



Section 32 Analysis and Proposed Plan Change

Plan Change 36

Creation of an Industrial B Zone

And

**Application of this zone to land adjacent to the
Ballantyne Rd industrial zone in Wanaka**

**Note: This plan change has been formerly referred to as the
Wanaka Industrial zone extension.**

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Attachments:

1. Memorandum prepared by John McCartney (QLDC 3 Waters Planner) in relation to the servicing of the proposed plan change area with infrastructure for water supply, wastewater and storm water drainage (13 May 2010).
2. A record of the public comments received in response to the pamphlet prepared as part of preparing this Plan Change.
3. Proposed Wanaka Industrial Zone extension Landscape Assessment – prepared for QLDC by Lakes Environmental (October 2009) and reviews thereof prepared by Marion Read of Lakes Environmental in 2010.
4. Summary of the business and industrial zone provisions that exist in the District Plan

5. A finished contour plan of the site entitled “Contour Plan for the Connel Terrace Precinct” and dated October 2009.
6. Ngā Tahu ki Murihiku Accidental Discovery Protocol

Website links for other reports referred to but not included within this report

7. The QLDC Industrial and Business Zone Review (December 2009)
www qldc govt nz/monitoring
8. The Growth Options Study -
www qldc govt nz/strategic growth management
9. The Growth Management Strategy (2007) -
www qldc govt nz/strategic growth management
10. Wanaka Land Demands Study (2007) -
www qldc govt nz/plan change 16 three parks/category/259/

EXECUTIVE SUMMARY

The Industrial Zone B is intended to be a new largely generic/ district-wide zone which can be applied in appropriate locations within the district. This plan change proposes to establish the new zone and apply that zone to 14.4 hectares of land west of the existing industrial Zone on Ballantyne Road in Wanaka. This area includes the land provided as open space and special use areas.

This report is produced to fulfil the requirements of Section 32 of the Resource Management Act (RMA).

This report considers the statutory framework for the Plan Change. It discusses how the plan change relates to the Resource Management Act, the Otago Regional Policy Statement, the QLDC District Plan, the Kai Tahu Ki Otago Natural Resource Management Plan (2005) and the Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan (2008).

This report recounts the background to the Council’s decision to propose the rezoning of the area, which began in 2002 with the Wanaka 2020 community workshops which identified the area and its proposed future use. Following this, the Wanaka Structure Plan was produced. The first version was adopted in 2004 as a working draft. The reasons for the draft status were primarily that full consideration of the transport effects was sought and also because a more considered judgement of the amounts of land needed to supply an estimated 20 years of growth was considered appropriate. The transport implications were considered as part of the Wanaka Transport and Parking Strategy while a report produced for the Council called Wanaka Land Demands outlined the rationale for the quantities of land provided for in the Wanaka Structure Plan 2007. The Wanaka Structure Plan 2007 was adopted in full by the Council with the resolution that it be implemented by a series of plan changes. “Plan Change 36: Industrial Zone B” represents the rezoning of a proportion of the growth foreseen by the Wanaka Structure Plan.

This report summarises the various alternative uses for the land and, having established that business and industrial use is most appropriate, goes on to determine the most appropriate, effective and efficient provisions for that zone.

A number of technical reports and documents are attached, along with a record of the comments received in response to a pamphlet that was distributed to the public,

as part of preparing the proposed plan change and the results of the Industrial and Business Zone Review which was completed by the Council in December 2009. Together, the technical advice and the feedback obtained from the general public and, more specifically, from those who currently own land within or operate from the Business and Industrial zone provided important input into the Plan Change.

BACKGROUND

This report is provided by the Queenstown Lakes District Council in order to fulfil the statutory requirements of section 32 of the Resource Management Act (the Act).

This plan change arises out of consultation with the Wanaka Community Plan and has its origins in the Wanaka Structure Plan process, during which the land was considered suitable for industrial purposes.

The Wanaka Structure Plan process was undertaken by the Council to plan for the development of the Wanaka urban area in a planned and structured way. The aims of the process were identified as being:

“Undertake a study which investigates and makes recommendations as to the Future Zoning of Land (and the associated infrastructure issues) around the periphery of the existing urban area of Wanaka”.

Since the Structure Plan was adopted in 2007 the Council has been undertaking Plan Changes according to the priorities identified as part of the Structure Plan process.

PURPOSE & SCOPE OF THE PLAN CHANGE

The purpose of the plan change is to develop a new zone that can be applied to provide for future industrial and business developments on greenfield sites. This zoning is intended to address a number of issues present in existing industrial and business zoning that may affect their effectiveness and efficiency for their intended purpose. The geographic scope of this plan change is limited to the land shown in the map below. This zoning will be applied to the subject land (as shown in the map below) in order to enable business and industrial uses to be undertaken, whilst avoiding residential, office, and most retail uses.

It is noted that the application of the zone to other areas in the future will require a subsequent Plan Change.

Scope of Plan Change

A location map is shown below, identifying the boundaries of the land subject to the plan change and for which this analysis applies.



THE STATUTORY CONTEXT OF THE PLAN CHANGE

The Resource Management Act 1991

The purpose and principles of the Act

Section 5 -

This plan change has been prepared as a means of achieving the purpose of the Act, which is expressed in Section 5 as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - (c) *Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

This plan change supports Section 5 of the Act for the following reasons:

- Industrial and business activities are an important component of the economic activity within the Queenstown Lakes District and play a key role in enabling the local community to provide for its economic well being;
- Suitable land for industrial and business activities is a finite resource that needs to be sustainably managed to ensure these economic activities can be provided.
- The proposed plan change will enable a new greenfield industrial zone to more effectively provide for the long term viability of industrial and business activities within these areas by limiting the presence of activities that may restrict their operation;
- The proposal to apply the new zone to the proposed plan change area provides for additional business and industrial zoning allowing people to provide for their economic wellbeing and contributing to the economy of Wanaka;
- The application of the new zone provisions to the proposed plan change area avoids adverse effects on other areas of Wanaka by grouping business activities adjacent to the existing industrial zone;
- The plan change avoids adverse effects on the environment by setting thresholds, height limits, and requiring mitigation in the form of landscaping;
- The plan change prevents residential activities and offices within the zone to preserve the zone for the purpose it is intended and avoiding issues of reverse sensitivity into the future.

Section 6

Section 6 states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:* [not applicable to this Plan Change]
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development* [not applicable to this Plan Change];
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna* [not applicable to this Plan Change]
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:* [not applicable to this Plan Change]
- (e) *Relationship of Maori and their cultures and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use and development.*

This plan change supports Section 6 of the Act for the following reasons:

- This plan change does not interfere with the relationship of Maori and their culture and traditions. Consultation undertaken with Kai Tahu ki Otago (KTKO) and with Te Ao Marama (TAM) has not identified any issues that would compromise tangata whenua.
- There is no record of any historic heritage within the proposed area of the Plan Change.

Section 7

Section 7 lists “other matters” that the Council must have particular regard to.

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) [Repealed]
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

The “other matters” identified in Section 7 that are relevant to this plan change are as follows:

(b) The efficient use and development of natural and physical resources:

Suitable land for industrial and business activities is a finite resource that needs to be sustainably managed to ensure such activities can be enabled. Identifying appropriate areas for this type of activity and ensuring that the zoning provides long term protection for the operation of these activities is essential for sustainable management.

The rezoning of the specific area to enable industrial and business uses as proposed is considered an efficient use of the land (a natural and physical resource) when compared with the alternative options such as retaining it as Rural General, rezoning it as residential, or designating it as reserve.

(ba) the efficiency of the end use of energy:

It is considered that co-locating this zone adjacent to existing industrial and business uses within close proximity to the population base and growth areas will be efficient in terms of fuel consumption. Furthermore, enabling small and large scale businesses to establish within Wanaka will reduce freight distances and residents having to travel (to Cromwell, for example) to access services. Consideration has also been given, in the rules, to encouraging walking and cycling and the eventual

location of public transport in order to make the area accessible by means other than the private vehicle.

The subdivision and Outline Development Plan processes, as well as the building controls, in the plan change are designed to ensure the alignment of lots that will maximise solar gain, thereby reducing the need for winter heating.

(c) The maintenance and enhancement of amenity values:

Provisions to ensure residential and office activities are avoided in the zone and the inclusion of open space buffers adjoining the future residential land will help to avoid reverse sensitivity issues. The inclusion of open spaces to help screen the development from beyond the zone and to provide relief from the built environment for those working within the zone are all aimed at preserving amenity values within and beyond the zone.

Section 8

Section 8 states that:

"in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

The Council has consulted with the relevant Iwi of the area and no issues in relation to the principles of the Treaty of Waitangi have been identified.

The role of the District Council, district plans, and the process for preparing plan changes

The legal framework for considering Plan Changes begins with sections 72 - 76 and incorporates, by reference, sections 31 and 32.

Section 31

Section 31 of the Act lists the functions of Territorial Authorities under the Act. In terms of this section, the Council is required to establish, implement and review objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*

The analysis of objectives, policies and methods relevant to this plan change is detailed within this Section 32 Report.

Section 32

Section 32 of the Resource Management Act states that the evaluation of the alternatives and the benefits and costs of adopting any policy, rule or other method must be carried out before it is adopted. The evaluation should examine the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and, having regard to their efficiency and effectiveness, whether the policies, rules or other methods are the most appropriate way to achieve the objectives.

Furthermore, Section 32(4) directs that such an evaluation must take into account –

- (a) *the benefits and costs of policies, rules or other methods; and*
- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or methods.*

A report summarising the Section 32 evaluation and giving reasons for the evaluation must be available for public inspection at the same time as the plan change (to which it relates) is publicly notified.

Section 72

Section 72 identifies the purpose of the District Plan, and reads:

The purpose of the preparation, implementation and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act.

Section 73

Section 73 provides for the preparation and change of District Plans. It states that variations and plan changes must be prepared in accordance with the First Schedule of the Act.

The requirements of the First Schedule of the Act have been met in the preparation and subsequent notification of this Plan Change.

Section 74

This section states:

74 Matters to be considered by territorial authority

- (1) *A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, [a direction given under section 25A(2),] its duty under section 32, and any regulations.*
- (2) *In addition to the requirements of [section 75(3) and (4)], when preparing or changing a district plan, a territorial authority shall have regard to—*

[(a Any—

- (i) Proposed regional policy statement; or*

(ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional Council has primary responsibility under Part 4; and]

(b) Any—

(i) Management plans and strategies prepared under other Acts; and

(ii) Repealed.

[(ia) Relevant entry in the Historic Places Register; and]

[(iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—]

to the extent that their content has a bearing on resource management issues of the district; and

(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

[(2A) A territorial authority, when preparing or changing a district plan, must—

(a) take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and

(b) recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.]

[(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition.]

Through the preparation of this Section 32 report, regard has been given to the:

- The Regional Policy Statement for Otago;
- The QLDC Long Term Council Community Plan (CCP);
- The Kai Tahu ki Otago Resource Management Plan; and
- The Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan.

Each of these documents is discussed below.

Regional Policy Statement for Otago

The Regional Policy Statement (RPS) for Otago became operative on 1 October 1998. The Otago Regional Council has not yet commenced a review of the Regional Policy Statement and, accordingly, full weight can be placed on the operative Regional Policy Statement.

The Resource Management Act states under Section 75(3)(c) that a District Plan must give effect to a Regional Policy Statement.

The provisions from the Regional Policy Statement are listed below. Discussion regarding how the plan change gives effect to these follows each provision. The relevant provisions are from Chapter 9 – Built Environment.

Objective 9.4.1

To promote the sustainable management of Otago's built environment to:

- (a) *Meet the present and reasonably foreseeable needs of Otago's people and communities; and*
- (b) *Provide for amenity values; and*
- (c) *Conserve and enhance environmental and landscape quality; and*
- (d) *Recognise and protect heritage values.*

Providing industrial activities in accordance with the projected demands of Wanaka is considered to be an appropriate way of meeting the present and foreseeable needs of the Wanaka community.

Attention to urban design and the provision of open space are matters provided for by the Plan Change.

Environmental and landscape matters are to be provided for through ensuring urban expansion occurs in an appropriate location (as opposed to unplanned development which may not achieve this). Specifically, issues of stormwater management and the scale and landscape treatment of buildings and roading are carefully considered.

There are no heritage sites identified on the proposed site of the Plan Change.

Objective 9.4.3

To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

Due to the potential impact of industrial or business activities the appropriateness of any potential location for new zoning requires careful consideration to ensure the effects can be avoided, remedied or mitigated.

The Wanaka Structure Plan process identified the subject area adjacent to the Ballantyne Rd industrial zone as being appropriate for mixed business development. It is considered that any adverse effects on resources of industrial/ business development in this location will be less than they would be if this development was to occur elsewhere in the Wanaka Structure Plan area or in an ad hoc manner, through the resource consent process. Given that the proposed area for rezoning is surrounded on three sides by existing industrial and business activities, the land's close proximity to existing infrastructure and population base, and an acceptance that the long term rural use of the land is considered inappropriate, the issue becomes what the new zoning should be rather than whether it should be rezoned at all.

A high standard of stormwater management will be required through the provisions of the plan change with the intention of avoiding or mitigating adverse effects on the

environment. You are referred to Attachment 1 for a report from The Council's 3 Waters Planner in relation to water, stormwater, and wastewater.

Policy 9.5.1

To recognise and provide for the relationship Kai Tahu have with the built environment of Otago through:

- (a) *Considering the activities involving papatipu whenua that contribute to the community and cultural development of Kai Tahu; and*
- (b) *Recognising and providing for the protection of sites and resources of cultural importance from the adverse effects of the built environment.*

Papatipu whenua is translated in the RPS as 'ancestral lands'.

Representatives of both Kai Tahu ki Otago (KTKO) and Te Ao Marama (TAM) have been consulted in the preparation of this Plan Change. Specific sections outlining how the plan change relates to their respective natural resource management plans are set out in this Section 32 document. Of note, positive feedback on the draft plan change was received from TAM.

Policy 9.5.3

To promote and encourage the sustainable management of Otago's transport network through:

- (a) *Promoting the use of fuel efficient modes of transport...*

The effects on the roading network was a key consideration in the production of the Wanaka Transport and Parking Strategy which underpins the roading network shown in the Structure Plan for the Plan Change. This is considered to encourage efficient use of Otago's transport network.

The plan change promotes requirements for the efficient servicing of the industrial area in order for efficient traffic flows by ensuring that service vehicles, parking and manoeuvring is provided for on site and does not impede traffic. There will also be opportunities for walking and cycling within the zone and through to adjacent existing and potential future zones and to potential future bus routes. In addition, the requirement to provide showers, lockers and specific lighting will further encourage walking and cycling to workplaces.

Policy 9.5.4

To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

- (a) *Discharges of contaminants to Otago's air, water or land; and*
- (b) *The creation of noise, vibration and dust; and*
- (c) *Visual intrusion and reduction in landscape qualities; and*
- (d) *Significant irreversible effects on:*
 - (i) *Otago community values; or*
 - (ii) *The creation of noise, vibration and dust; and*
 - (iii) *The natural character of water bodies and the coastal environment; or*
 - (iv) *Habitats of indigenous fauna; or*
 - (v) *Heritage values; or*
 - (vi) *Amenity values' or*
 - (vii) *Intrinsic values of ecosystems; or*

(viii) Salmon or trout habitat.

With respect to the relevant bullet points set out above:

- Wastewater management has been subject to the significant upgrade project in Wanaka referred to as 'Project Pure' which is designed to accommodate future growth and achieve national standards for wastewater treatment.
- Stormwater disposal to a centralised soakage field located within the zone is a requirement of the provisions/ Structure Plan and has been determined, by the Council's Three Waters Planner, to be an appropriate way of managing the stormwater generated from the zone.
- Planning provisions are established to minimise the creation of noise, vibration and dust to levels usually anticipated from business and industrial uses.
- The attached landscape report and, more relevantly, the subsequent reviews of the initial report, support this plan change provided there is appropriate mitigation through the Structure Plan and the District Plan provisions.

