large areas of open space for storage of goods or vehicles, and the suggested wording captures that intent. Consequential changes will be required to the Plan Change to substitute ‘Yard Based Service Activity’ for the various terms currently used to describe activities within the Zone.

4.5.3 Recommendation

That the submissions of **Firth Industries** [32/2/1, 32/2/2] 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.

4.5.4 Reasons

- The recommended definition appropriately describes the activities provided for by the Plan Change.

4.6 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].

4.6.1 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 then the submitter requests that Table 12.22.3.6 be amended to show these activities individually. The submitter also seeks to have these activities 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 3 parks land into the Plan Change (identified in the submission as Activity Area F).

4.6.2 Discussion

In section 4.5 above, it is recommended that a single definition be created (Yard Based Service Activity) as it appropriately described the nature of activities the Plan Change is intended to provide for. It is therefore unnecessary to separate the two activities.

It is noted that since the close of submissions, Firth Industries have advised of an error in their submission in that the relief sought is that the activities be separated and provided for separately as controlled activities, not discretionary. The Plan already provides for these activities as controlled activities in Activity Area C.

The submission of Willowridge Developments introduces provisions that will facilitate the inclusion of part of the Three Parks land into the Plan Change. It is earlier recommended in this report that the inclusion of additional land in the Plan Change is rejected as it is beyond the scope of the Plan Change. It is therefore considered that the additional provisions providing for the Three Parks land are provisions sought by the submitter are not appropriate.

4.6.3 Recommendation

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

4.6.4 Reasons

- It is unnecessary to provide separately for Yard Based Service/Industrial Activities as one definition has been created that appropriately describes these activities.
- Yard based activities are already provided for as controlled activities in Activity Area C.
- 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 therefore inappropriate.

4.7 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). Following on from this submission point, 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:

4.7.1 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].

4.7.1.1 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. Making the changes as requested would enable more flexible and efficient development of the Zone. Incorporation of the Three parks land and 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.

4.7.1.2 Discussion

The submissions of Willowridge Developments are focussed around incorporating a portion of Three Parks land into the Plan Change and enabling a greater range of activities in the Zone. As discussed earlier in this report, it is not appropriate 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, which 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 the Plan Change, such as making retail and commercial activities permitted in some areas. The changes requested to the Issues, Objectives and Policies of the Ballantyne Road Mixed Use Zone reflect these activities.

The Ballantyne Road Mixed Use Zone has been developed following a section 32 analysis that focused upon 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 without the rigour of a section 32 analysis. The changes 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 the Queenstown Lakes District Council, the changes requested to the Plan Change are driven by the desire to have a large area of Three Parks land zoned as part of the Ponds Plan Change. This is inappropriate as the Plan Change is specific to the Ponds site, and the upcoming Three Parks Plan Change is the appropriate means by which to change the zoning of the land owned by the submitter.

4.7.1.3 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**.

4.7.1.4 Reasons

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

4.7.2 Changes to Zone Statement

Willowridge Developments [32/10/17] request 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].

4.7.2.1 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 resulting from the requested incorporation of the area of Three Parks land the submitter wishes to have incorporated in to the Plan Change.

4.7.2.2 Discussion

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

4.7.2.3 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**.

4.7.2.4 Reasons

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

4.7.3 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].

4.7.3.1 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 the 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.

4.7.3.2 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 section 32 analysis as the Ponds site. In addition, the Three Parks Plan Change is to be notified in the near future, and is the appropriate time for the zoning of that land to be considered.

Zone Standard 12.22.5.2(v) in the Plan Change 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 at the time a consent application is submitted. 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. It is therefore considered that there is no need to require the landscaping to be shown on the outline development plan as the Zone Standards clearly identify the amount of landscaping required.

The identification of building platforms is not considered necessary in the Zone. The Zone is established in order to provide for yard based activities which require minimal amounts of buildings. Establishing building platforms is considered unnecessary and unduly restrictive. The Site and Zone Standards, particularly the setback and coverage requirements, are considered sufficient to ensure that buildings are appropriately located within the Zone. The outline development plan will identify the building design parameters for the Activity Areas, and 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 the Council. The outline development plan and controlled activity status for buildings in the Zone are considered appropriate.

4.7.3.3 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**.

4.7.3.4 Reasons

- The Plan Change provisions as notified adequately address the issue raised by the submitter.
- Incorporation of the Three Parks land into the Plan Change is beyond the scope of the Plan Change, and it is therefore unnecessary to make the amendment requested by the submitter.

4.7.4 Changes to Rule 12.22.3.3 – Discretionary Activities

Willowridge Developments [32/10/23] request the addition of 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].

4.7.4.1 Explanation

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

4.7.4.2 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 makes any application a discretionary activity pursuant to Rule 12.22.3.3(ii). Accordingly it is considered that the relief sought by the submitter is unnecessary as the existing Plan Change provisions adequately address the issue.

4.7.4.3 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**.

4.7.4.4 Reasons

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

4.7.5 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].

4.7.5.1 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.

4.7.5.2 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 the Plan Change, 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 Plan Change provisions therefore are considered to appropriately address this issue.

4.7.5.3 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.

4.7.5.4 Reasons

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

4.7.6 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 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 250m² 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].

4.7.6.1 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.

