

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on the Proposed District Plan

Report 16.3

Report and Recommendations of Independent Commissioners
Regarding Upper Clutha Planning Maps
Urban Wanaka (Varina Pty Ltd and Sneaky Curlew Ltd)

Commissioners

Trevor Robinson (Chair)

Jenny Hudson

Ian Munro

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VARINA PROPRIETY LTD (591)

Further Submitter: FS1179 Sneaky Curlew Ltd
Further Submitter: FS1276 JWA & DV Smith Trust

SNEAKY CURLEW LTD (737)

Further Submitter: FS1251 Varina Propriety Ltd
Further Submitter: FS1276 JWA & DV Smith Trust

1. SUMMARY OF RECOMMENDATIONS

1.1. Overall Recommendation

1. We recommend the submissions and further submissions of Varina Propriety Ltd and Sneaky Curlew Ltd be rejected, and further submission of JWA and DV Smith Trust be accepted in relation to rezoning land currently zoned Medium Density Residential Zone: Town Centre Transition Overlay in the PDP.
2. We recommend Varina Pty Ltd's submission to re-zone land between McDougall, Brownston and Upton Streets from Low Density Residential to Medium Density Residential be accepted in part.

1.2. Summary of Reasons for Recommendation

3. Zoning approximately 3ha of land on the south side of Brownston Street to Medium Density Residential zone: Town Centre Transition Overlay, as notified within the PDP, is the most appropriate means of managing growth at the interface between the Town Centre zone and the Medium Density Residential zone.
4. Rezoning the block of and at the opposite end of Brownston Street Medium Density Residential will better support the strategic urban form priorities of the PDP. We had no evidence that would support imposing a visitor accommodation overlay on that land.

2. PRELIMINARY MATTERS

2.1. Introduction

5. The purpose of this report is to address separately a group of related submissions in respect of which Commissioner McLeod had a personal conflict. He has had no role in its preparation or in our deliberations underlying it.
6. This report needs to be read together with our Report 16.2 addressing the balance of submissions on the urban areas of Wanaka and Lake Hawea.

2.2. Subject of submission

7. The submission and further submissions relate to the entirety of the Medium Density Residential: Town Centre Transition Overlay area ("MDR:TCTO") identified on Planning Map 21. This is approximately 3ha in extent, stretching along the south side of Brownston Street from Dungarvon Street east to Russell Street, and then including both sides of Russell Street.
8. A discrete separate request was made by Varina Pty Ltd to re-zone approximately 6,000m² of land between McDougall, Brownston and Upton Streets from Low Density Residential zone to Medium Density Residential zone, and to provide a Visitor Accommodation sub-zone across it.

Given that this is a discrete matter and largely non-contentious, we will discuss it separately at the conclusion of this report.

2.3. Outline of Relief Sought

9. The submitter Varina Propriety Ltd sought that the entirety of the MDR:TCTO be re-zoned to Wanaka Town Centre zone (augmented by additional controls to manage what would be a mid-block zone boundary between Town Centre zone and either Medium Density Residential or MDR:TCTO, as will be identified next). Related to the Varina Propriety Ltd submission was one from Sneaky Curlew Ltd. It sought to extend the MDR:TCTO further south into Upton Street between Helwick and Dungarvon Streets. While the submissions were independent of one another, they could equally co-exist if the relief requested was in each case accepted.
10. In respect of the Varina Propriety Ltd submission, further submissions from Sneaky Curlew Ltd¹ (support) and JWA & DV Smith Trust² (opposition) were received. In respect of the Sneaky Curlew Ltd submission, further submissions from JWA & DV Smith Trust³ (opposition) and Varina Propriety Ltd⁴ (support) were received.
11. In our consideration of these submissions, we determined to address the Varina Pty Ltd submission first. This is because the decision made for the PDP's MDR:TCTO has a material bearing on the extent to which the Sneaky Curlew relief becomes a question of additional MDR:TCTO over and above the PDP's, or whether it becomes a substitute for the PDP's MDR:TCTO should it be re-zoned.