Policy 9.5.5

To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- (a) *Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- ...
(c) *Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

The highest points within the plan change area have been protected from development in order to help mitigate the effects of development on both private and public views, as well as providing visual 'relief' for those working within the zone. Earthworks associated with subdivision will result in a more level landform which will reduce the visual effect of industrial buildings on the landscape.

Chapter 11 of the Regional Policy Statement deals with natural hazards. Policy 11.5.3 states:

Policy 11.5.3

To restrict development on sites or areas recognised as being prone to significant hazards, unless adequate mitigation can be provided.

Whilst it is important to consider the possibilities of natural hazards at the site, it is noted that the Council's hazard register does not currently refer to any natural hazards on the site.

Kai Tahu Ki Otago Natural Resource Management Plan (2005)

Section 74(2)(A) of the RMA requires that a District Council, when preparing a change to the District Plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the District.

The Kai Tahu Ki Otago Natural Resources Management Plan (KTKO NRMP) is such a planning document. The Council has had discussions with KTKO representatives regarding this Plan Change and they have chosen not to make any specific comments, at this stage in the process.

Part 5 of the KTKO NRMP outlines the issues, objectives and policies for the entire Otago Region. The following are of particular relevance to this Plan Change.

5.3.4 Wai Maori General Policies

2. To promote the cultural importance of water to Kai Tahu ki Otago in all water management within the Otago Region and Lower Waitaki Catchment.

Discharges:

10. To encourage all stormwater to be treated before being discharged

The above policies underlie the level of concern Kai Tahu attribute to water management and the avoidance, remedying or mitigation of discharge effects.

Stormwater is clearly a matter of interest to Kai Tahu. It is proposed that the quality of stormwater will be managed through controlling the quality of stormwater leaving each site and for its disposing of it via an engineered soakage field within the zone.

5.6.4 Cultural Landscapes

Structures:

24. To discourage the erection of structures, both temporary and permanent, in culturally significant landscapes, lakes, rivers or the costal environment.

Subdivisions:

25. To discourage subdivisions and buildings in culturally significant and highly visible landscapes.

It is understood that this land is not contained within a culturally significant landscape.

Subdivisions

26. To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:

- i. All consents related to the subdivision to be sought at the same time.*
- ii. Protection of Kai Tahu ki Otago cultural values.*
- iii. Visual amenity.*
- iv. Water requirements.*
- v. Wastewater and storm water and disposal.*
- vi. Landscaping.*
- vii. Location of building platforms.*

It is considered that the subdivision and Outline Development Plan processes give effect to the above policies.

27. To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Runaka and the Company

28. To require applicants, prior to applying for subdivisions consents, to contact Kai Tahu ki Otago to determine the proximity of the proposed subdivision to sites of significance identified in the resource inventory

It is considered that the Subdivision Chapter of the District Plan along with the assessment matters relating to earthworks within the proposed provisions for the new industrial and business zone appropriately deal with these matters.

It is noted that Part 10 of the KTKO NRMP outlines the issues and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kai Tahu ki Otago values associated with the Clutha/Mata-au catchments. Part 10 does not address any specific issues, policies or objectives relating to the area subject to this Plan.

Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan (2008) – ‘The Cry of the People’

Section 3.5.7 of the Plan relates to Subdivision and Development. The policies focus on encouraging developers to strive to achieve positive community outcomes, conservation outcomes, and cultural outcomes alongside economic gain. In essence, (paraphrased), the policies:

- Require iwi involvement in local authority planning
- Encourage developers to seek iwi views
- Require involvement in significant subdivisions and require such applications to consider long term planning and cumulative effects
- Encourage appropriate subdivision
- Avoid adverse effects from placing increased demands on natural systems
- Advocate for the use of esplanade strips, etc and maintain access to waterways of cultural importance
- Encourage rainwater storage
- Where applicable require that planting include native species
- Promote the use of covenants/ consent notices to prevent pest species
- Disposal of sewage appropriately
- Disposal of stormwater in a manner that avoid inundation and effects on the quality of ground and surface water.
- Require that any proposal that may affect an archeological site must obtain authority from the NZPT
- State that in areas of cultural importance, purchasers must be made aware of this and the implications thereof.
- State that applicants may be required to enter into Accidental discovery protocol agreements (refer to attachment 6 to this report for a copy of this).
- Recommend that developers consult on names for roads and new areas.

Section 3.5.8 of the Plan relates to Earthworks. In essence, (paraphrased), the policies:

- State that applicants may be required to enter into Accidental discovery protocol agreements
- Require involvement in earthworks applications which have the potential to effect wahi tapu or an archeological site
- In areas of high risk, may require a cultural monitor or archeologist to be present
- Consider the use of archeological wananga as a forum to provide education on the protection of sites

- Oppose any earthworks where effects on cultural values may be significant
- Where practical indigenous vegetation is to be returned
- Recommend the planting of indigenous vegetation as a mitigation measure
- Avoid contaminants from entering waterways

In correspondence from representatives of Te Ao Marama dated 12 May 2010, it is stated that many of the issues that Ngai Tahu ki Murihiku are interested in have been covered appropriately, stating that it makes sense to extend the existing zone so long as appropriate water, sewage and storm water solutions are provided. In particular, they state that water quality and the life supporting capacity of water are extremely important and that landscaping and building height should protect the outstanding cultural landscapes that exist.

Regarding groundwater and stormwater, the iwi consider the requirement to treat stormwater on site and to ensure that stormwater is piped to a soakage field within the zone as very positive steps in ensuring that downstream water quality is not impacted on by the approval of this zoning extension.

Regarding earthworks and the fact that a considerable amount is likely to occur on the site, the iwi have suggested that the earthworks provisions include reference to an accidental discovery protocol used as part of this process.

Queenstown Lakes District Council's Long Term Council Community Plan

The Long Term Council Community Plan (CCP) 2009-2019 for the Queenstown Lakes District identifies key community outcomes. The following extract from the CCP identifies how those outcomes were established:

The community outcomes were derived from a two-year community workshop process from 2002 to 2004. Common objectives were taken from the nine district-wide workshops involving over 1300 residents. The resulting outcomes, with the over-riding outcome of sustainable growth management, represent the desires of our communities and provide a solid framework for ensuring that we protect and preserve what is important to the people of the district.

The community outcomes that arose out of this process are included below. Most are of relevance to this Plan Change. These read as follows:

1. Sustainable growth management
2. Quality landscapes and natural environment and enhanced public access
3. A safe and healthy community that is strong, diverse and inclusive of all age groups.
4. Effective and efficient infrastructure that meets the needs of growth
5. High quality urban environments that meets the needs of growth
6. A strong and diverse economy
7. Preservation and celebration of the district's local cultural heritage.

Sustainable Growth Management:

The Wanaka Structure Plan process was a strategic process that endeavoured to predict the future requirements of Wanaka land uses, including residential and commercial land. For Wanaka to grow at projected rates over time and to develop a diverse and sustainable community, the Council needs to provide adequate industrial/ business land in suitable locations and to ensure that these areas are

retained for these purposes rather than morphing into office parks or residential apartment complexes. This proposed plan change contributes to the sustainable growth management within the Wanaka district.

Quality landscapes and natural environment and enhanced public access:

This plan change has the potential to improve public access especially in the form of access through the proposed plan change area and to future urban zones. Providing for industrial zones in an area already used for this purpose groups like activities together and avoids the need in the future to locate industrial uses in locations with greater landscape values.

Effective and efficient infrastructure that meets the needs of growth:

The plan change reflects a logical extension of the Wanaka area in line with the infrastructure that is available. Through connecting two existing cul de sacs and providing for the future connection of Gordon Rd and Frederick Street to the west, the plan change improves the efficiency of the current roading network. The plan change also provides a long term and sustainable solution to the management of stormwater runoff from the proposed additional zoned land.

High quality urban environments that meet the needs of growth:

An industrial/ business zone may not necessarily provide an appropriate level of residential (or indeed, office-type) amenity due to heavy traffic, noise, hours of operation. As such, it is not considered appropriate to enable such uses. Allowing residential and, to a lesser extent, office activities within industrial/ business zones has the potential to create reverse sensitivity issues (i.e. people moving into an industrial area and then complaining about the noise from industrial activities).

A strong and diverse economy:

Additional industrial/ business land will support the industrial capacity of the Wanaka area and provide for additional capacity to enable orderly growth over time. Industrial/ business zoning is important in that these services/ businesses support all sectors of the community. It is important that there are opportunities within the close proximity to urban areas for members of the community to access essential services rather than expect them to travel beyond the ward. The employment enabled by providing more industrial/ business land is also important to the local economy as it encourages existing residents to stay within the area and new residents to relocate there.

NON-STATUTORY STRATEGIC CONTEXT FOR THE PLAN CHANGE

Wanaka Community Plan 2002

The starting point for the development of the Structure Plan was the Wanaka 2020 community planning exercise which identified a number of Community Outcomes for Wanaka. It is those community outcomes, along with those identified through a similar exercise in Queenstown, which formed the basis of the Outcomes in the

LTCCP (as listed previously). The Structure Plan is one of the key implementation tools for Council in achieving these Community Outcomes.

Growth Options Study 2004

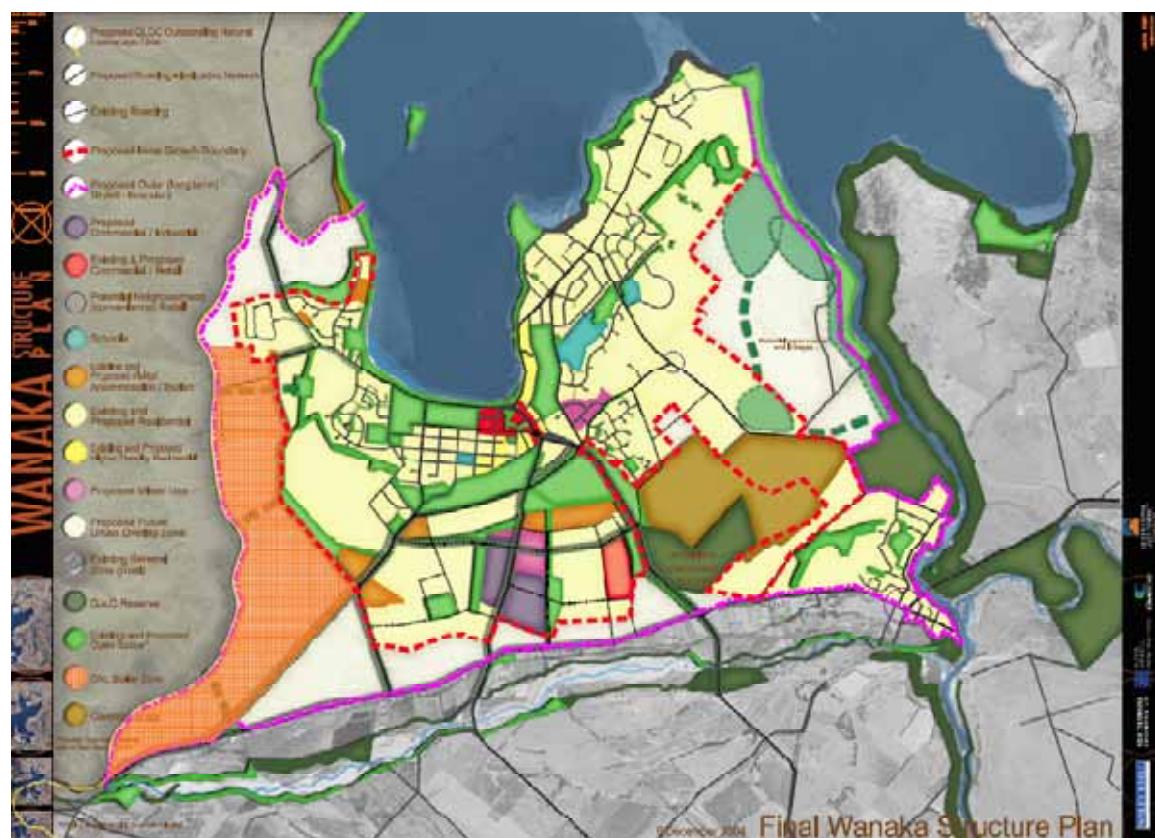
The Growth Options Study was produced in February 2004. It embodied the conclusions of the Wanaka 2020 process and further investigated the options available to the Council in terms of managing growth. It therefore forms an important part of the Section 32 process that has underpinned this plan change in terms of considering the options at a strategic level.

The report gave an overview of the projected land use demands for Wanaka and considered the options (to either slow the rate of growth, grow other settlements, or undertake structure planning and staged release of land) and tested each option against the Community Outcomes identified in the Wanaka 2020 process and subsequent CCP process.

Wanaka Structure Plan (2004)

Following these previous recommendations, the (draft) Wanaka Structure Plan 2004 was developed, in order to provide spatial direction on how the community outcomes identified in the Wanaka 2020 workshops would be realised, how growth would be managed, and where and how future re-zonings would occur.

The following map was produced:



The 2004 Structure Plan was adopted by the Council as a working document, with a view to reviewing it once further work on infrastructure and transport had been completed.

Growth Management Strategy (2007)

The Growth Management Strategy was adopted by Council in 2007. Leading on from the Growth Options Study, it established policy on how the Council would manage growth in light of the fact that it was expected to continue in the District. It was subject to considerable consultation, including submissions on a discussion document.

The Growth Management Strategy reaffirmed the need for structure planning (such as the Wanaka Structure Plan) and the importance of containing growth within growth boundaries identified by Wanaka Structure Plan.

Report on Land Demands (2007)

The Council produced a report entitled Commercial Land Needs – Queenstown Lakes District in 2007 in order to better inform its strategic planning. The report summarised the likely needs of Wanaka in terms of business, industrial and retail uses. These went on to provide the basis for the amounts of land for different uses shown in the Wanaka Structure Plan.

Of relevance, the Commercial Land Needs Report made the following comments:

In terms of future business land, the 2006 Commercial Land Needs Study predicted the need for an additional 30ha of land. This was to be made up of additional 10ha of town centre land, 10ha of mixed business land and 10ha of land for yard-based activities.

There is a need to identify this additional land and bring it onto the land market within the next 3 to 5 years...

The additional mixed business land will provide opportunities for smaller scale workplaces and retail trade type operations, particularly those related to the construction industry. The yard-based area will offer opportunities for activities requiring larger sites, such as transport and freight distribution, car sale and rental yards and construction related yard activities. It can also act as a land bank for more intensive business uses in the future.

As with residential land, there will be a need for the Council to monitor development trends and to assess the rate of uptake of the business areas to be provided. Longer term there will be a need for additional business land. Some additional business land can be accommodated in the lower Ballantyne Road area. Other options include new business areas at Luggate and / or the airport.