4.7.6.2 Discussion

The submissions of Willowridge Developments are focussed around incorporating a portion of Three Parks land into the Plan Change and enabling a greater range of activities in the Zone. As discussed earlier in this report, it is not appropriate 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 to be notified in the future, which 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 the Plan Change, such as making retail and commercial activities permitted in some areas. The changes requested to the Issues, Objectives and Policies of the Ballantyne Road Mixed Use Zone reflect these activities.

The Ballantyne Road Mixed Use Zone has been developed following a section 32 analysis that focused upon 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 without the rigour of a section 32 analysis. The changes 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. There has been no corresponding section 32 analysis to justify the rezoning of this area of land as part of the Ponds plan change, and no corresponding section 32 analysis of the proposed activities that would be accommodated in this area.

The provisions in the Plan Change that establish the bulk and location requirements for activities, such as maximum height, site coverage and set back requirements have come about as the result of the landscape assessment undertaken by Boffa Miskell and by consideration of the attributes of the site and its ability to absorb development. Conversely, the changes requested by the submitter that would create the development standards applicable to the activities in proposed Activity Area F and the mixed business area have not been subjected the section 32 analysis and assessment undertaken as part of formulating the zone provisions.

As noted by the further submission of the Queenstown Lakes District Council, the changes requested to the Plan Change are driven by the desire to have a large area of Three Parks land zoned as part of the Ponds Plan Change. This is inappropriate as the Plan Change is specific to the Ponds site, and the upcoming Three Parks Plan Change is the appropriate means by which to change the zoning of the land owned by the submitter. It is anticipated that the section 32 report and assessment undertaken as part of the Three Parks Plan Change will demonstrate the appropriateness of proposed activities, and the applicable standards, to be enabled by that Plan Change.

4.7.6.3 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**.

4.7.6.4 Reasons

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

4.7.7 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 250m² 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].

4.7.7.1 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.

4.7.7.2 Discussion

The submissions of Willowridge Developments are focussed around incorporating a portion of Three Parks land into the Plan Change and enabling a greater range of activities in the Zone. As discussed earlier in this report, it is not appropriate 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 work on the that the proposed Three Parks Plan Change is progressing, which 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 the Plan Change, such as making retail and commercial activities permitted in some areas. The changes requested to the Issues, Objectives and Policies of the Ballantyne Road Mixed Use Zone reflect these activities.

The Ballantyne Road Mixed Use Zone has been developed following a section 32 analysis that focused upon 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 without the rigour of a section 32 analysis. The changes 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. There has been no corresponding section 32 analysis to justify the rezoning of this area of land as part of the Ponds plan change, and no corresponding section 32 analysis of the proposed activities that would be accommodated in this area.

The provisions in the Plan Change that establish the bulk and location requirements for activities, such as maximum height, site coverage and set back requirements have come about as the result of the landscape assessment undertaken by Boffa Miskell and by consideration of the attributes of the site and its ability to absorb development. Conversely, the changes requested by the submitter that would create the development standards applicable to the activities in proposed Activity Area F and the mixed business area have not been subjected the section 32 analysis and assessment undertaken as part of formulating the zone provisions.

As noted by the further submission of the Queenstown Lakes District Council, the changes requested to the Plan Change are driven by the desire to have a large area of Three Parks land zoned as part of the Ponds Plan Change. This is inappropriate as the Plan Change is specific to the Ponds site, and the upcoming Three Parks Plan Change is the appropriate means by which to change the zoning of the land owned by the submitter. It is anticipated that the section 32 report and assessment undertaken as part of the Three Parks Plan Change will demonstrate the appropriateness of proposed activities, and the applicable standards, to be enabled by that Plan Change.

4.7.7.3 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**.

4.7.7.4 Reasons

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

4.7.8 Changes to Environmental Results Anticipated

Willowridge Developments [32/10/40] request that Environmental Result Anticipated 12.21.4(iv) should 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].

4.7.8.1 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.

4.7.8.2 Discussion

As noted by the further submission of the Queenstown Lakes District Council, the changes requested to the Plan Change are driven by the desire to have a large area of Three Parks land zoned as part of the Ponds Plan Change. This is inappropriate as the Plan Change is specific to the Ponds site, and

the upcoming Three Parks Plan Change is the appropriate means by which to change the zoning of the land owned by the submitter.

4.7.8.3 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.

4.7.8.4 Reasons

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

4.8 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 they are 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 supported 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].

4.8.1 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 the Plan Change is therefore unnecessary.

4.8.2 Discussion

Through a separate Plan Change process (Plan Change 24), the 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 the Council's further submission has noted, it has made a commitment to providing affordable housing throughout the District. Objective 6 and the associated policies and other provisions submitted on are consistent with the Council's wider initiatives as expressed in Plan Change 24.

4.8.3 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**.

4.8.4 Reasons

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

4.9 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 the Council make any consequential amendments to the Plan Change to give effect to the 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 the 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].

4.9.1 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 the Council to make consequential changes to the Plan Change in order to give effect to the submission points raised.

4.9.2 Discussion

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 the plan change 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 feature for the Plan Change, as 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. 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 the Plan Change to give effect to the submissions.

4.9.3 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**.

4.9.4 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 the Council to make any minor changes necessary to the Plan in order to give effect to the submission.

- The Gordon Trust seek the withdrawal of the Plan Change, and the submission point above enables the Council to make any consequential changes to the Plan Change to give effect to the submission.
- It has earlier been recommended that the submissions of the Gordon Trust be rejected.

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 planner's report are depicted in the following amended plan section by underlining for additions, and as ~~strike through~~ for deletions.

Add to Definitions Section:

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.