2.4. Description of site and environs

12. The MDR:TCTO area consists of a number of historically residential sections that are currently in a state of mixed use, many having been subjected to commercial conversions and subsequent additions and alterations. The local landmark 'Cinema Paradiso' is an example.
13. Brownston Street is a linear road forming part of the historic orthogonal grid that defines central Wanaka. It has been the traditional 'edge' of the Town Centre zone, and has in recent years become of interest to the Council as a vehicular traffic bypass route. This would redistribute traffic from Ardmore Street so as to facilitate a safer and higher-quality interface between the town centre and Lake Wanaka.
14. The current built form quality of Brownston Street – on both sides – reflects its historic 'back street' role in the town. Russell Street is similar although, being less integrated into the town's strategic transport network, it is quieter and enjoys a more symmetrical built form relationship between the two sides of that street.
15. The Sneaky Curlew Ltd submission seeks re-zoning of the MDR:TCTO land to Town Centre zone in line with the Varina Pty Ltd submission and in addition that the MDR:TCTO be applied for half a block depth on the north side of Upton Street, between Helwick and Dungarvon Streets. That land is zoned Medium Density Residential in the PDP and is currently developed as a series of residential sites containing detached residential buildings, some used for visitor accommodation purposes. The majority of buildings are at this time 1-storey in height.

¹ Further submission 1179

² Further submission 1276

³ Ibid

⁴ Further submission 1251

2.5. The Case for Rezoning

16. A number of properties along the southern side of Brownston Street and also Russell Street were subject to a MDR:TCTO control in the PDP. This zone + overlay, in summary, provided for medium density residential-scaled development, subject to additional commercial activity controls than the zone otherwise enables.
17. The MDR:TCTO approach has been proposed in the PDP for Wanaka's eastern residential periphery and seeks to respond to the specific context of Wanaka. Relevant objectives and policies from the (notified) Medium Density Residential zone state as its intended purpose:

“Objective 8.2.9: Non-residential development forms which support the role of the Town Centre and are sensitive to the transition with residential uses are located within the Wanaka Town Centre Transition Overlay.

“Policy 8.2.9.1: Enable non-residential uses to establish within a discrete area of residential-zoned land adjoining the Wanaka Town Centre, where these activities suitably integrate with and support the role of the Town Centre.”

18. Based on the above, we understand that the MDR:TCTO seeks to provide a bespoke opportunity for commercial activity that can support and contribute to the social and economic wellbeing of Wanaka's community, in a way that will maintain the amenity values of what is a residential-dominant part of Wanaka. The purpose of the MDR:TCTO was not challenged or otherwise questioned by the submitters; their focus was on whether or not the PDP's spatial allocation of Town Centre, Medium Density Residential, and MDR:TCTO zones was the most appropriate one.
19. In her s.42A report, in section 7, the Council's planner Ms Amy Bowbyes evaluated the submissions and concluded that the PDP approach was the more appropriate, and that the relief sought by both Varina Pty Ltd and Sneaky Curlew Ltd should be rejected. In reaching her conclusions she accepted analysis from the Council's traffic expert Ms Wendy Banks that the relief requested by Varina Propriety Ltd could result in inappropriate adverse effects on transport safety and efficiency.
20. Pre-circulated evidence from Mr Duncan White (planner) on behalf of Sneaky Curlew outlined his disagreement with Ms Bowbyes' analysis, noting in particular his agreement with Mr Greaves (planner for Varina Pty Ltd), that there was a problematic absence of urban design input in the Council's staff analysis. Other supporting evidence on behalf of Varina Propriety Ltd was from Mr Andy Carr (traffic) and Ms Jill Corson (urban design).
21. At the hearing, the Hearing Panel asked questions of the Varina Propriety Ltd witnesses and discussed a variety of town centre characteristics including parking, pedestrian amenity, street bypasses, commercial floor space demand, and transitional land use activities that may seek a close-to-town address, but utilising a modest establishment such as a converted dwelling.
22. Ms Vicki Jones (planner) attended the hearing in the absence of Ms Bowbyes, and she authored the Council's Reply (planning) to the evidence presented at the hearing. Ms Jones confirmed that after considering the Varina Propriety Ltd witnesses, her view on the submissions had not changed and that the PDP outcome was the most appropriate.