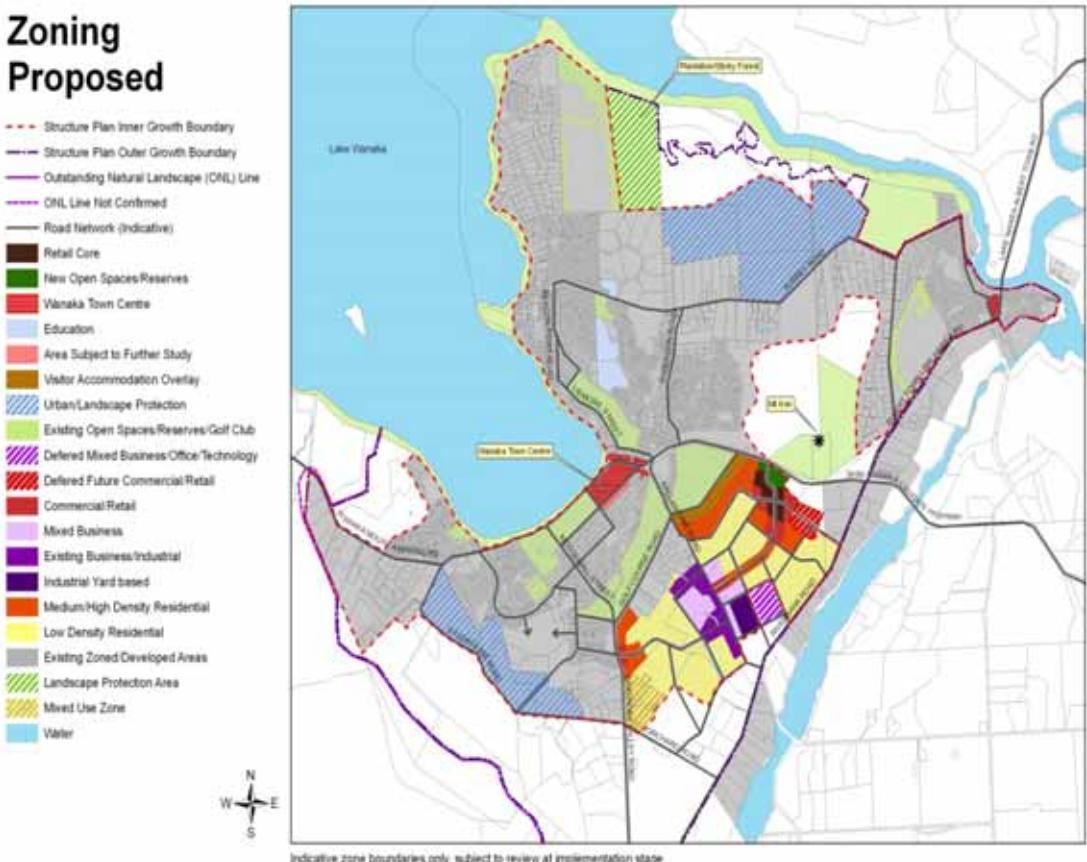
Since that report the Three Parks and Ballantyne Mixed Use re-zonings have occurred. The Three Parks Zone, if approved by the Environment Court generally in its current form, will provide 5.3 ha of mixed business land whilst the Ballantyne Mixed Use Zone provides 1.08 ha. This suggests that it would be sensible to zone at least another 3.5 to 4 hectares of mixed business land in the foreseeable future in order to meet projected demands. In saying this, it is also noted that the Environment Court has, in various cases, made the comment that the provision of

commercial land in excess of demand is not necessarily an inappropriate use of resources.

It is noted that the projections for Wanaka were then updated as a result of work for the 2009 LTCCP and interestingly, the final figures did not change significantly.

The Wanaka Structure Plan (2007)

The final Structure Plan was adopted by the Council in December 2007. The Structure Plan is a policy document consistent with the purpose of the Local Government Act 2002. The Structure Plan is intended to provide a framework in order to guide future growth in Wanaka.

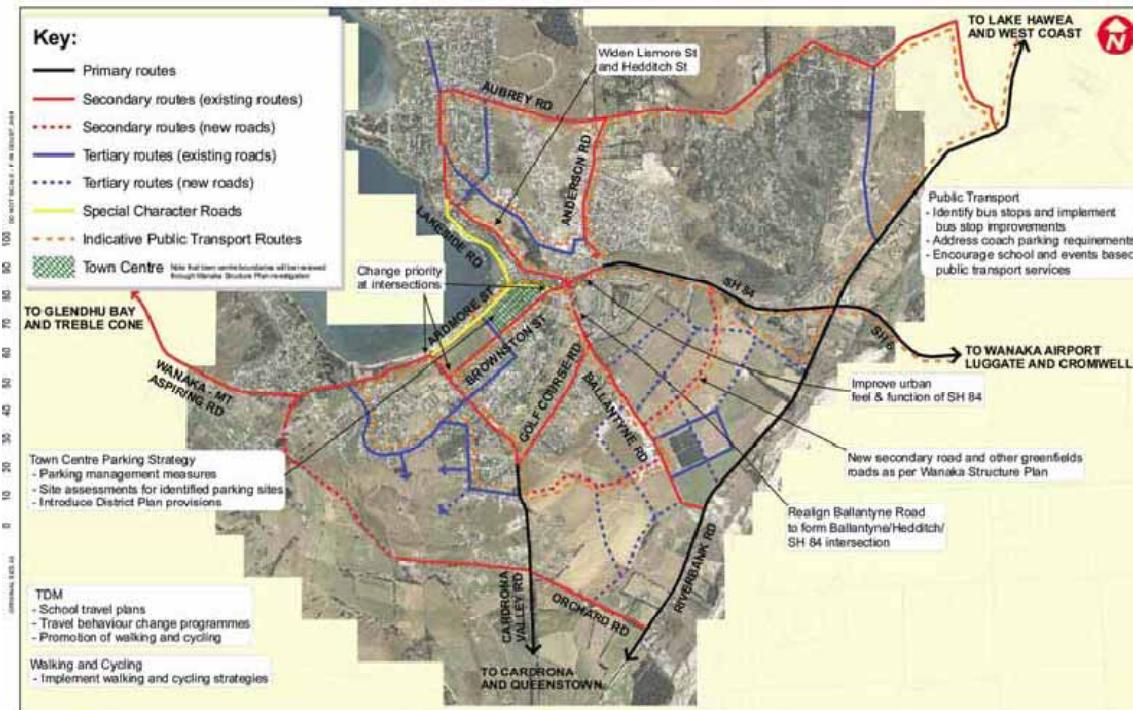


The above map shows the proposed new zone changes that may arise out of the Wanaka Structure Plan (2007) project. The existing business and industrial land is shown in dark purple while the light purple depicts possible mixed business zoning. It is noted that the land shown as 'Mixed Business' land was described as providing 'for primarily light industrial, trade, retail-trade, showroom and service related activities but generally excludes residential activities and other retailing'.

It is the intention of this plan change to test the analysis undertaken through the Structure Plan process against the rigors of Section 32. Section 32 of the Resource Management Act requires consideration of whether the proposed objectives are the most appropriate way to achieve the purpose of the Act and whether the proposed policies, rules or other methods are the most appropriate way to achieve the objectives when considering the costs and benefits of all of these options.

Wanaka Transport and Parking Strategy (2008)

The following map was included in the Strategy:



It is noted that whilst the Transport Strategy does not show Gordon Rd as being connected to the west, as part of preparing this plan change, discussions with the Council's Infrastructure Strategy Manager concluded that it would be prudent to ensure this option is not jeopardised in any way.

The Wanaka Transport Strategy promotes walking and cycling. As such, this plan change includes provisions that require pedestrian and cycle links to be provided within the proposed new zoning and west from Gordon Rd and Frederick Streets in order to create efficient and safe east-west connections.

Destination facilities for cyclists are also a feature of the Plan Change, with requirements for cycle locking parks, showering facilities, and lockers in all places of work over a certain size.

In including these methods in the Plan Change, it also aligns with the Draft Queenstown Lakes, on Foot, by Cycle Strategy.

RELATED PLAN CHANGES CURRENTLY UNDERWAY

Currently the Council is undertaking the following plan changes, which have significance for this Plan Change:

Plan Change 4 – North Three Parks

The purpose of this plan change is to rezone approximately 36.8 hectares of land to the north of Three Parks, Wanaka (the Ballantyne Investments Ltd. and adjoining landowners land) for residential activities and visitor accommodation.

Status – The plan change is in the scoping stage. Negotiations are underway with Ballantyne Investments Ltd over a Stakeholders Agreement.

Plan Change 16 – Three Parks

The purpose of this plan change is:

To rezone the area of land referred to as the Three Parks Zone in a manner which enables development of a high quality urban area with a range of land uses in accordance with the Wanaka Structure Plan, meeting many of Wanaka's needs as a growing community. In addition, changes to Part 1 (Introduction) Part 10 (Town Centre), Part 14 (Transport), Part 15 (Subdivision) and Part D (Definitions) of the Operative District Plan are proposed to enable the rezoning.

Status – The Council decision has been notified and a number of appeals to that decision have been lodged and a hearing set down for November 2010. There is more detail on the relevance of those appeals to this plan change in a following section of this report.

Plan Change 20 – Wanaka Urban Boundary

The purpose of this plan change is to incorporate the Wanaka Structure Plan's Urban Boundaries into the District Plan, and establish the guiding principles for growth within the boundary.

Status – The Working Party met on 1 February to discuss the draft proposals and the project is currently on hold.

CONSULTATION

A brochure outlining the purpose of the plan change and asking for comments as to the appropriateness of the zoning, heights, and landscaping was made publically available and was sent to the following affected parties:

- all landowners in the existing industrial zoned land;
- adjacent landowners in the Rural Residential zoning in Golf Course Road;
- all landowners along Ballantyne Road;
- nearby land owners along Riverbank road, along to Orchard Road

The availability of the brochure and the timeframe for making comments was advertised in the Wanaka Sun; articles in the local and regional press also highlighted the consultation process.

A summary of the feedback received is attached as Attachment 2 to this report

Letters outlining the scope of the plan change and seeking feedback were sent to the following statutory parties:

- Ministry of the Environment
- Otago Regional Council
- KTKO
- Te Ao Marama

Te Ao Marama responded, as outlined in the previous section.

Consultation has been undertaken with the Wanaka Community Board and the Strategy Committee through the provision of agenda items and discussion at meetings.

In addition to the relatively site-specific consultation undertaken, as outlined above, in December 2009, the Council also undertook a more general survey to identify the key issues in existing business and industrial zones. This information has helped the Council to understand the issues that have been experienced in these existing zones and to determine the extent to which such issues can be attributed to the District Plan provisions.

THE CONSIDERATION OF HIGH LEVEL RE-ZONING OPTIONS

This initial discussion relates to whether the subject land should be rezoned at all and, if so, what type of landuse that zone should enable. Later in this report, the options regarding the specifics of that zone are discussed.

Many of the options for this (and other) land were considered through the community and strategic planning processes of Wanaka 2020, Wanaka Structure Plan (2004 and 2007), the Growth Management Strategy, and Growth Options Study. These documents are all discussed above and full versions are available on the Council's website or from the Council offices. Notably, these processes outlined the Council's options and provided direction with regard to how to manage growth.

In relation to the subject land, those processes established that it was appropriate for the land to be rezoned from Rural General to some form of Mixed Business Zoning. It is noted that the current landowner has been particularly interested in wanting to also enable industrial uses within the zone.

Regardless of these previous processes, it is still prudent to further assess the high level landuse options for this land, these being;

- A. Status quo
- B. Rezone an alternative site instead of the subject area
- C. Reserve
- D. Residential
- E. Some form of industrial or business zoning

A Status Quo – leave the subject area as Rural General zoning

Costs

- Rural General zoning is unlikely to prevent subdivision and development for business activities to occur on the site in an ad hoc manner. The granting of industrial development on Frederick Street (RM020370) is just one example of the weakness of the Rural General provisions.
- A resource consent under Rural General zoning would be costly to the applicant and to the submitters and provide no real certainty as to the outcome.
- The Rural General zoning provides no certainty as to what will occur on the site.
- There are ongoing difficulties with administering a landuse not anticipated in the Rural General zone.

- At this stage, the resource consent process provides no ability for the Council to obtain contributions toward affordable housing and outcomes around preserving open space are uncertain.
- This option does not prevent the landowner from applying for a private Plan Change
- This option is not consistent with the direction of the Wanaka Structure Plan.
- Although retaining the status quo at present would still enable rezoning at a later time there is a risk that a lack of action may result in ad hoc development by resource consent, which may not be consistent with the intent of the Wanaka Structure Plan. Furthermore, development by resource consent may prevent the future use of this area for industrial or business activities due to the establishment of sensitive activities within or near the site.

Benefits

- Retaining the Rural General zoning avoids the Council preparing and processing a Plan Change, and hence represents a saving in terms of costs and time.
- Rural General zoning will mean that the resource consent would be discretionary or non-complying and, hence, would be subject to public notification and provide the Council with the ability to influence the design of the subdivision and built form.

Effectiveness and efficiency:

Whilst this option may be preferable from the point of view of some neighbours (in that it may remain as farmland as a result), it would be relatively ineffective at achieving the objectives outlined above or the future use identified for the land in the Wanaka Structure Plan. In concluding that it will be relatively ineffective, it is noted that whilst business development under Rural General zoning would require a non complying resource consent it may well be granted (as was the case with Frederick Street). Under this scenario, the subdivision could evolve in an ad hoc manner and the process may not provide adequate control or guidance over urban form, built form, and landuse as the Rural General provisions are silent on such matters. Nor would this option address issues around reverse sensitivity as the composition of activities would be determined by the nature of the consent.

Furthermore, for the reasons outlined above, it would be an inefficient way of achieving the objective of a high quality industrial area which meets the district wide objectives as each new activity would require a new consent as a non-complying activity which would very likely be notified.

B Re-zone an alternative site instead of the subject area

Costs

- The proposed zoning is consistent with the direction of the Wanaka Structure Plan. As the structure plan identifies areas proposed for activities of this nature it is unlikely that an alternative site will be consistent with the Wanaka Structure Plan.
- An alternative site is unlikely to be surrounded by similar land uses on three sides of the site, increasing the need for any buffers or mitigation of effects on those boundaries.
- An alternative site is more likely to result in further dispersal and fragmentation of industrial/ business activities.

- An alternative site is less likely to be supported by adjoining industrial landowners as the uses are more likely to be in conflict or create reverse sensitivity issues.

Benefits

- An alternative site may be subject to fewer constraints than the existing site.

Effectiveness and Efficiency:

Although some alternative sites may be suitable for industrial/ business activity the proposed site has been subject to previous planning consideration and consultation for these purposes through the Wanaka Structure Plan process and is located in close proximity to existing industrial zones. Creating a new discrete industrial or business zone instead of or in addition to the subject site is considered to be less efficient and less effective than utilising the proposed site for this purpose.

C Designating the site as reserve land

Costs

- The Council has not considered the land as an option in the Wanaka Sports Facilities investigations that have been ongoing for a considerable time and to include it now would delay decision-making on that matter.
- Any buildings on the land would need to be relatively low-lying due to the elevated nature of the land. This would not be possible should an indoor pool or events centre be located there.
- This use is not consistent with the direction of the Wanaka Structure Plan.
- In the absence of any defined use or need, the Council would need to maintain this relatively large area of land, without any identified use for it.
- This option incurs significant costs in terms of purchasing and designating the site and justification for this purchase would be difficult without a clear purpose for it.
- Under this option, the sites on Frederick Street would retain their Rural General zoning.

Benefits

- Recreational use would provide a suitable buffer between the industrial and future residential use.
- As the land is currently zoned Rural General, it would be relatively inexpensive to purchase (compared to some other potential greenfields options).

Effectiveness and Efficiency:

Whilst this option may be preferable from the point of view of some neighbours (as built form would be limited), it would be **ineffective** at achieving the objectives outlined above or the future use identified for the land in the Wanaka Structure Plan. As it is deemed to be ineffective, the inefficiencies of this option have not been further investigated. It would be inefficient as no use for this land has been identified so Council would be paying for land it has no clear plan for.

D Re-zone the land as residential land

Costs

- The residential land would be immediately adjacent to industrial uses on 3 sides and, as such, significant buffer areas would be required to mitigate

reverse sensitivity issues of noise and other nuisances such as dust. The inclusion of such a buffer would significantly reduce the area of usable space within the subject site and introduce more issues regarding what those buffer areas should be used for.