2.6. Planning Framework

23. Report 16 summarises the elements of the strategic chapters of the PDP as recommended by the Stream 1A and 1B Hearing Panels, including those relevant to the matters raised by these submissions. The broad resource management strategy is one of a compact, centre-based and efficient urban form.
24. We consider that there are no strategic provisions within the PDP that would offer specific guidance as to how we should approach these particular submissions. This is because each of the options before us, being either Town Centre zone vs. MDR:TCTO (Varina Pty Ltd and Sneaky Curlew Ltd); and Medium Density Housing vs. MDR:TCTO (Sneaky Curlew Ltd), could achieve that broad resource management strategy (although to differing degrees). The question before us is to identify which combination of the options will be the most appropriate means of implementing the PDP's strategic objectives.

3. ISSUES

25. The submissions and evidence raised a number of matters for us to address. These are in summary:
- a. Whether there is a shortfall or other cause for additional Town Centre zoned land (Varina Propriety Ltd), or Medium Density Residential: Town Centre Transition Overlay zoned land (Sneaky Curlew Ltd).
 - b. Whether the Town Centre zone would result in a higher quality street outcome along Brownston Street and Russell Street.
 - c. How relevant is the Varina Propriety Ltd's development concept more generally?
 - d. What the most appropriate overall RMA outcome would be for the PDP Medium Density Residential Town Centre Transition Overlay land.
 - e. On the basis of (d), what is the most appropriate overall outcome for the land subject to the Sneaky Curlew Ltd submission?

4. DISCUSSION OF ISSUES AND CONCLUSIONS

4.1. Is there a shortfall or need for more Town Centre zoned land?

26. The submitters did not provide a numerical demand or supply analysis, instead providing a pragmatic 'real world' view of how developable the land within the PDP Town Centre zone was. This was undertaken for Varina Propriety Ltd by Ms Corson and Mr Greaves. The Council relied on a combination of this approach, by Ms Jones, and also a more conventional numeric analysis and prediction, by Mr Osborne.
27. We note here that Mr Polkinghorne provided numeric supply and demand analysis evidence for the Trustees of the Gordon Family Trust⁵. This was in support of the notified extent of Local Shopping Centre Zone at a new small centre on Cardrona Valley Road. We note that Mr Polkinghorne's evidence considered the catchment and supply of land in all of Wanaka including the Wanaka Town Centre. Of the town centre, he commented at paragraph 7.6 of his evidence⁶ that (our emphasis added in bold):

*"While the preferred place for these stores to locate might be the Wanaka town centre, **the reality is that the town centre is full, with limited ability to expand,**"*

⁵ Submission 395

⁶ Statement of evidence of John Polkinghorne, 4 April 2017.

28. However, Mr Polkinghorne’s evidence was not in our view specific enough regarding how full the town centre was and what capacity for growth it had relative to what might be required of it for it to be of assistance to us in addressing the Varina Pty Ltd and Sneaky Curlew Ltd submissions.
29. It is also relevant to note that the PDP approach of using the MDR:TCTO also provided for commercial activity within buildings, lessening the difference likely between it and a ‘pure’ Town Centre zone in respect of net additional floor space capacity able to be realised. Overall, we consider the difference in commercial GFA that could occur between the Town Centre zone and MDR:TCTO scenarios to be modest and of itself not enough to determine the submissions one way or the other.
30. Nonetheless, we prefer the Council’s more-rounded exercise of supply-demand analysis and accept that there is no likely shortfall of Town Centre zoned land within a timeframe likely to prove relevant to the land subject to the Varina Propriety Ltd submission. We accept that the development capacity within the existing Town Centre zone is sufficient to meet the needs of the community such that there would not be a meaningful resource management benefit to be derived from increasing that supply at this time.
31. Of particular significance to the Hearing Panel is that the existing environment of Brownston Street is relatively under-whelming on both sides, being the existing southern side (the subject of the Varina Pty Ltd submission), but also the northern, existing Town Centre zoned side. Of the Varina Pty Ltd land, its urban design expert Ms Corson described it in her paragraph 20⁷ as:
- “...presently weakly contained by low rise residential buildings with typologies unrelated to each other and the wider context. Development is largely introverted, contributing little to the public realm or urban amenity. The dwellings, many of which seem little changed since they were first established as holiday accommodation many decades ago are set well back from the road boundary and large front yards are used for parking and access.”*
32. Based on the evidence and our own site visits along this street during the Hearings, we find that Brownston street is currently an unremarkable example of a town centre’s edge or ‘back’ street, common in many towns.
33. The Panel was concerned that over time a gap-tooth smile of sorts could eventuate whereby intensive town centre-scaled development ‘leapfrogged’ the current Town Centre zoned side that is contiguous with the remainder of the town centre, to locate on the submitter’s side. This would not be a desirable outcome and is also indicative of the extent of development capacity remaining within the Town Centre zone. It would not in our view be an outcome that enhanced the community’s wellbeing - especially if it led to a substantially greater need for pedestrians to cross what we were told is intended to be a bypass for vehicular traffic so as to divert it away from (and lessen community severance of) Ardmore Street and access to Lake Wanaka. On this point, we note that no party objected to the bypass function identified for Brownston Street and we accept the logic of improving the community’s connection to Lake Wanaka.
34. We did not accept the distinction made by the submitter’s traffic engineer Mr Carr that the added ‘friction’ and safety issues arising from frequent pedestrian crossings and car parking manoeuvres he considered likely to result from the relief requested would not problematically

⁷ Statement of Evidence of Jill Corson, 4 April 2017.

interfere with the street's intended bypass function, whereas the potential for multiple property accesses along the street he considered likely to result from the PDP zone (which the submitter's urban design concept largely did away with) would.

35. While there may on balance be reasons that justify the submitter's requested relief, a need to future proof the town centre or otherwise unlock its development potential with more zoned floor space is not one of those reasons. On this basis, a need for more town centre zoned land has not been proven, but at the same time the lack of such need is not of itself sufficient to reject the relief requested either.
36. We also record here our acceptance of one plank of Ms Jones' argument in support of the MDR:TCTO given verbally at the Hearing. She held the view that to meet the community's needs, it was appropriate that a variety of opportunities for commercial activity be provided, not all of which could be accommodated in a Town Centre zone. In essence, she considered that there was a place for what could be described as 'second tier' commercial activities, not needing or seeking a premium 'main-street' address, but where a less-capitalised converted dwelling-type premise was important. She told us at the Hearing that Brownston Street was the only realistic candidate for these available in Wanaka, as the next east-west connector, Warren Street / Stratford Terrace was indirectly connected due to various intersection alignments and enclosed within the residential area behind Wanaka town centre. Beyond that, Ballantyne Road / Golf Course Road was not functionally connected to the town centre and would not attract commercial uses that sought a close-but-not-within, 'centre fringe' location.
37. However, while we accept and agree with Ms Jones' view regarding the desirability of maintaining such opportunities for the community, and that this forms one reason why the PDP zoning could be appropriate, it is of itself not so compelling as to lead to a rejection of the relief sought given the general availability of commercial and industrial land elsewhere in Wanaka as a whole.

4.2. [Is there a shortfall or need for more Medium Density Residential: Town Centre Transition Overlay land?](#)

38. The Sneaky Curlew Ltd submission included no economic supply-demand justification for the change it sought, and at the hearing relied largely on the Varina Propriety Ltd evidence. In essence, the submitter's evidence from Mr White was that if the PDP MDR:TCTO was replaced with the Town Centre zone sought by itself and Varina Propriety Ltd, it would then be desirable and appropriate to 'replace' that lost MDR:TCTO land by granting the relief sought by Sneaky Curlew Ltd. As such, the Sneaky Curlew submissions depended on our view of the Varina submission. However, we note that the Sneaky Curlew Ltd submission did not expressly limit itself and so, as we have read the submission, there would be scope to grant the relief sought by Sneaky Curlew Ltd even if the relief sought by Varina Propriety Ltd was rejected.
39. Addressing the broader position, we find that there is no likely shortfall or other need that we can ascertain that would justify more MDR:TCTO land than has been proposed in the PDP. This is not only in pure land use demand terms, but also in terms of what the Overlay method is itself inherently purposed to achieve – a literal softening and transition at the linear edge of the Town Centre zone between the residential area to its south. This is in our view geographically based on Brownston Street and not Upton Street. We received no evidence in support of the relief sought regarding whether or not it was appropriate to 'thicken' the transition overlay into something becoming closer to a sub-zone or precinct and, if so, whether

in fact the method of a zone 'edge' overlay would remain the most appropriate means of providing for the outcome sought.