- The potential reverse sensitivity issues would be likely to result in more opposition from existing industrial and business uses in the adjacent zones, resulting in added costs and time in processing the Plan Change.
- This use is not consistent with the direction of the Wanaka Structure Plan.
- Non complying resource consents for business uses, if granted, would be costly for the applicant and submitters and would very likely result in a poor outcome for the businesses and residents.
- The Council would incur costs in preparing and processing the Plan Change.
- Sufficient land has already been identified elsewhere in the Wanaka Structure Plan for residential use and in better locations which offer a higher level of amenity.

Benefits

- The buildings themselves will be lower density (and probably lower in height) than would be the case under a business zoning and include more vegetation and, hence, would be likely to be less obtrusive
- This use may be more acceptable to those residents along Golf Course Rd, etc and hence result in less opposition from them and, in turn, a saving in terms of cost and time.
- Provides an opportunity to negotiate a contribution from the landowner regarding affordable housing.

Effectiveness and efficiency:

Whilst this option may be preferable from the point of view of some neighbours (in that it may remain as farmland, as a result), it would be **ineffective** at achieving the objectives outlined above or the future use identified for the land in the Wanaka Structure Plan. Furthermore, for the reasons outlined above, if business uses were approved through the residential zoning, it would be at a high cost, inefficient, and provide little certainty of outcome.

E Re-zone as some form of industrial and/or business zoning

Costs

- There is may be some opposition to this from residents in the vicinity of the site.
- The Council would incur costs in preparing and processing the Plan Change.

Benefits

- This zoning is consistent with the direction of the Wanaka Structure Plan.
- The zoning is consistent with landuse on three sides of the site, thus avoiding the need for significant setbacks or mitigation of effects on those boundaries.
- This zoning is consistent with the landowners' aspirations for the site and therefore will minimise or avoid opposition from that party.
- There is likely to be more support from the adjoining industrial landowners as the uses do not conflict, as would be the case with residential zoning.
- This zoning provides a high level of certainty as to what will occur on the land, albeit subject to the specific provisions. Together with the Ballantyne Rd Mixed

- Use zone and Three Parks (Business) zone this completes the long term provision of business land for the wider Wanaka area.
- Provides an opportunity to negotiate a contribution from the landowner regarding affordable housing
- There is considered to be strong demand for industrial sections in Wanaka. There are very few vacant industrial sections currently available in Wanaka. Whilst recently zoned land at Three Parks and the Ballantyne Rd Mixed Use Zone does enable a range of businesses to establish, it is acknowledged that:
 - a) there are ownership and contamination issues associated with the Ballantyne Rd Mixed Use Zone which may take some time to resolve and that the zoning does not necessarily enable the land uses anticipated for this proposed zone; and b) that owner of Three Parks has indicated that there is no desire to site true industrial activities within the zone, even though the provisions do enable it. As such, it is not considered appropriate to rely on those other new zones to satisfy all industrial demand.

Effectiveness and Efficiency:

Some form of industrial and/ or business zoning would effectively achieve the existing objectives in the District Plan; particularly those relating to maintaining the quality of the natural environment and landscape values, managing effects on landscape and visual amenity values, the efficient energy use, and the provision of business and industrial land. This zoning, depending on the specific provisions applied, would also achieve the additional objectives that are proposed to be included in the District Plan, through this plan change (as outlined below). As such, the resource consent process should be relatively efficient for subsequent developers.

As this option will be **effective and efficient** (in that the costs of the plan change will be justified by resource consent efficiencies in the long term), this is the preferred option.

Having concluded that rezoning the site to some form of industrial and/ or business zoning is the most appropriate ‘high level’ option, it is then necessary to consider the specific provisions of that zoning.

ANALYSIS IN RELATION TO THE EXISTING OBJECTIVES OF THE DISTRICT PLAN

The following section of this report identifies the existing objectives and policies that are relevant to this proposed plan change. The objectives and policies are stated, followed by a description of how this plan change contributes to achieving those objectives. Whilst it is important to ensure that the proposed plan change is consistent with the existing objectives and policies, it is noted that the more detailed, specific objectives being proposed as part of the plan change will take precedence over the following, more general ones.

Part 4 of the Operative District Plan

4.1.4 - Part 4.2 Landscape and Visual Amenity

With regard to the following landscape-related objectives and policies, you are referred to the report entitled “Proposed Wanaka Industrial Zone Extension –

Landscape Assessment" (October 2009) and the reviews thereof (dated 2010), which are attached as Attachment 3.

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Business and Industrial activities often have operational requirements for larger buildings creating potential for greater impacts on visual amenity and landscape values. Potential landscape and visual impacts will be a matter for consideration in determining the appropriate location for Greenfields Business and Industrial Zones.

Policies:

1 Future Development

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detraction from landscape and visual amenity values.*

The Wanaka Structure Plan paid particular attention to ensuring that growth was managed in a way that would result in appropriate outcomes in landscape terms. This process concluded that the area was appropriate for urbanisation and, more particularly, a type of urbanisation that would normally be considered to have a high potential for adverse effects on the landscape or visual amenity, i.e. business/industrial use. The proposed provisions identify areas where the adverse effects of built form on landscape and the surrounding visual amenity values need to be considered.

- (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

Attention has been paid to ensuring that the Structure Plan for the Plan Change 36 land reflects the landscape features and that subsequent development and subdivision is sympathetic to the local topography, through open space areas and site-specific height controls.

4. Visual Amenity Landscapes

- (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
 - *highly visible from public places and other places which are frequented by members of the public generally¹; and*

¹ Note that this policy is subject to alterations by plan change 28. These are not however of consequence to this plan change.

- visible from public roads

And:

6. Urban Development

(b) To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.

(d) To avoid, remedy, and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.

The subject site sits within a Visual Amenity Landscape and is elevated some 4 – 5 metres above most of the surrounding land on 3 of the 4 boundaries of the undeveloped part of the subject area. However, it is considered that provisions limiting building height, the vegetated open space buffers provided on the Structure Plan, design controls, and enabling a range of lot (and hence, building) sizes within the zone will, together, mitigate the visibility and adverse visual effects of the development, when viewed from public and private places. These issues are fully canvassed in the Landscape Assessments attached to this report.

Whilst the proposed rezoning could appear inconsistent with Policy 6, the Wanaka Structure Plan considered how to accommodate urban growth in appropriate places and determined that this was an appropriate location in comparison to other areas. Furthermore, the location of the zoning in this area also assists in achieving a consolidated area of industrial/ business activity and avoids the potential risk of adverse effects from industrial development sprawling along Ballantyne Road, beyond that already zoned for.

7. Urban Edges

To identify clearly the edges of:

- (a) Existing urban areas;
- (b) Any extensions to them; and
- (c) Any new urban areas

• by design solutions and to avoid sprawling development along the roads of the district.

It is considered that the plan change is consistent with this policy in that the open space buffers will clearly identify the edge to the new urban boundary to the west and the existing topography reinforces the new zone boundary in the south. Furthermore, as noted above, the provision of industrial/ business land in the proposed location reduces the potential for development to sprawl along Ballantyne road.

4.3 Takata Whenua

Objective 1 - Kaitiakitanga (Guardianship)

Recognition and provision for the role of Kai Tahu as customary Kaitiaki in the District.

Objective 3 - Waahi Tapu and Waahi Taoka

Recognition and protection of places of burial, other waahi tapu, and all waahi taoka, as places of cultural and traditional importance to Kai Tahu.

Objective 5 - Wai (Water)

The management of the land resource and associated waste discharges in such a way as to protect the quality and quantity of water in the District to a standard consistent with the human consumption of fish, swimming and protects the mauri (life force) of the lakes and rivers.

Objective 6 - Repo Raupo (Wetlands)

The maintenance and enhancement of existing wetlands and their re-establishment, where practicable.

These objectives recognise the role of Kai Tahu as takata whenua and key resource management issues that must be considered when any new zoning is proposed.

The proposed inclusion of the need to adhere to accidental discovery protocol in the event that any remains are found will ensure that Objective 3 is met within this zone. It is noted that there are no existing wetlands or any potential for the creation of new wetlands on or adjacent to the site. Nor are there any places of traditional importance to kai tahu within the site. Wastewater will be treated through the reticulated system (which involves disposal to ground). With reference to Objective 5, the Structure Plan requires the establishment of a stormwater soakage field within the zone (in order to achieve stormwater neutrality²) and control is retained in regard to the onsite treatment of stormwater in order to improve quality of stormwater entering the groundwater systems.

4.5 Energy

Objective 1 – Efficiency - The conservation and efficient use of energy and the use of renewable energy sources.

Policies:

- 1.1 *To promote compact urban forms, which reduce the length of and need for vehicle trips and increase the use of public or shared transport.*
- 1.2 *To promote the compact location of community, commercial, service and industrial activities within urban areas, which reduce the length of and need for vehicle trips.*
- 1.7 *To encourage the use of energy efficient and non-air polluting heat sources in existing and new dwellings and workplaces (e.g. solar energy, effluent (sic) enclosed fireboxes).*
- 1.8 *To promote “carbon sinks” by encouraging the retention of remaining areas of indigenous forest vegetation and minimising the restrictions*

² whereby the objective is to create no more off-site stormwater runoff when the site is developed, than is currently the case

on the plantings of exotic trees to those necessary to avoid any significant adverse visual effects on the environment.

The plan change is considered to be consistent with this objective and the associated relevant policies in that it will:

- Enable the co-location of like businesses, thereby reducing car trips;
- Connect two existing cul de sacs, thereby reducing the length of vehicle trips;
- Potentially provide a walkway/ cycleway in order to enable easy pedestrian access to future public transport along Ballantyne Rd;
- Encourage buildings and subdivision layout to be energy efficient;
- Provide a relatively large, heavily vegetated 'area along the western boundary, which will provide a carbon sink.

4.9 Urban Growth

Objective 1 - Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*

It is considered that this plan change will contribute to achieving this objective insofar as it proposes to apply the zoning to an area which has no outstanding landscape or ecological value and is already largely compromised by the adjacent industrial zone.

Objective 4 - Business Activity and Growth

A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.

Policies:

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*

Retail activity establishing in industrial and business zones can draw activity away from town centres and new commercial cores; adversely affecting their vitality and viability. Retail activities can also result in reverse sensitivity issues adversely affecting the operation of the business and industrial zones themselves and forcing activities dependant on these zones to seek new locations elsewhere. Limiting the nature of retail activities that can locate in the proposed Industrial B Zone will help protect the role of the town centres while providing for activities compatible with the core purpose of the zone. Preventing most retail from locating within the proposed Wanaka Industrial B zone will help to ensure that the Wanaka Town Centre and the

Three Parks commercial core remain the principal foci for commercial activities in the Wanaka area. The location, adjacent to the existing industrial zone and within close proximity to the Ballantyne Mixed use zone and the proposed Three Parks area, is entirely consistent with Policy 4.2.

4.10 Earthworks

Objectives - To avoid, remedy or mitigate the adverse effects from earthworks on:

- (a) *Water bodies*
- (b) *The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.*
- (c) *Land stability and flood potential of the site and neighbouring properties*
- (d) *The amenity values of neighbourhoods*
- (e) *Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites*
- (f) *The water quality of the aquifers.*

As the district wide earthworks provisions are being applied to this site (i.e. no change is proposed) a full assessment of this objective has not been undertaken.

Plan Change 24: Affordable and Community Housing introduces the following:

Objective 1 – Access to Affordable Housing

To provide a range of opportunities for low and moderate income Resident Households and Temporary Worker Households to live in the district in accommodation appropriate for their needs.

Policies

1. *To assess the impact of the development and/or subdivision on the supply of and demand for Affordable Housing, and whether a contribution towards Affordable Housing is necessary to mitigate any adverse effects and/or impact of the development and/or subdivision.*
2. *To ensure that the Affordable Housing demand generated by the development and/or subdivision is avoided, remedied, or mitigated*

In order to achieve this objective, the Council and the landowner have entered into an agreement whereby the landowner has committed to make a contribution toward affordable/ community housing.

Part 11 (Business and Industrial Zones) of the Operative District Plan

Objective 1 – Business and Industrial Activity

A range of industrial locations which accommodate a variety of appropriate activities, including the maintenance and consolidation of existing business areas.

Objective 2 - Amenity within the Business and Industrial Areas

Areas of industrial and business activity which have a standard of amenity pleasant to visit and work within while recognising their function.

Objective 3 - Effect on Amenities

Minimisation of the effects of business and industrial activities on neighbours, other land use activities and on visual amenities.

The plan change is entirely consistent with these objectives and provides an appropriate method for achieving them. With respect to Objective 1, the plan change provides an opportunity for businesses to locate adjacent to an existing industrial zone and ensures, through strong controls on activities such as retail, that this land is used specifically for industrial and service activities. These stronger controls will more effectively achieve Policy 1.5 (which requires the effects of allowing retail within the zone to be considered) than is currently the case in the industrial zone. With regard to objectives 2 and 3, the Structure Plan and Outline Development Plan will, together, achieve a better level of amenity and better control the off-site effects, when compared to what is currently being achieved in the existing zones

That said it is considered that the existing objectives and policies in Part 11 are too broad-brush (as evidenced by the amount of non complying retail that has been approved in the industrial zone, for example) and that it is appropriate to include more detailed objectives and policies which enshrine the Structure Plan approach and provide stronger policy support for the rules preventing residential, retail and office uses in the zone.

THE APPROPRIATENESS OF THE PROPOSED OBJECTIVES, POLICIES, AND RULES

As discussed earlier, Section 32 of the RMA requires the Council to undertake an evaluation of:

- (a) The extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
- (b) Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

It goes on to require that this evaluation must take into account:

- (a) The benefits and costs of policies, rules, or other methods; and
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

The extent to which each proposed objective is the most appropriate way to achieve the purpose of the Act

The purpose of the Resource Management Act 1991 is described in section 5 of the Act. In summary it is to promote the sustainable management of natural and physical resources. In this Act:

Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 32 requires that the Council examine the extent to which each proposed objective is the most appropriate way to achieve the purposes of the Act. Plan Change 36 introduces the following objectives, which are based largely on those that were introduced into the Plan as part of plan change 16 (Three Parks).

Objective 1 - A high quality, functional area which provides for a wide range of business, industrial, service and trade-related activities and avoids residential, office, and most retail uses.

Policies

- 1.1 *To avoid development that is not in accordance with the relevant Structure Plan or approved Outline Development Plans.*
- 1.2 *To ensure that development and subdivision only occurs where either the necessary infrastructure exists to service it, or temporary measure(s) have been agreed to by the council and the applicant has committed to connect to the council reticulated system once available.*
- 1.3 *Other than ancillary retail and that retail specifically permitted by the rules, all other retail shall be avoided in order to:*
 - 1.4 *Preserve the zone for those uses that are specifically enabled; and*
 - 1.4.1 *Ensure that the vibrancy of the existing town centres and the mixed use and commercial core areas of the Frankton Flats and Three Parks Zones is not undermined.*
 - 1.4.2 *Prevent the further distribution of retail across numerous areas and to, therefore encourage continued consolidation of retail activity in those areas intended for that purpose.*
- 1.5 *Residential and office activities shall be prevented in order to avoid reverse sensitivity issues and to preserve the zone for industrial and service activities*
- 1.6 *Small lot subdivision shall be avoided unless combined with a landuse Resource Consent, which illustrates how a complying development can occur on the site(s).*
- 1.7 *Adequate road access and on-site loading and manoeuvring areas shall be provided for heavy vehicles in order to prevent i) any loading or manoeuvring*

from occurring within the road corridor and ii) any large vehicles (truck and trailer units) having to reverse out of a site onto a road.

- 1.8 *To ensure the provision of adequate loading zones in the design and layout of the zone, as well as on site loading at the time of development.*
- 1.9 *To require street layouts and design to:*
 - 1.9.1 *Be well-connected, with cul-de-sacs being avoided wherever connected streets would offer greater efficiency and amenity*
 - 1.9.2 *Minimise the creation of rear sites.*
 - 1.9.3 *Be safe for vehicles, cyclists, and pedestrians.*
- 1.10 *Minimise opportunities for criminal activity through incorporating "Crime Prevention Through Environmental Design" (CPTED) principles as appropriate in the design of lot configuration and the street network, car parking areas, public and semi-public spaces, access ways, landscaping, fencing, and the location of compatible uses.*
- 1.11 *To recognise that the relocation of a fixed road by more than 50 metres or a fixed connection point by more than 20 metres (from that shown on the Structure Plan) is likely to significantly affect the integrity of the Structure Plan and should be avoided.*

This objective is appropriate as it aims to limit the ability of inappropriate uses from locating within the zone, thereby preserving it for industrial and service activities and avoiding problems of reverse sensitivity. These issues are considered important a) to enable the community to provide for its economic and social wellbeing, and b) to provide a good level of amenity for those working within the zone and living beyond it. The policies are considered appropriate as they give clear direction that:

- Most retail shall be avoided (and why),
- Offices and residential shall be avoided (and why),
- Buildings and developments shall be of a high quality,
- Reverse sensitivity with adjacent residential areas shall be minimised through controlling the effects of such uses and by identifying an open space buffer between the uses.

Objective 2

Effective mitigation of a) the adverse visual effects of business and industrial development, when viewed from public and private places and b) the adverse nuisance effects which can arise where business and industrial zones adjoin residential zones.

Policies

- 2.1 *To require buildings to be well designed, by encouraging interesting roofscapes, the incorporation of green building principles, and the use of recessive, non-reflective colours whilst ensuring that bright colours are used only as accents on a building.*
- 2.2 *To ensure that maximum building height rules are not used to create overly high surrounding parapet walls which create a visual presence well in excess of what is required to contain buildings' internal volumes.*
- 2.3 *To ensure that the fixed open spaces shown on the relevant Structure Plan are provided in order to separate and partially screen the zone from adjacent existing*

or future residential zones and to minimise the visual effects of development from both public and private places.

- 2.4 *To avoid buildings within the fixed open space areas shown on the relevant Structure Plan other than on the designated building platforms, upon which certain small scale buildings shall be allowed in order to ensure/ enable/ encourage/ support/ provide the viable long term maintenance of those open spaces*
- 2.5 *To require high quality planting and mounding of the open spaces where this specifically identified as required on the Structure Plan in order to mitigate the visual effects of development within the zone.*
- 2.6 *To avoid excavation on the fixed open space areas identified in the Structure Plan unless it is for the express purpose of providing for the pedestrian connection shown on the District Plan.*

This objective is considered appropriate as it aims to provide a good level of amenity for those working within the zone and living beyond it.

The policies regarding building design and height are considered appropriate and justified due to the fact that there are residential properties which overlook the land (albeit from a distance) and the fact that buildings will also be visible from public places. It is considered that the controlled activity status is not overly onerous on the applicant and that the policy wording will add useful detail as to what the Council anticipates in terms of design.

Objective 3

A street layout, well-considered building design, and other initiatives which, together, help to reduce car use and provide practical alternatives.

Policies

- 3.1 *To require that the street layout and cycle and walking networks are designed to:*
 - 3.1.1 *Enable public transport to efficiently service the area, now or in the future; and*
 - 3.1.2 *Reduce travel distances through well-connected streets; and*
 - 3.1.3 *Provide safe, attractive, and practical routes for walking and cycling, which are well-linked to existing or proposed passenger transport and which are well-connected to other areas beyond the zone.*
- 3.2 *To require applications for Outline Development Plans and large scale developments (i.e. those with at least 150 employees) to show how they will help reduce private car travel and encourage realistic alternative modes of transport.*
- 3.3 *To encourage large scale developments (i.e. those with at least 150 employees) to prepare voluntary travel plans through the Council providing advocacy and assistance.*
- 3.4 *Refer to Council guidelines relating to Travel Plans.*

The objective and associated policies are aimed at reducing vehicle use/ mileage and, in turn, minimising the effects associated with fossil fuel use and carbon emissions.

Objective 4

A subdivision layout and built form which demonstrates best practice in terms of achieving environmental sustainability

Policies

- 4.1 To ensure, through the street layout, that buildings are located and orientated in a way that achieves good solar access
- 4.2 To encourage energy-efficient building design.
- 4.3 To incorporate stormwater and sediment management options that ensure that:
 - 4.3.1 The rate of discharge remains equal to or less than that of pre-development
 - 4.3.2 The quality of the water in that discharge remains equal to or better than that of pre-development.
- 4.4 To encourage the creation or restoration of wetlands where opportunities exist

This objective is appropriate as they require that the life supporting capacity of systems are safeguarded, adverse effects on the environment are avoided, remedied or mitigated, and the needs of future generations are met. The objective achieves this through policies and rules which ensure good solar access for buildings, energy efficient buildings, and the management of the quality and quantity of stormwater.

Conclusion

Overall it is considered that the proposed new objectives are appropriate in order to address a number of significant resource management issues and will enable the Council to more appropriately meet the purposes of the Resource Management Act.

AN ASSESSMENT OF THE EFFECTIVENESS AND EFFICIENCY OF THE POLICIES, RULES, OR OTHER METHODS

The policies, rules, and other methods are aimed at achieving the relevant objectives, which are paraphrased/ summarised as follows:

Existing relevant objectives in the District Plan

- Avoids remedies or mitigates adverse effects on landscape and visual amenity values.
- Consideration and appropriate management of any effects on those values (including kaitiakitanga, waahi tapu and waahi taoka, wai (Water), and repo raupo (Wetlands)).
- The conservation and efficient use of energy and the use of renewable energy sources.
- A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.
- To avoid, remedy or mitigate the adverse effects from earthworks
- Access to affordable housing
- A range of industrial locations which accommodate a variety of appropriate activities, including the maintenance and consolidation of existing business areas.
- Industrial and business areas which are pleasant to visit and work within while recognising their function.

- Minimisation of the effects of business and industrial activities on neighbours, other land use activities and on visual amenities.

Proposed new objectives relate to:

- A high quality, functional business area protected from residential and other sensitive uses
- Mitigation of the adverse effects of development
- A reduction in car use and provide practical alternatives
- Environmental sustainability.

The following discussion of options starts from the premise that some form of business and industrial zoning is most appropriate landuse for the subject site, as established earlier in this report. The options assessment is grouped under the following headings:

1. Whether an existing business or industrial zone can be applied to the subject area
2. Options in relation to the most appropriate methods/ rules for achieving the existing and proposed objectives of Part 11.

It is noted that, at times, the preferred option is actually an amalgam of the various options discussed rather than just one of them.

1 Whether an existing business or industrial zone can be applied to the subject area

The following options have been considered:

- A. Apply the existing “Industrial” Zone to the subject land
- B. Apply the existing “business” zone to the subject land
- C. Apply the Ballantyne Road Mixed Business Zone to the subject land
- D. Apply the Three Parks Business sub-zone to the subject land
- E. Apply a new “Industrial B Zone” which would duplicate the ‘light industrial and business’ provisions of the Frankton Flats Zone activity (Area E1)
- F. Apply a new “Industrial B zone” which would incorporate the most appropriate provisions from the various existing industrial and business zones in the District Plan (and some completely new) and which could also be applied to future areas of such industrial and business land.

Attachment 4 provides a summary of the key provisions relating to each of the existing business and/ or industrial zones in the District Plan.

A Apply the existing “Industrial” Zone to the subject land

Costs

- There are known problems with the existing industrial zone provisions, including the fact that:
 - The objectives and policies are weak.
 - The provisions relating to custodial units are difficult if not impossible to enforce with commissioner decisions stating this as being the case, thereby resulting in high density living without the off-site amenity that would ordinarily be expected;
 - The allowable height can often be too low to enable functional and flexible industrial and business-related buildings resulting in either

- inefficient buildings for the long term use of the area or, a high number of over-height buildings have been consented, thus weakening the strength of the District Plan rule*;
- The provisions relating to retail are difficult to enforce, resulting in a lot of retail not related to activities within the zone having been consented in the zone, thus weakening the District Plan rule*;
- The provisions allow offices to locate in the zone;
- The provisions for on-site manoeuvring and parking are insufficient for an industrial zone*;
- The ability to subdivide to small lot sizes hinders the use of land as being suitable for industrial lots over time*;
- The policy framework is weak and in the past in existing industrial zones non-industrial businesses have been able to establish, thus reducing capacity within the zone for genuine industrial activities.
- Reverse sensitivity issues and conflicts between incompatible uses have been experienced within this zone, arising from people living and working in the industrial zone*;
- Some site-specific rules would be required (e.g. re height) which adds an extra level of complexity to the provisions.
- The rules do not require an ODP or compliance with a Structure Plan and therefore the urban structure would not be subject to anything more than a controlled activity consent.
- Whilst the provisions are well-understood (resulting in efficiencies in administration) it is likely that retail, residential use, and additional height will be applied for and granted, albeit that they will need to obtain non-complying or discretionary consent to do so, which is not necessarily efficient.
- The provisions are relatively enabling with limited control over quality and, as such, there is likely to be opposition from nearby residents.
- The issues outlined above relating to fact that the zone has allowed a significant amount of non-industrial use to establish in the zone may result in industrial activity seeking to establish in other zones on an ad hoc basis, and, if industry is forced further afield as a result, this will also result in increased costs for the local economy/ community.
- The weaknesses in the provisions results in a lack of certainty for industrial activities and community

*: Refer the QLDC Industrial and Business Zone Review December 2009

Benefits

- This zone is operative and hence, there is no issue with processing a plan change to extend the area to which the zone applies.
- Most activities are controlled and therefore the resource consent process is relatively inexpensive
- Using existing provisions would save time and cost involved in drafting new planning provisions
- It would be efficient in terms of administration (as planners become familiar with the provisions and legal opinions and case law around those provisions becomes established)
- The provisions are relatively enabling and, as such, there is likely to be little opposition from the landowner
- The provisions are the same as apply to the rest of the Ballantyne Rd area and therefore there is consistency with the adjoining properties.

Effectiveness and Efficiency:

This option would be effective at enabling industrial and business activities but only **partially effective** at providing a well functioning zone, ensuring a quality layout, and avoiding reverse sensitivity effects. It would also provide little certainty that the Town Centre would remain the central focus for commercial and other activity as it has shown to be very permissive in terms of retail uses.

This option is **relatively efficient** as the plan change cost is low but the relative ineffectiveness of the zone provisions (and the inefficiencies that stem from that) is considered to outweigh this. As such, this option is not preferred.

B Apply the existing “business” zone to the subject land

Costs

- There are known problems with the existing business zone provisions, including the fact that:
 - The objectives and policies are weak and are, in fact, the same for both industrial and business zones.
 - The provisions relating to custodial units are difficult if not impossible to enforce with commissioner decisions stating this as being the case, thereby resulting in high density living without the off-site amenity that would ordinarily be expected;
 - Potential reverse sensitivity issues though less of an issue than industrial zone
 - Large scale retailing (over 500m²) is discretionary and smaller scale is non complying but, in reality, both are granted;
 - Visitor accommodation is allowed and no specific minimum standards exist.*
 - The allowable height can often be too low to enable good design and the widespread granting of over-height buildings has weakened the ability to enforce those provisions.*
 - The provisions allow offices to locate in the zone.
 - The rules do not require sufficient car parking and on-site loading.*
 - The ability to subdivide to small lot sizes hinders the use of land as being suitable for uses which require deliveries and truck manoeuvring.*
- Some site-specific rules would be required (e.g. re height) which adds an extra level of complexity to the provisions.
- The rules do not require an ODP or compliance with a Structure Plan and therefore the urban structure would not be subject to anything more than a controlled activity consent.
- Whilst the provisions are well-understood (resulting in efficiencies in administration) it is likely that retail, residential use, and additional height will be applied for and granted, albeit that they will need to obtain non-complying or discretionary consent to do so, which is not necessarily efficient.

*: Refer Industrial and Business Review December 2009.

Benefits

- This zone is operative and hence, there is no issue with processing a plan change to extend the area to which the zone applies.

- Using existing provisions would save time and cost involved in drafting new planning provisions
- It would be efficient in terms of administration (as planners become familiar with the provisions and legal opinions and case law around those provisions becomes established)

Effectiveness and efficiency:

Whilst this option would be **relatively efficient** the **relative ineffectiveness** of the zone (and its ability to achieve a high quality business/ light industrial area) is considered to outweigh this.

C Apply the Ballantyne Road Mixed Business Zone to the subject land

This option could involve either zoning it all mixed business and or part mixed business and part yard based industrial. It is considered that zoning it all yard based industrial would not be effective at achieving the relevant existing and proposed objectives and so, this option has not been further considered.

Costs - The mixed business and deferred employment land

- The rules do not enable many types of genuine industrial land use activities.
- It is unclear how the rule enabling showrooms will work if they can only sell goods manufactured on site
- It is questionable whether it is realistic to prevent all retail other than the hire of goods, etc, considering the zone is intended to enable showrooms.
- The subject area is not considered to be well suited to showroom retail.
- If some staff accommodation were granted, it would be difficult to enforce/ retain it as being only for staff usage.
- The height standard allowed is relatively high and the area proposed for rezoning under plan change 36 would therefore need its own height rule.
- The Controlled status of an ODP provides only limited ability to influence/ ensure good subdivision layout.
- Whilst the rule requiring a 30m setback from other zones (from the deferred employment areas) would protect the buffer along the western boundary from built form it would not ensure that it is mounded, planted, maintained, etc as is required in order to address potential adverse visual effects.

Benefits - The mixed business and deferred employment land

- This zone is operative and hence, there is no issue with processing a plan change to extend the area to which the zone applies (i.e. it would not need to be processed as a variation).
- These provisions have been recently ‘tested’ through the hearing process.
- It prohibits residential and visitor accommodation and is strong (i.e. non-complying) in terms of preventing any retail other than the hire of goods.
- Prevents health care and daycare, which are unlikely to be compatible – although it is questionable whether they would be incompatible in that no industrial or service activities are allowed.
- A controlled ODP would be relatively simple and less costly than the ODP process anticipated in the Three Parks zone.
- The rule requiring a 30 m setback from other zones (from the deferred employment areas) and other setbacks could be applied to achieve the buffer along the western boundary and, to a lesser extent, others.

- The provisions are relatively simple.

Costs – Yard based industrial

- The restrictive coverage controls prevent a genuine industrial use from establishing if it needs a larger built area
- The height allowed is relatively high and the plan change 36 land would therefore need its own height rule.
- The Controlled status of an ODP provides only limited ability to influence/ ensure good subdivision layout.
- The outdoor storage allowed/ anticipated within the yard based zone may be more of a visual issue for neighbours and the public than industrial buildings would be.
- Yard-based industrial activities south of Connel Terrace, as indicated in the landowner's Concept Plan, may not be appropriate within close proximity of the future residential and existing rural residential areas, as the outdoor storage is likely to be unattractive, activities are likely to be relatively noisy, and buildings relatively functional and unattractive. For these reasons, such larger lot industrial use may be more appropriately located adjacent to the existing industrial zone, yet that it is not where the landowner has indicated he wishes to develop larger lots.
- The 3,000m² minimum lot size would not be consistent with the concept plan/intentions of the land owner.
- It would be inefficient to rezone the whole area as yard based but including two subzones within the area (i.e. business and yard based industrial) would add more complexity to the Plan Change.
- It may be inefficient to zone any of the land for yard based use as the area of land zoned for this purpose within the Ballantyne mixed business zone will meet forecast demand for a considerable length of time.
- As yard based activities will generally be low value uses, it is unrealistic to expect high quality buildings and landscaping within such a zone. As such, the outcome is likely to be relatively unattractive and hence, not suitable for land which is visible from residential neighbours and, to a degree, public places.
- As with the comments above for mixed business zone, the setback provisions are unlikely to be sufficient to ensure a quality outcome in terms of the open space buffer along the western boundary of the zone.