40. Accordingly, and overall however, we find that there is no supply-demand basis to warrant additional MDR:TCTO land. As was the case above with the Varina Propriety Ltd submission, this is however only one plank of the analysis required to determine the submission.
41. We will return to discuss the narrower proposition advanced for Sneaky Curlew Ltd at the end of our analysis of the Varina Pty Ltd case.
- 4.3. **Would a Town Centre zone lead to a higher quality street outcome for Brownston and Russell Streets?**
42. Varina Propriety Ltd's evidence included an urban design concept in some detail prepared by Ms Corson, including visualisations of how over time the area might develop in response to a Town Centre zoning. A feature of this was a vision for Brownston street that had qualities of a two-sided traditional retail main street including continuous building frontages, buildings activating and enlivening the street, generous pedestrian-priority footpaths, on-street car parking and regular pedestrian crossings. Of significance to Ms Corson was that the street would become effectively symmetrical in land use terms across each side of the street. In her view, this would be a more desirable public space and public amenity outcome than if the sides of the street were developed to differing land use outcomes, and if vehicle access ways and parking areas came to visually dominate site frontages (which was in her view probable under the PDP approach on the Medium Density Residential Town Centre Transition Overlay land).
43. For the Council, Mr Garth Falconer (urban designer) considered that there was no particular urban design effect of concern likely to result from the PDP's split-zone approach, and that a satisfactory built form quality would eventuate in light of the existing and intended 'bypass' function of Brownston Street at the back of the town centre. We did not find this position, or the reasons expressed to us especially convincing; Mr Falconer's view was in our assessment closer to describing the PDP vision as being "not too bad" rather than "good".
44. Purely in terms of the visual quality and likely amenity values for street users in Brownston and Russell Streets, we find that while both the PDP and the submitter's visions for that corridor could be appropriate, the submitter's vision, if achieved along the lines of Ms Corson's concept, would clearly result in a superior urban form outcome over time as well as a more efficient use of the land and higher pedestrian amenity. This *could* be sufficient, all else being equal, to lead to a conclusion in support of the relief sought; but the determinative issue then becomes, to what extent is it likely Ms Corson's concept would eventuate in reality?
- 4.4. **How relevant is Varina Propriety Ltd's urban design development concept more generally?**
45. Having found ourselves at a point of agreeing that the Varina Propriety Ltd vision for Brownston and Russell Streets could be appropriate and indeed have some built form amenity benefits over the PDP MDR:TCTO alternative, we turned our minds to the extent to which that vision was reflected in the planning methods proposed.
46. We find that Ms Corson's concept was very poorly reflected in the provisions, to the extent that there appears no expectation that the key outcomes that underpin the concept put to us would be, or even practically, could be achieved. We had some difficulty understanding why we were being presented with a concept and technical analysis of its benefits when it was not actually being proposed. We find that in this respect Varina Propriety Ltd's case came close to

comparing the best possible scenario for its requested relief, and the worst-possible scenario for the PDP alternative. This was not helpful to us.