Benefits – Yard based industrial

As for the Ballantyne Rd mixed business and deferred employment areas outlined above plus/ except:

- It would result in only a small amount (i.e. 30%) of the area south of Connel Terrace being built on, which may help to reduce the visibility of buildings on the zone.
- Whilst business zoning would not preclude yard based uses from occurring, zoning it specifically for yard based uses would ensure it is preserved for such use into the future.

Efficiency and effectiveness:

This would be a relatively simple plan change to prepare (as it would only involve an amendment to the planning map and Structure Plan) but due to the controlled status of the ODP, lack of specific open space provisions, and questions over how realistic and reasonable the retail provisions are, it may a) result in opposition from the both

the landowner and residential neighbours (adding to costs), and b) is likely to be **relatively ineffective** at achieving the existing and proposed objectives of the Plan.

D Apply the Three Parks Business sub-zone to the subject land

This option would involve simply amending the planning maps to re-zone the subject land as Three Parks (business) Zone and, potentially, including a small number of new rules within the Three Parks Zone which would apply specifically to the subject land.

Costs

- This plan change would need to be processed as a Variation to the 3 Parks Plan Change, as the Three Parks plan change would not be operative by the time Council is ready to notify this Plan Change. It is noted that appeals have been lodged by Willowridge, Ballantyne Investments, Firth, and Mount Cardrona Station (MCS). Of relevance, Willowridge have sought that offices be restricted discretionary rather than non-complying in the business subzone; that showers need not be provided where less than 20 are employed; that there is no need for an open space overlay; and that there is no need to notify adjoining landowners of ODP's regardless of the circumstances. Also potentially relevant, MCS request that the plan change be refused/ withdrawn or that it be reduced to just 20 ha of light industrial/ commercial; which would very likely require some amendments to the provisions. There are various procedural complications associated with processing this as a Variation, including the fact that a) any appeals to Three Parks would hold up this Variation, and b) the provisions would have weight as soon as notified and as such, the Council may need to seek a commitment from the landowner that no resource consent would be applied for prior to it being made operative.
- The Three Parks provisions have not yet been "tested" through the resource consent process.
- As the provisions are new there will be inefficiencies in understanding and administering them in the early stages, as there is with any new zone.
- The land would need to be exempt from the Three Parks staging rule.
- The Three Parks Structure Plan would need to be amended to include the subject land. Although the land would be disjointed from the rest, it would not appear too illogical.
- Some site-specific rules would be required (e.g. re height) which adds an extra level of complexity to the provisions.
- The provisions (inappropriately) permit community, education, day care, places of public assembly and entertainment, and healthcare facilities from locating in the business zone (subject to approval of the built form and meeting all standards). This would need to be rectified if the provisions were to be applied to the subject land.
- The Three Parks provisions potentially allow more retailing than other industrial business zones (albeit that it is only certain types of retail) and this is not considered appropriate on the subject area.
- The requirement to have an ODP approved (as a restricted discretionary activity) adds cost and time to the resource consent process.

Benefits

- Using existing provisions would save time and cost involved in drafting new plan provisions

- The Three Parks provisions endeavour to address all the concerns with the district-wide business provisions (e.g. relating to residential uses, office use, the inadequate parking, retail uses which could reasonably locate in the Town Centres and which detract from the Town Centre vibrancy by being located there). However, it is noted that some activities that could create reverse sensitivity issues, such as community uses, daycare, etc are permitted and should probably more appropriately be non-complying.
- It would be efficient in terms of administration (as planners become familiar with the provisions and legal opinions and case law around those provisions becomes established)
- It would require an ODP to be established prior to subdivision and development. Whilst this adds cost to the resource consent process, it is considered justified by the added certainty that an appropriate street network and lot configuration will result.
- The provisions would prevent the ‘leakage’ of inappropriate mainstreet-type retail activities into the business zone and, in turn, help preserve the business zone for its intended purpose.
- The carparking provisions include bicycle parking requirements.
- The provisions would limit the number of rear sites which will help to achieve a quality subdivision layout.
- The finer grain of commercial buildings enabled by this zone (as opposed to allowing only industrial or yard-based industrial zoning) would result in less adverse effects on the character of the surrounding landscape and the visual amenity of future residential areas (refer page 16 of the Landscape Assessment)
- The provisions only allow small lot subdivision when combined with a landuse application for a complying comprehensive design for the site.
- The provisions include an assessment matter regarding avoiding corporate colours which may be appropriate for the subject area, given the visibility of this site from neighbours.

Effectiveness and efficiency:

The zone would be **relatively effective and efficient** although the fact that the provisions do contain some shortcomings and that they’re not yet operative suggests that it may be more appropriate to use the provisions as a basis for an entirely new, generic Industrial zone. You are referred to option E below for further discussion on this.

E Apply a new “Industrial B Zone” which would duplicate the ‘light industrial and business’ provisions of the Frankton Flats Zone activity (Area E1)

Costs:

- The Frankton Flats provisions have not yet been “tested” through the resource consent process.
- The provisions are not wholly appropriate to the subject land and, accordingly, may also not be appropriate for a new zone which would be intended to be applied to other new industrial and business areas in the future. For example:
 - The rule permitting ancillary retail is ambiguous and has proven ineffective at controlling the scale or type of retail that occurred in the district-wide industrial and business zones.
 - The assessment matters do not mention reverse sensitivity.

- The objectives and policies aimed at preventing retail may not be sufficiently strong.
- The building height is very high (12m) so the new Industrial B Zone would require a specific height rule, at least as it is applied to the subject land/ Plan Change 36 land.
- The air noise provisions are irrelevant to this site and this would require a site-specific exemption in order to avoid unnecessary standards having to be met/ avoid confusion.
- The zone includes considerably less design guidance (in the form of assessment matters) than does Three Parks, for example.
- Whilst there is no requirement for an ODP to be submitted in Activity Area E1, subdivision is a restricted discretionary activity. This means that issues relating to landscaping, reverse sensitivity, and travel demand management cannot be addressed through the subdivision consent and that it may be difficult to obtain a comprehensive plan for the subject land in that the applicant may apply only for small stages at a time.
- Whilst small lot sizes which are unable to function effectively are intended to be avoided by requiring applications to show how a complying development can be achieved within the proposed subdivision, there is nothing to compel the developer to undertake the landuse shown on the plan and, as such, issues could potentially arise.
- Whilst the provisions require all buildings to be setback off the road, for the purpose of streetscape/ landscaping/ amenity, it is questionable how well individual landowners' efforts will achieve this objective or whether it would simply end up similar to parts of Glenda Drive.

Benefits

- The zone provisions are much simpler than in the Three Parks zone.
- The fact that no ODP is required will eliminate one step in the resource consent process and, hence, may reduce the total cost of the resource consent process.
- The zone includes a rule intended to avoid small lot sizes which are unable to function effectively, (although it is questionable how effective that will be).
- The provisions enable bottle storage (but not other activities requiring an offensive trade licence). As such, this would go part way to meeting the landowner's request that offensive trades should be allowed on the subject site.
- The provisions are very strong on preventing residential at the ground level and visitor accommodation by prohibiting them. NB: Residential use is non-complying above ground.
- Apart from the potential 'loophole' provided by allowing retail ancillary to industrial and service activities, the rules preventing retail uses are very strong, with some being non complying (i.e. convenience less than 200m² and showrooms over 500m²) and the rest being prohibited.
- The framework includes a Structure Plan within the District Plan (which all subsequent development must comply with).
- The provisions require that 10% of each site be retained as permeable space and enables this to be provided communally, across sites (for use as lunch spots, pocket parks etc) but this rule is difficult to interpret and, regardless, it is questionable whether it is, in fact, an appropriate and efficient use of the subject land.
- The provisions require all community, education, day care, places of public assembly and entertainment, and healthcare facilities to obtain non-complying resource consent.

- Using existing provisions would save time and cost involved in drafting new plan provisions
- The Frankton Flats provisions endeavour to address all the concerns with the district-wide business provisions (e.g. relating to residential uses, widespread office use, and retail uses).
- It would be efficient in terms of administration (as planners become familiar with the provisions and legal opinions and case law around those provisions becomes established).
- The provisions, if effective, should prevent the ‘leakage’ of retail activities into the business zone and, in turn, preserve the business zone for its intended purpose.
- The provisions would preserve the business subzone for its intended purpose (and avoid conflicts between incompatible uses, such as residential uses).

Effectiveness and efficiency:

The zone would be **relatively effective and efficient** although the fact that the provisions do contain some shortcomings and that they're not yet operative suggests that it may be more appropriate to use the provisions as a basis for a new business zone

For completeness, it is noted that there is also a yard based industrial activity area in the Frankton Flats Zone. However, having concluded in the above discussion on the Ballantyne Ponds mixed use zone that such yard-based zoning is both ineffective and inefficient in the context of the Connel Terrace precinct, the option of applying the Frankton Flats yard based industrial provisions to this site has not been further considered below.

F Apply a new “Industrial B zone” which would incorporate the most appropriate provisions from the various existing industrial and business zones in the District Plan (and some completely new) and which could also be applied to future areas of such industrial and business land.

Costs

- It would be relatively time-consuming to prepare the new provisions (even if largely based on ones that already exist in various places in the District Plan), as opposed to simply applying an existing zone to the land.
- It would require repetition of some provisions in the District Plan, at least until the Council undertakes a District Plan review.
- This option adds yet another zone into the District Plan
- There will be administrative issues (in terms of resource consent processing) initially as with any new zone provisions.

Benefits

- Avoids the delays and other complications that would result from simply including the land within either the Frankton Flats or Three Parks zones.
- Enables the most appropriate provisions to be applied to the land, regardless of which zone they currently exist in or whether they are entirely new to the District Plan. This would enable all the known issues with the current zones and the emerging objectives relating to sustainability and reduction in the use of cars to be addressed within the provisions.
- A stand-alone zone is considered to be clearer to readers than the inclusion of site-specific rules (e.g. relating to height) within an existing zone.

- Creating a largely non site-specific zone enables this zone to be applied to other areas in the future provided effort is made to keep it relatively generic/non site-specific in the drafting.

Effectiveness and efficiency:

This option would be **effective** as the amendments would add new objectives, policies, and rules to address the known problems with the zone and would avoid the delays that would be likely if the relevant Frankton Flats or Three Parks zone were simply applied to this land. Whilst this option probably incurs the highest cost of all the options, it is still considered **efficient** as it will enable the most appropriate provisions to be incorporated, avoids delays, and has the added benefit of being able to be applied to other new industrial and business zones in the future.

Conclusion

It is concluded that the most appropriate method of achieving the existing and proposed objectives is to create an Industrial B Zone, which would incorporate the most appropriate provisions from the various existing industrial and business zones in the District Plan (and some completely new) and which could also be applied to future areas of such industrial and business land. This is Option F in the above discussion.

2 Options in relation to the most appropriate methods/ rules for achieving the existing and proposed objectives of Part 11

Having concluded that the most effective and efficient zoning for this area is a new generic Industrial B Zone, the following section considers optional rules/ methods for achieving the objectives within part 11.

Whilst the Council is required to consider whether the proposed methods are the most appropriate means of achieving both the relevant existing and proposed objectives of the District Plan, the following options analysis focuses on the proposed objectives. This approach is justified by the fact that the big picture analysis against the objectives is documented earlier in this report and that the proposed objectives are consistent with those that already exist in Part 11.

In addition to the objectives stated in the draft Plan Change, the District Plan also contains a relevant objective focused on improving the affordability of housing and the options for achieving this are discussed below.

The options for achieving each of the proposed objectives is considered in turn below.

Industrial B Zone - Objective 1:

A high quality, functional area which provides for a wide range of business, industrial, service and trade-related activities and avoids residential, office, and most retail uses

Options considered for achieving this objective included:

- A. The use of a Structure Plan approach

- B. Requiring an ODP to be approved prior to development or, instead, relying on subdivision rules to control design
- C. Imposing a minimum lot size of 1000m² (or less if a complying combined resource consent applied for),
- D. Imposing controls over retail activities
- E. Imposing controls over residential activities
- F. Imposing controls over offices (excluding ancillary)
- G. Imposing controls over some types of industrial activity

A. Whether to include a Structure Plan in the District Plan and require all development to adhere to it

Costs

- There is a cost in preparing the Structure Plan

Benefits

- Including a Structure Plan provides certainty regarding important roads and open spaces
- Provided there is some flexibility in the location of roading and open spaces (where outcomes are not compromised) and not too much detail is shown (e.g. specific lot boundaries) then it facilitates an efficient resource consent process.
- Using a Structure Plan approach enables a more generic zone to be more effectively tailored to individual locations, such that if this zone is to be applied elsewhere that plan change should simply involve an amendment to the planning maps, to potentially a small number of specific provisions, and inclusion of another Structure Plan for that additional land. .
- The approach is consistent with other zones in the District Plan and is well understood.

Conclusion

It is considered appropriate to include a Structure Plan for the Connel Terrace Precinct within the Plan Change.

B Requiring an ODP to be approved prior to development or, instead, relying on subdivision rules to control design

Within this option, alternative options include:

- (i) Requiring an ODP to be approved, as a controlled activity
- (ii) Requiring an ODP to be approved as a restricted discretionary
- (iii) Requiring an ODP to be approved as a restricted discretionary but assurance in the District Plan that it will not be notified unless there are special circumstances
- (iv) Not requiring an ODP and relying, instead, on the controlled subdivision provisions that currently exist in the District Plan
- (v) Not requiring an ODP and relying, instead, including a rule that all subdivision is a restricted discretionary activity (as per Areas E and D of the Frankton Flats zone)

The costs and benefits of these options are discussed below.

(i) Requiring an ODP to be approved, as a controlled activity

Costs and Benefits

- Provides the Council with limited ability to influence design and no ability to decline an application

- It would enable the Council to review the layout for the entire Structure Plan area rather than, with a subdivision, which may be done in a number of stages
- Relatively inexpensive to prepare and process the resource consent application
- Provides certainty to the applicant that it will not be notified or declined

(ii) Not requiring an ODP at all and relying, instead, on the controlled subdivision provisions that currently exist in the District Plan

Costs and benefits

As above except that:

- It avoids the additional ODP step and therefore would be less expensive to administer
- It does not necessarily enable the Council to review the layout for the entire Structure Plan area as the applicant may chose to stage the subdivision in order to minimise/ stage costs associated with financial contribution and development

(iii) Requiring an ODP to be approved as a restricted discretionary activity prior to any development

Costs and benefits

- Relatively expensive to prepare and process the resource consent application
- Provides less certainty to the applicant that it will not be notified or declined
- Would enable the Council to review the layout for the entire Structure Plan area rather than, with a subdivision, which may be done in a number of stages
- Provides the Council with significant ability to influence design and to decline an application
- Consequent subdivisions could then be undertaken in stages as a controlled activity

(iv) Requiring an ODP to be approved as a restricted discretionary but assurance in the District Plan that it will not be notified unless there are special circumstances.

Costs and benefits

- As for (iii) above except that this option provides the applicant with the certainty that the application will be non notified, thus providing significant time and cost benefits.

(v) Not requiring an ODP and, instead, including a rule that all subdivision is a non notified restricted discretionary activity

Costs and benefits

As per (iv) above, except that:

- It avoids the additional ODP step and therefore would be less expensive to administer
- It does not necessarily enable the Council to review the layout for the entire Structure Plan area as the applicant may chose to stage the subdivision in order to minimise/ stage costs associated with financial contribution and development
- Discretion at the time of subdivision is unlikely to be able to extend to matters such as travel demand management, public transport, streetscape design and landscaping, design guidelines, or open space areas.

Conclusion

Of the above options, having regard to effectiveness and efficiency, it is considered that requiring an ODP as a non-notified restricted discretionary (i.e. option (iv) above) is the most appropriate method of ensuring that the Structure Plan is developed appropriately whilst also enabling the developer to subdivide in stages, thereby staging the costs associated with that.

C Imposing an appropriate minimum lot size of 1000m² (or less if complying combined resource consent)

Costs

- It will require those anticipated uses that need less than 1000m² to be located within a comprehensively planned business park, which may not suit everyone

Benefits

- Provides some certainty that loading, parking and manoeuvring can be accommodated within each site. It is noted that there are many examples in existing industrial zone (which has a 200 m² minimum lot size) where this has not occurred, resulting in significant downstream issues at the land use consent stage, resulting in inefficiencies and poor outcomes.
- Ensures against small lot subdivision which might render some sites incapable of being developed as industrial or business purposes
- Acknowledges that some units/ uses will be smaller than 1,000m² in size and provided it is laid out well with shared loading and manoeuvring etc then this will be enabled.

Conclusion

Having regard to effectiveness and efficiency, it is considered that imposing a minimum lot size of 1000m² is an appropriate method of achieving a quality development.

D Controls over retail

Within this option, alternative options include:

- (i) Making all retail permitted
- (ii) Making all retail (other than ancillary) non complying
- (iii) Making that retail which is not necessarily suited to a Town Centre location permitted, controlled or discretionary and all other retail non complying or prohibited
- (iv) Making that retail which is not necessarily suited to a Town Centre location non-complying and all other retail prohibited
- (v) As per the above but enable certain types of retail to locate on a special purpose area adjacent to open space within the zone

The costs and benefits of each of these options are discussed below.

(i) Make all retail permitted

This would result in a high level of retail in the zone, which would be contrary to the objectives. As it would not be effective at meeting the objectives, it has not been further considered.

(ii) Make all retail (other than ancillary) non complying

Costs

- There would need to be very strong objectives and policies in order to avoid retail from establishing, as evidenced by the existing industrial zone where retail is non complying yet is common place in the zone
- Even if the objectives were sufficiently strong there is a risk that the effects could be deemed to be less than those created by industrial and therefore, that it be granted

Benefits

- It would be a disincentive for many applicants to try and locate retail in the zone, noting that the application would very likely be notified
- It may be that some types of retail do have effects that are no more than minor and/ or meet the objectives and hence, should be allowed. The RMA makes allowance for this through Section 105.

(iii) Make retail which is not necessarily suited to a Town Centre location permitted, controlled or discretionary and all other retail prohibited

Costs

- It would enable retail to disperse into another area of Wanaka
- It would be difficult to justify a need for any more retail land (of any type) in Wanaka, assuming the Three Parks zone is upheld in its current form (or similar) through current court proceedings
- Enabling retail would reduce the capacity of the zone for genuine business and industrial uses
- Requires more complex rules and definitions and hence add cost to the plan change preparation process.

Benefits

- It would enable some forms of retail (those that would not affect the vibrancy of the Town Centre to locate in the zone with minimal resource consent 'hurdles'
- It would clarify which types of retail would be inappropriate (e.g. supermarkets).

(iv) Make retail which is not necessarily suited to a Town Centre location non-complying and all other retail prohibited

Costs

- There would need to be very strong objectives and policies in order to avoid retail from establishing, as evidenced by the existing industrial zone where retail is non complying yet is common place in the zone
- Some non-complying retail may be granted if it meets the thresholds set for non-complying activities under the RMA.

Benefits

- It would prevent almost all retail from locating in the zone
- There is no demand for additional retail land (of any type) in Wanaka, assuming the Three Parks zone is upheld in its current form (or similar) through current court proceedings
- Preventing almost all retail would preserve the capacity of the zone for genuine business and industrial uses

- Prohibited status provides the highest level of certainty and is efficient in terms of plan drafting (as its simple) and in terms of administration (in that no one can apply for resource consents)
 - Some non-complying retail may be granted if it meets the thresholds set for non-complying activities under the RMA. This may well be appropriate.
- (v) **As per the above but enable garden centres and food and beverage outlets to locate on a special purpose area adjacent to open space within the zone**

Costs and benefits

As above except that:

- Permitting certain types of retail on a particular site avoids setting a precedent for the entire zone
- Enabling these relatively high value landuses on the identified site a) encourages the adjacent open space to be maintained and used as semi public space and b) helps to offset the 'liability' of having to maintain the adjoining open space area.
- Providing food and beverage on the identified site provides somewhere for workers to have lunch within a walkable distance from work, adding to amenity and avoiding unnecessary car trips.

Conclusion

Having regard to effectiveness and efficiency, it is considered that the most appropriate method of avoiding most retail uses is to allow ancillary retail; to list very specific types of retail as non-complying; to enable garden and patio suppliers on a special purpose area as permitted, and to make all other retail prohibited.

E Controls over residential

Within this option, alternative options include:

- Permit residential activities
- Permit custodial residential activities
- Permit residential activities above ground floor only
- Make all residential activities non-complying
- Make all residential activities prohibited

(i) Permit residential activities

This would result in a high level of residential activity within the zone, which would be contrary to the objectives. As it would not be effective at meeting the objectives, it has not been further considered.

(ii) Permit custodial residential activities

This has proven to be ineffective at controlling widespread residential activity in the district-wide industrial zone and difficult to enforce. As it would not be effective at meeting the objectives, it has not been further considered.

(iii) Permit residential activities above the ground floor level only

Costs

- This would not avoid the reverse sensitivity issues
- This would encourage more 2 storey/ high buildings which is not necessarily appropriate on the subject land given its relative visibility
- It would provide a relatively poor living environment
- The presence of residential use above the ground floor would tend to limit the industrial use that could occur below and in the immediate vicinity which would compromise the capacity of the area.

Benefits

- As it would only be above the ground floor this would not compete with industrial use significantly

(iv) Make all residential activities non-complying

Costs

- There would need to be very strong objectives and policies in order to avoid residential from establishing, as evidenced by the existing industrial zone where residential is non complying yet is common place in the zone
- Even if the objectives were sufficiently strong there is a risk that the effects could be deemed to be less than those created by industrial and therefore, that it be granted
- If some residential activities were granted, then this would raise issues of reverse sensitivity which may make it difficult for some industrial uses to operate.

Benefits

- It would be a disincentive for many applicants to try and locate residential in the zone, noting that the application would very likely be notified

(v) Make all residential activities prohibited

Costs

- No one could apply for residential, regardless of the size or nature of the residential activity.

Benefits

- It would prevent any residential from locating in the zone
- There is no unmet demand for residential land in Wanaka, assuming the Three Parks zone is upheld in its current form (or similar) through current court proceedings
- Preventing residential uses would preserve the capacity of the zone for genuine business and industrial uses
- Preventing residential would act as a disincentive for creating 2 storey buildings (and hence, maximise heights across the entire zone)
- Preventing residential uses would avoid reverse sensitivity issues from arising
- Prohibited status provides the highest level of certainty and is efficient in terms of plan drafting (as its simple) and in terms of administration (in that no one can apply for resource consents)

Conclusion

Having regard to effectiveness and efficiency, it is considered that the most appropriate method of avoiding residential uses is to make all such uses a prohibited activity.

F Controls over offices (excluding ancillary)

Within this option, alternative options include:

- (i) Permit offices
- (ii) Make offices other than ancillary offices discretionary
- (iii) Make offices other than ancillary offices non-complying
- (iv) Make offices other than ancillary offices prohibited

(i) Permit offices

Costs and benefits

This would result in a high level of office space in the zone, which would be contrary to the objectives. As it would be **ineffective** at meeting the objectives, it has not been further considered.

(ii) Make offices (other than permitted ancillary offices) discretionary

Costs and benefits

- This would be likely to result in a relatively large number of offices throughout the zone.
- Whilst this would provide a practical use for upper storeys of buildings, allowing such mixed use would his would start to raise reverse sensitivity issues, which may start to limit the ability of industrial activities to function efficiently.
- It would encourage more 2 storey buildings, which is not the intention of allowing the additional height (over and above what is allowed in the district wide industrial zone) and which would result in greater effects on the visual amenity of surrounding properties and public views.

(iii) Make offices other than ancillary offices non-complying

Costs and benefits

- This would be likely to result in a relatively small number of offices throughout the zone.
- This may enable some limited office use, where the application is able to pass the necessary tests set out in the RMA
- This would ensure that office space did not become common place within the zone.

(iv) Make offices other than ancillary offices prohibited

This is considered too onerous a standard as there may be times when an office is appropriate, subject to the tests of the RMA.

Conclusion

Having regard to effectiveness and efficiency, it is considered that the most appropriate method of managing offices is to make all offices (other than ancillary) a non complying activity.

Industrial B Zone – Objective 2 –

Effective mitigation of a) the adverse visual effects of business and industrial development, when viewed from public and private places and b) the adverse nuisance effects which can arise where business and industrial zones adjoin residential zones

Options considered for achieving this objective included:

- A. Imposing building height rules in order to mitigate the visual effects of development on the Connel Terrace Precinct
- B. The identification of open spaces on the Structure Plan and imposing rules relating to the open space areas
- C. Imposing rules relating to the external appearance of buildings (either as a controlled or discretionary activity)
- D. Imposing controls on the hours of operation and noise on sites adjacent to the residential zone

A Imposing building height rules in order to mitigate the visual effects of development on the Connel Terrace Precinct

Within this option, alternative options included:

- (i) Maximum height of 6 metres above ground level, as per the recommendation of the initial landscape report and consistent with the existing industrial zone
- (ii) Maximum height of 7 m above ground level
- (iii) Maximum height of 7 m above finished ground level and 334masl
- (iv) Maximum height of 8 m above existing ground level and 334masl, as suggested by the landowner
- (v) Maximum height of 7 m above ground level set by a contour plan referred to in the District Plan (definitions section) and 334 masl. You are referred to Attachment 5 of this report, which contains these plans.

The costs and benefits of each of these options are considered below

(i) Maximum height of 6 metres above existing ground level, as per the recommendation of the initial landscape report and consistent with the existing industrial zone.

Costs

- This would make it difficult for many genuine industrial uses to operate within a complying building (e.g. hoists etc).
- This would discourage interesting building/ roof design
- This would encourage further excavation in order to enable a higher building to be developed within the height allowance
- This would discourage 2 storey buildings which may be an inefficient use of the land
- Such a low building height is not considered justified/ necessary by the further landscape assessments undertaken in 2010.
- As the height would be measured from the new ground level created through subdivision (and this new level is not included in any rule) there is some uncertainty as to where the finished building heights would be.

Benefits

- This is a simple rule, which utilises the existing ground level definition

- This would be consistent with the recommendation of the initial landscape assessment (albeit that it was undertaken without the benefit of building poles)
- This would keep buildings low in the landscape and help to minimise visual amenity effects.

(ii) Maximum height of 7 m above ground level

Costs and benefits

As above except that:

- The height enables a more useable building height than does 6 metres
- In some parts of the site (e.g. that area around where Connel Terrace currently ends) the buildings could appear inappropriately high in the landscape unless the land was excavated (which would not be a requirement under this option). This height would not be supported by Council's landscape advice.

(iii) Maximum height of 7 m above ground level and 334masl

Costs and benefits

As above except that:

- The additional requirement that the buildings not exceed 334 masl ensures that buildings on the higher parts of the site will not be inappropriately high (i.e. in the area around the end of Connel Terrace the buildings would be 6 metres above the ground level, as it exists today).
- Even with the additional reference to the masl it is still a relatively simple rule to administer (and there is a precedent for this approach already in the District Plan)
- The Council has not had this specific height option assessed on the ground by its landscape architect and therefore there is some uncertainty as to the effects on the landscape and visual amenity.

(iv) Maximum height of 8 m above existing ground level and 334masl, as suggested by the landowner

Costs and benefits

As above except that:

- From looking at actual examples of building heights in the existing business and industrial zones of the district, there is no need for 8 metre high buildings.

(v) Maximum height of 7 m above ground level set by a contour plan referred to in the District Plan (definitions section) and 334 masl.

Costs and Benefits

As above except that:

- This is the scenario that was assessed in detail by the Council's landscape architect (complete with poles on site showing the two heights) and, hence, there is a high level of certainty that the effects of such development will be appropriate.
- This option, to a greater extent than the others, acknowledges that the site will be re-contoured significantly to create relatively level development land which is easy to build upon.
- This option provides the greatest level of certainty as to what the final maximum building heights will be.

- This rule and the requirement/ onus on the Council to have the contour plans readily available to the public adds a level of complexity to the administration of the rule.
- It would be beneficial if the contour plan or RLs for the particular site could be attached to the individual titles following subdivision in order for the landowners to highlight the height rules.
- There is a precedent for this type of rule in the District Plan (in the Remarkables Park zone)

Conclusion

Having regard to effectiveness and efficiency, it is considered that the most appropriate method of controlling building height is to impose a maximum height of 7 m above ground level set by a contour plan referred to in the District Plan (definitions section) and no greater than 334 mamsl. Any building that exceeds this would be non-complying.

B The identification of open spaces on the Structure Plan and imposing rules relating to the open space areas

The land shown as open space on the Structure Plan is clearly unsuitable for building upon, other than on the building platforms, due to its high visibility and the need to provide a visual and spatial buffer between the business land and the future residential land. You are referred to Landscape Assessment and the review thereof (Attachment 3) for more information.

First, it is necessary to consider the high level options for managing the use of the open spaces. These options included:

1. Designating those areas as Reserve;
2. Zoning/ provisions specifically restricting what can occur on the open spaces;
3. Non-RMA (such as covenants, public access easements, or legal agreements at the time the plan change is prepared).

Due to the fact that this open space is required in order to mitigate the effects of the development (as opposed to for any specific recreational need) the Council is not prepared to designate the spaces, other than the walkway to Ballantyne Rd and any land that qualifies for the emissions trading scheme. As such, this is not a realistic management option for the majority of the open space.

Neither is it considered appropriate to rely on non RMA methods as these:

- Are invariably not as transparent to the public as District Plan rules;
- Are not subject to public consultation;
- Depending on the particular mechanism, can be amended relatively simpler if both parties are in agreement,

As such, zoning and rules through the District Plan are considered to be the most appropriate method of ensuring that development does not occur on the open space and that they are appropriately landscaped and maintained.

The following 'high level' zoning options have been considered with regard to the provisions that might apply to the open space areas:

- (a) Apply the Rural General zoning to the open spaces

- This is not considered sufficiently strong as the areas would be too small to be considered a 'landscape unit' and would very likely to be allowed to be urbanised under the Rural General provisions.
- (b) Apply the Open Space Zone (as per Section 20 of the District Plan)
 - This is not considered appropriate/ relevant as it is heavily focused on the issues that were facing the highly visible landscape area above and to the east of the Peninsula Bay Zone.
- (c) Apply the open space provisions as per the Three Parks zone.
 - These provisions require that a) Open space shown as fixed on the Structure Plan are provided, b) no buildings other than those required for public infrastructure, recreation, or community activities, c) landscaping must be in accordance with approved plan, and fences must be of certain height, and that these areas are not able to be subdivided. These rules are not considered wholly appropriate as it is not intended that community or infrastructure-related buildings will be required (and if they are, they can be undertaken as part of a designation process), it does not allow any sort of commercial use of the land, (which may well be necessary in order to ensure that they are well-maintained), and provides no control over outdoor storage on the open spaces.
- (d) Imposing a building restriction area/ building setback with an underlying Industrial B zoning.
 - Unless very strong objectives support the building restriction, then the underlying zoning may weaken the effect of the restriction. In addition, this would not require certain landscaping to be undertaken or maintained, or limit the type of outdoor storage that can occur on the land.
- (e) Apply specific open space provisions which are based on those of Three Parks but include some additional rules and prohibit all buildings.
 - This is considered the most appropriate method and is further considered below.