47. Of most interest was that Ms Corson identified the key opportunity of rationalising vehicle access into the sites on the south-side of Brownston Street by way of a coordinated rear-lane solution to enable significantly better built form outcomes along the street edge. A rear lane along the mid-block common boundary would also help to push buildings away from the 'back' residential zone boundary in conjunction with the lack of front yard setback within the Town Centre zone along the site frontages. This innovation was the key to avoiding a potential proliferation of individual property driveways and front-yard manoeuvring areas occurring along Brownston Street. The rear lane was promoted as the key amenity and safety benefit of the Corson concept over the PDP alternative. However, the submitter's proposed Plan provisions included no rules, triggers or other mechanism to require, or even promote, that access consolidation.
48. Given that the submission covered land totalling numerous titles and many owners who are not part of or parties to the submission, this was a fundamental and significant flaw. We see no plausible means to achieve the rear lane solution without the Council initiating some form of Public Works Act compulsion or designation, which would in our view be beyond the scope of the submission. The costs and other practical issues associated with this defect were poorly acknowledged by the submitter, and in response to questions from us at the hearing, Varina Pty Ltd's counsel, Mr Page, acknowledged (candidly, we note in appreciation) that it was reluctant to volunteer rules requiring the rear lane solution itself given its own uncertainty regarding whether it could be achieved – at least in the timeframe that Varina Pty Ltd might be considering a development application. It struck us as somewhat odd that a submitter would invite us to believe in an outcome that it did not itself fully believe in.
49. This presents itself as a major factor against the relief sought. Related to this, it also inherently weakens the point made by both Mr Greaves and Mr White against Ms Bowbyes' s.42A recommendation - that a lack of urban design input had occurred. The submitter's evidence includes substantial and as we see it meritorious urban design material, but then somewhat defeats itself by effectively setting it aside in the actual District Plan provisions sought. We find that a majority of the urban design criticisms levelled at the PDP approach could equally occur under the Town Centre zone alternative and in many respects (but not all) cancel themselves out.
50. We accept Ms Corson's point that the plausibility of a rear lane solution, in terms of the amount of space it would require at the rear of properties, would be stronger in the Town Centre zone scenario because the lack of a front yard setback requirement therein would soften the loss of developable land at the back of properties. But this is not enough to overcome our concerns regarding how to translate the concept into reality.

4.5. What is the most appropriate overall RMA outcome?

51. Based on the above, we must then determine whether the overall merit of the relief requested by both submitters is more appropriate in resource management terms than the PDP MDR:TCTO outcome. In summary from the above:
 - a. There is no demonstrable need or clear resource management benefit to be derived from adding more Town Centre zoned land to Wanaka at this time, although it could nonetheless be an appropriate zone for the land identified in the Varina Propriety Ltd and Sneaky Curlew Ltd submissions. There is also no such need (or logic) for additional MDR:TCTO zoned land as proposed by Sneaky Curlew Ltd fronting Upton Street either,

although if the Varina Propriety Ltd relief was granted this would open an appropriate resource management doorway for consideration of whether the Sneaky Curlew Ltd relief should be granted as a means of substituting the PDP MDR:TCTO area (effectively on the basis that it might be the 'second-best cab off the rank' and be more appropriate than having no MDR:TCTO method at all in Wanaka).

- b. There are practical questions relating to how Brownston Street could retain its intended bypass function while also accommodating substantially increased lateral pedestrian crossing demand and frequent parking manoeuvres along its sides, although the evidence before us falls short of being conclusive either way. Based on the planning provisions put to us, we do not see a convincing argument that the Town Centre zone will be likely to lead to less vehicle crossings to Brownston or Russell Streets than under the MDR:TCTO scenario.
 - c. There is a resource management justification for providing for lesser-value or 'second tier' commercial activities that do not need or require a premier 'main street' type address at the edge of the Town Centre zone, and which could be served by, for instance, converted former dwellings. This is particularly relevant for the Sneaky Curlew Ltd land in the event that the Varina Property Ltd submission was accepted. However, and in any event, we accept and prefer Ms Jones' evaluation that Brownston Street remains the most appropriate location for such activities in Wanaka.
 - d. Of the two zoning options relating to the Varina Propriety Ltd submission, the submitter's urban design concept, if achieved, could provide for the superior visual quality and pedestrian amenity outcomes along the southern side of Brownston Street and along Russell Street.
 - e. The urban design concept being relied on by Varina Propriety Ltd is not successfully reflected in the actual provisions put forward, and there are substantial doubts in our minds as to how realistic it is given the plainly challenging issue of securing the rear lane solution on which its key advantages over the PDP MDR:TCTO alternative rely.
52. Ultimately, the disconnection between the merits put forward in Varina Propriety Ltd's urban design concept and what its proposed rules would enable was in our view irreparable. Many of the benefits identified as possible if many landowners determined to work together could be achievable in either of the zone scenarios we must evaluate and are not specific or unique to Varina Propriety Ltd's requested zone.
53. Once it became obvious that there was in fact no proposed means to deliver or require Ms Corson's urban design concept, its value to us diminished substantially (although it remains a valid hypothetical scenario with much merit, and which might be worthy of further consideration through the resource consent process).
54. On this basis, we have concluded that the MDR:TCTO alternative is the more appropriate and better substantiated outcome for the land identified in the Varina Propriety Ltd submission. We recommend therefore that submission be rejected; the further submission of Sneaky Curlew Ltd be rejected, and the further submission of JWA & DV Smith Trust be accepted.
55. In turn, on the basis that we recommend rejecting the relief sought by Varina Propriety Ltd, we find that there is no appropriate basis to support the relief sought by Sneaky Curlew Ltd submission either. The MDR:TCTO is intended to act as a simple buffer to transition the Town Centre zone and commercial activity therein from a more conventional residential area. This is to be achieved by a discrete area of residential-compatible commercial activities along the zone edge. We find that this would be most appropriately achieved by not growing it deeper than proposed in the PDP. Accordingly, we recommend the submission of Sneaky Curlew Ltd

and the further submission of Varina Propriety Ltd be rejected. It follows that in our view the further submission of JWA & DV Smith Trust should be accepted.

56. Finally, we note that having determined that the MDR:TCTO framework as proposed within the PDP was the more appropriate, we have turned our minds to the package of controls that should apply within it. As we received effectively no evidence in our Stream regarding what those controls should or should not be, we have no reason to recommend reconsideration of the provisions recommended by the Stream 6 Hearing Panel in their Report 9A.
57. We lastly record that in accepting the recommendations of Ms Bowbyes and then Ms Jones we have adopted them as our own, including for the purposes of s.32AA RMA. We therefore consider that no further s.32AA RMA analysis is required.

4.6. Separate Varina Pty Ltd re-zoning request

58. Varina Pty Ltd requested that 9 existing sites in a group of approximately 6,000m² between McDougall, Brownston and Upton Streets be re-zoned from Low Density Residential to Medium Density Residential. This land sits at the edge of the PDP's transition from Medium Density Residential to Low Density Residential, and the land in question is adjacent to Pembroke Park to the north and west. At the hearing, Mr Greaves (planning), Ms Corson (urban design) and Mr Carr (transport) provided evidence in support of the re-zoning.
59. The submission also requested the addition of a visitor accommodation overlay.
60. In terms of the re-zoning, this was supported by Mr Barr in his s.42A report, and we readily agree with this recommendation. The land is excellently located relative to recreational open space and Lake Wanaka, and the commercial activity of the town centre. We find that zoning the land to Medium Density Residential zone will better support the PDP's strategic urban form priorities set out in chapters 3 and 4 of the PDP and summarised in Report 16.
61. In terms of the visitor accommodation overlay, the submitter did not pursue this limb of its submission with us given the Council's withdrawal of visitor accommodation from the PDP. While the submitter did not formally withdraw that aspect of the relief it sought, it left us in the position of having no evidence to consider or test in support of the visitor accommodation overlay (and whatever provisions that may have accompanied it). As discussed in Report 16⁸, without evidence, we have no option available to us other than to recommend rejection of the visitor accommodation overlay.

⁸ Report 16 at Section 2.2

5. OVERALL CONCLUSIONS AND RECOMMENDATIONS

62. For all the reasons set out above, we recommend that the Council:
- a. Reject the submissions and further submissions of Varina Propriety Ltd and Sneaky Curlew Ltd, and accept the further submission of JWA and DV Smith Trust in relation to rezoning land currently zoned Medium Density Residential Zone: Town Centre Transition Overlay in the PDP.
 - b. Accept in part Varina Pty Ltd's submission to re-zone land between McDougall, Brownston and Upton Streets from Low Density Residential to Medium Density Residential as shown on Map 21.

For the Hearing Panel



Trevor Robinson, Chair

Dated: 27 March 2018