Having determined that showing the open spaces on the Structure Plan (with an underlying Industrial B Zone) and applying specific rules to those areas, alternative rules needed to be considered. These alternative options included:

- (i) Whether to show open space areas on the Structure Plan, or rely on building setbacks from residential zone, or both
- (ii) Whether to prevent building, outdoor storage (including parking), and excavation on the open spaces
- (iii) Whether and to what extent to control landscaping on the open spaces
- (i) Whether to show open spaces on the Structure Plan, rely on building setbacks from residential zone, or both**

Costs:

- Requires a landscape assessment (and an assessment of other effects such as noise) in order to establish the extent of the open spaces, whereas a building setback (e.g. 15 m) would not require the same level of detail. This adds cost to the preparation of the Plan Change.

Benefits

- Showing open spaces enables the no build areas to be established according to the topography rather relying on a somewhat arbitrary linear distance from the boundaries

- Showing open spaces on the Structure Plan makes the purpose of the spaces very clear to the reader
- Showing open spaces on the Structure Plan makes it quite simple to establish quite detailed policies and rules as to what that land can be used for etc, over and above simply restricting buildings.
- Including a building setback of 15 m in addition to the open spaces shown on the Connel Terrace precinct/ Structure Plan would be superfluous in the Connel Terrace precinct as the open space area takes precedence but such a setback rule may be useful when/ if the Industrial B zoning is applied in other locations.

(ii) Whether to prevent all buildings, outdoor storage, and excavation

Costs

- Such rules adds additional cost in terms of drafting these provisions and administration of them, should someone apply to undertake one of these activities
- Preventing **buildings** prevents the use of those spaces for community or recreational buildings in the future, should those uses become desirable in the future.
- Preventing **subdivision and excavation** within the open space will pose a hurdle to establishing and vesting the stormwater soakage field – as such this area should be excluded from the open space rules
- Preventing **subdivision** may make it difficult and/ or costly in the long term for a single owner or body corporate to maintain the open spaces and result in poor management etc.

Benefits

- Preventing **buildings or outdoor storage** provides significant protection of the open spaces which a) serve as a buffer to the developed land and, b) are located on much higher land and, hence, any buildings or outdoor storage would be very obtrusive in the landscape.
- Recreational or public use is not considered appropriate on the open spaces shown on the Structure Plan so exemptions for these types of buildings (as have been made in Three Parks for example) are not considered necessary
- Allowing any buildings (regardless of their use) would limit the effectiveness of the spaces to provide the visual mitigation necessary to make the zoning appropriate.
- Preventing **excavation** ensures that the existing topography which, in regard to the open spaces on the western part of the site in particular, provides significant screening of the development area is not lowered.
- Preventing any **subdivision** within the open space simplifies maintenance and management of the landscaping and earthworks and minimises any desire to construct solid fences within the spaces.

(iii) Whether and to what extent to control landscaping on the open spaces

Costs

- Preventing ad hoc **landscaping** will add cost to the applicant should they wish to change the overall landscape plan may result in enforcement and monitoring costs.
- Landscaping of the open spaces prior to ODP (as an option rather than a requirement) may not be practical where fill is required for mounding as the fill may be coming from the subdivision.

Benefits

- Ensures all **landscaping** is planned at the ODP stage thereby ensuring that the design is comprehensive and the management and maintenance can be monitored through a single resource consent.
- Enabling landscaping of the open spaces prior to ODP (as an option rather than a requirement) allows plants to mature ahead of development.
- A rule that ad hoc landscaping is non complying is appropriate in order to encourage an applicant to apply instead for comprehensive landscaping approval through a Landscape Plan or ODP (both of which would be a more straightforward non notified discretionary consent).
- Requiring the landscaping within open spaces to be well established prior to allowing it to be subdivided ensures ease of maintenance for the individual owners and will discourage ad hoc landscaping by them.
- Requiring the landscaping within open spaces to be well established prior to allowing building within the zone is important given how important the open space areas are to the ability of the land to absorb development without adverse effects on visual amenity.

Effectiveness and efficiency

Having regard to effectiveness and efficiency, it is considered that the most appropriate method is to:

- Make all buildings prohibited and outdoor storage, excavation, and landscaping not in accordance with a landscape plan non-complying.
- Exclude the stormwater soakage field area from the open space areas
- Permit subdivision within the open spaces only after the landscaping has been established and all conditions of a resource consent approving a Landscape plan have been met.

C Rules relating to the external appearance of buildings

The options considered in this respect were

- Buildings as a controlled activity, or
- Buildings as a discretionary activity

Costs

- A controlled activity provides less control over design and does not provide the ability to decline the resource consent
- A discretionary activity consent provides less certainty to the landowner (that it will be granted and will not be notified) and greater cost to the landowner
- Buildings are not discretionary in other similar zones in the district and hence, there is no precedent for this in the District Plan.

Benefits

- A discretionary activity provides greater control over design and the ability to decline the resource consent
- A controlled activity consent provides certainty to the landowner (that it will be granted and will not be notified)
- A controlled activity is less costly/ more efficient to process
- A controlled activity status is consistent with all other industrial and business zones in the district

Effectiveness and efficiency

Having regard to effectiveness and efficiency, it is considered that the most appropriate method is to make all complying buildings in the Industrial B Zone a controlled activity

D Controls on the hours of operation and noise in order to preserve amenity in adjacent residential zone(s)

The options considered in respect of these matters included:

- Relying solely on building setbacks to mitigate the effects
- Relying on building setbacks and open spaces to mitigate the effects
- Noise controls that require residential standards to be met at the boundary of the residential zone
- Restrict hours of operation where the site adjoins the residential zone, even if separated by a road. The reason for this is that noise and lights from traffic to and from the site can also affect residents.

Having regard to effectiveness and efficiency, it is considered that all of the above methods are appropriate in order to protect residential zones from the nuisance that can be caused by industrial and business activities.

Industrial B Zone - Objective 3

A street layout, well-considered building design, and other initiatives which, together, help to reduce car use and provide practical alternatives

Options considered include:

- Rules requiring ITA's and Travel Management Plans
- Imposing maximum carparking requirements
- Policies and assessment matters aimed at encouraging / enabling a reduction in car use
- Rules requiring bike park and end-destination facilities to be provided in order to enable/ encourage workers to bike, walk, or run to work

Costs

- Requiring ITA's will add a cost to the ODP but it is considered that this need not be excessive in order to meet the requirements
- Travel Management Plans are unlikely to be effective if required by rules but, rather, work best if they are voluntary
- Maximum carparking requirements are unlikely to be necessary or justifiable in an industrial zone and, in any case, until practical alternatives are provided for getting to/ from this location other than by private, (single occupancy) car, this would not be able to be imposed
- This is relatively new 'territory' for planners and developers in the district and therefore some up-skilling will be required

Benefits

- Requiring ITAs will ensure that transportation issues and travel demand management are consciously considered at the ODP stage. This will only have to occur once at the outset of developing a Structure Plan area and, so is not considered overly onerous.
- Constraining carparking can be an effective way of encouraging people to consider other ways of travelling to work
- Policies and assessment matters aimed at encouraging / enabling a reduction in car use is relatively low cost in terms of preparing the provisions and in terms

- of administration in that it does not impose any additional consenting requirement on the applicant
- Preparation of the rules requiring bike park and other end-destination facilities to be provided is inexpensive as the technical report substantiating the figures etc was prepared as part of the Three Parks Plan Change.
- There is a precedent in the plan for the inclusion of rules requiring bike parks and other end-destination facilities, being the Three Parks Plan Change.
- The costs involved in meeting the rules requiring bike parks and other end-destination facilities are not considered to impose a significant burden on the developer.
- As it is possible to provide simple standards for bike parks, lockers and showers, it is considered more efficient to include these as rules rather than assessment matters which would, in turn, be debated as each and every resource consent application is processed and which provide less clear guidance as to what is considered necessary.

Having regard to effectiveness and efficiency, it is considered that assessment matters and policies are the most appropriate methods of encouraging travel demand management to be considered in the design of the development with rules being limited only to the provision of end destination facilities at the time of building.

Industrial B Zone - Objective 4

A subdivision layout and built form which demonstrates best practice in terms of achieving environmental sustainability

Options considered to achieve this objective included:

- (i) Rules requiring buildings to meet a certain greenstar rating (for example)
- (ii) Policies and assessment matters encouraging energy-efficient building orientation and design.
- (iii) Stormwater management and disposal to be considered as a matter of discretion/ control at the time of the ODP and building (with no decision made at the stage of preparing the plan change as to whether and to what extent stromwater can be disposed of within the zone).
- (iv) Stormwater disposal area to be identified in the Structure Plan and preserved for this use
- (v) Rules specifying the level of on-site stormwater treatment required at the time of building
- (vi) Rules requiring a minimum percentage of permeable space to be maintained on all sites and for each site to dispose of its own stormwater.

(i) Rules requiring buildings to meet a certain greenstar (for example) rating

Costs

- This is unprecedeted in the district
- As this zone doesn't include residential or office space it is not particularly well suited to this option
- This would add considerably to the building cost
- Is likely to be opposed by the landowner, hence adding to the cost of processing the Plan Change
- If such an approach were to be taken in the District Plan, it is likely to be more appropriate to apply it district-wide

Benefits

- Would ensure a very high level of compliance
- Would ensure a high building quality
- Would provide high level of certainty

(ii) Policies and assessment matters encouraging energy-efficient building orientation and design.

Costs

- Less certain that buildings would be designed to be energy-efficient.

Benefits

- Enables building/ activity/ site specific solutions to be proposed
- Raises the issue for discussion and assessment at the time of consent processing

(iii) Stormwater management and disposal to be considered as a matter of discretion/ control at the time of the ODP and building

Costs

- Provides no certainty whether and to what extent stormwater can be disposed of within the zone.
- Risks stormwater being disposed off beyond the zone
- Requires more text in the plan change devoted to how the assessment of stormwater management will be undertaken at the time of consent.

Benefits

- Enables more flexibility at the time of the ODP (which may be some time from now), by which time technology or methods may have changed
- Less expense incurred at the plan change stage as no modeling etc is required

(iv) Stormwater disposal area to be identified in the Structure Plan and preserved for this use

Costs

- More expense incurred at the plan change stage as modeling etc is required

Benefits

- Provides certainty that stormwater can be disposed of within the zone.
- Avoids the risk that stormwater will be disposed off beyond the zone
- Limits the text in the plan change devoted to the assessment of stormwater management

(v) Rules specifying the level of on-site stormwater treatment required at the time of building or, alternatively, retain control over this at the time of resource consent.

Costs

- Including specific standards would add expense at the plan change stage and risk inconsistency with approaches that the ORC may take.
- Including specific standards or methods in the rules is unprecedented in this district
- Including reference to particular standards or methods does not account for the widely varying uses that may occur on the site or changing technology

- Simply retaining control at the time of consent may result in more debate the time of resource consent
- Simply retaining control at the time of consent may not deal very well with consequent changes in use of the site (e.g. from something which will not require traps etc to something that will) as that change in use may not need a consent of any kind.

Benefits

- Not including standards but instead retaining control at the time of consent enables a more flexible assessment
- Simply retaining control at the time of consent enables a more flexible assessment makes the plan change preparation simpler and less expensive.
- Retaining control at the time of building is consistent with the approach taken elsewhere in the district (e.g. Cardrona Special Zone) and is supported by the Otago Regional Council.

(vi) Rules requiring a minimum percentage of permeable space to be maintained on all sites and for each site to dispose of its own stormwater.

This approach, taken in the more extensive Frankton Flats and Three Parks zones is considered unnecessary and inefficient in the context of the Industrial B Zone (Connel Terrace). This is due to the fact that the stormwater disposal method has been determined (involving reticulating the stormwater to a central soakage field) and included within the Structure Plan and, as such, no permeable space is required on individual sites.

Conclusion

Having regard to effectiveness and efficiency, it is considered that in order to achieve the objective regarding sustainability, it is most appropriate to rely on policies and assessment matters for achieving energy-efficient building orientation and design; identify the stormwater disposal area in the Structure Plan in order to ensure stormwater neutrality, and to retain control over on-site stormwater treatment at the time of building

Plan Change 24 Proposed district wide Objective 1 – Access to Affordable Housing

To provide a range of opportunities for low and moderate income Resident Households and Temporary Worker Households to live in the district in accommodation appropriate for their needs.

Options for achieving this objective included:

- Private agreement
- District Plan provisions
- Both District Plan provisions and the private agreement

(i) Private agreement

Costs

- Drafting a stakeholders deed and coming to agreement will take time and incur costs
- This means agreeing to figures before plan change 24 has been confirmed

- It is not transparent to a reader of the District Plan that this is an issue that has been addressed by a method outside of the District Plan.
- If there is some discretion and ability to negotiate figures built into the agreement then there may be less certainty in that the amount provided will be influenced by the political climate of the time.

Benefits

- Avoids the need to draft provisions
- Regardless of the outcome of Plan Change 24, a contribution will have been secured
- This is consistent with the approach of other plan changes
- High degree of certainty that a certain contribution will be made
- This could enable negotiation of the exact figures and the method of providing the contribution (i.e. be it in cash, physical units, and location) over time in recognition that the project is long term and that needs etc may change over the period.
- It avoids embedding a provision into the District Plan which may be difficult to enforce later on if the policy framework proposed by plan change 24 is overturned by the Environment Court.

(ii) District Plan provisions

Costs

- Can be contested through submissions etc and therefore may add cost to the process
- If the rule simply refers to Appendix 11 there is no guarantee that any contribution will be required if Plan Change 24 is not upheld by the Environment Court.
- If Plan Change 24 is not upheld by the Environment Court then there will be no policy framework in the Plan and hence any rule requiring x amount of housing may be difficult to enforce.
- Such provisions have not been tested
- If the provisions do not specify an exact amount of housing or rely on external documents/ formulas, they may be unreasonably uncertain and, hence, difficult to enforce.
- This is not consistent with the way other Plan Changes have been done

Benefits

- It avoids having to draft a stakeholders deed regarding this matter and coming to agreement, which will take time and incur costs
- Including it in the District Plan is more transparent to a reader of the District Plan than if the issue is dealt with by way of a private agreement

Conclusion/ Effectiveness and Efficiency

The stakeholders agreement is considered to be the most appropriate, efficient, and effective method of securing a housing contribution in that it enables some flexibility in terms of how and when it will be provided, it is not contingent on the outcome of the plan change 24 (and subsequent Plan Changes), and is consistent with how all other landowners of newly zoned land have contributed to the housing stock in the past 5 years or so.

ATTACHMENT 1

**Memorandum relating to servicing the proposed plan change area with
infrastructure for water supply, wastewater and storm water drainage
(13 May 2010)**

ATTACHMENT 2

**A record of the public comments received in response to the pamphlet
prepared as part of preparing this Plan Change.**

ATTACHMENT 3

**Proposed Wanaka Industrial Zone extension Landscape Assessment –
prepared for QLDC by Lakes Environmental (October 2009) and reviews
thereof prepared by Marion Read of Lakes Environmental in 2010.**

ATTACHMENT 4

**Summary of the business and industrial zone provisions that exist in the
District Plan**

ATTACHMENT 5

**A finished contour plan of the site, entitled “Contour Plan for the Connel
Terrace Precinct” and dated October 2009**

ATTACHMENT 6

Ngāi Tahu ki Murihiku Accidental Discovery Protocol