

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER OF Stage 3 of the Proposed District Plan

**STATEMENT OF EVIDENCE OF SCOTT SNEDDON EDGAR
ON BEHALF OF THE FOLLOWING SUBMITTER:**

UPPER CLUTHA TRANSPORT LTD (SUBMITTER #3256 AND #3270)

29th May 2020



Introduction

- 1 My name is Scott Sneddon Edgar. I am a Resource Management Planner and hold a Bachelor of Arts Degree (Honours) in Town and Country Planning from Strathclyde University in Glasgow, Scotland. I am an Associate Member of the New Zealand Planning Institute.
- 2 I am an independent planning consultant based in Wanaka. Prior to my current position I was employed by Southern Land Limited, a Wanaka based survey and planning consultancy, from October 2006 to November 2018. During my time at Southern Land I was involved principally with the preparation of resource consent applications and the presentation of planning evidence at Council hearings. I was also involved in the preparation of submissions and further submissions on Stage 1 of the Proposed District Plan, participation in the Stage 1 hearings and subsequent appeals and Environment Court proceedings.
- 3 Prior to relocating to New Zealand in 2005 I worked as a development control planner with various Scottish local authorities in both rural and urban regions.
- 4 Upon my arrival in New Zealand I was employed as a resource consents planner in the Wanaka office of Civic Corporation Limited before taking up a position with Southern Land Limited. I have a total of 20 years' planning experience, 14 of which have been gained in New Zealand.

Code of Conduct

- 5 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court of New Zealand Practice Note 2014 and I agree to comply with it. In that regard I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Executive Summary

- 6 In this evidence I find that:
 - The proposed rezoning of the submission site as General Industrial Zone will result in significant socioeconomic benefits for the Luggate community, can be appropriately serviced and access and will not compromise the landscape values of the adjoining ONL or landscape character or visual amenity of the wider RCL.

- The proposed rezoning and rule amendments will not compromise the operations of regionally significant infrastructure and will not result in adverse reverse sensitivity effects.
- That the higher order policy direction of the PDP provides for the application of urban zones (in this case the General Industrial Zone) outside of Urban Growth Boundaries and in association with rural settlements.
- That if the General Industrial Zone is not found to be suitable the Rural Industrial Sub Zone is an appropriate alternative (as recommended by Mr. Place).
- That overall the relief sought by Upper Clutha Transport is appropriate and meets the purpose of the Act and gives effect to the relevant Regional Policy Statement (PORPS 19) and the higher order provisions of the Proposed District Plan.

Scope of Evidence

- 7 I have been engaged by Upper Clutha Transport Limited (Submitter #3256 and #3270) to provide expert planning evidence relating to their submission seeking the application of the General Industrial Zone (GIZ) to a site at Church Road, Luggate and consequential amendments to the provisions of the GIZ.
- 8 In preparing this evidence I have read the submissions and Council's s42A report prepared by Mr. Place and the evidence of Mr. Barr, Ms. Hampson, Mr. Jones, Mr. Smith and Mr. Powell¹. I have also read the background s32 material and have been assisted by the evidence of Mr. Espie, Mr. Carr and Ms. Greaves for the submitter².
- 9 As the proposed General Industrial Zone at Church Road is an amending proposal this evidence is intended to serve as an assessment under s32AA of the Resource Management Act and in this regard this evidence assesses whether the provisions and objectives of the amending proposal are the most appropriate way to achieve the objectives of the PDP including an assessment of the objectives of the existing proposal and taking into consideration alternative zoning that may be appropriate.

¹ Strategic Overview, Economics, Landscape, Traffic and Infrastructure respectively

² Landscape, Traffic and Infrastructure respectively

10 In addition this evidence will address matters raised in Council's s42A report and associated evidence in relation to the relief sought.

11 My brief of evidence is set out as follows:

- Background and Submission
- Statutory Framework
- Appropriateness of the Notified Provisions
- Resource Management Issues and Options
- Costs / Benefits
- Scale and Significance Evaluation
- Matters Raised in Council's Evidence and s42A Report
- Evaluation under Section 32 (1)(a) and (b)
- Part 2 Assessment
- Conclusion

Background and Submission

12 The background to the proposal is outlined in paragraphs 1.1 to 1.7 of submission #3256 but to summarise:

- The submitter owns and operates a long established business (being an industrial and service activity) in the existing Luggate Township zone at Main Road, Luggate;
- Over time the intensification of residential development around the existing Main Road site has generated reverse sensitivity effects;
- The submitter wishes to relocate their existing operations outside of the existing township while retaining their historic ties and the local employment function they provide;
- To that end the submitter is under contract to purchase the submission site with a view to relocating their existing activities.

13 The submission site is described in paragraphs 1.8 to 1.14 of the submission and can be summarised as follows:

- The site comprises 13.89 hectares of land between Church Road and the Clutha River;
- Established industrial activities adjoin the site to the north and south, including an area of Rural Industrial Sub Zone (RISZ) covering the existing Luggate Sawmill and the Alpine Group's venison and deer velvet processing factory;
- The site is zoned Rural under the Proposed District Plan;
- The part of the site to which the submission specifically relates forms part of the Rural Character Landscape except for, as pointed out by Mr. Jones, a narrow sliver of the site (approximately 10m wide) along the eastern boundary that is covered by the ONL associated with the Clutha River / Mata-Au;
- The site includes a closed landfill at its northern end;
- The part of the site between the RISZ in the south and the closed landfill to the north is vegetated in mature, unkempt pine trees and rough grass;
- The northern portion of the site is vegetated in rough grass and scrub;
- The eastern edge of the site has been identified, under Stage 3 of the PDP, as forming part of overlapping wāhi tūpuna areas associated with the Clutha River / Mata-Au;
- A public walking and cycling track (being part of the Clutha River Track) adjoins the eastern boundary of the site; and
- The site lies approximately 2.2km to the south east of the Wanaka Airport and 1.2km outside of the associated Outer Control Boundary.

14 Submission #3256 opposes the extents of the General Industrial Zone as notified and seeks that the General Industrial Zone is applied to the portion of the submission site that lies between Church Road and the Clutha River / Mata-Au (approximately 8.0 hectares).

15 Submission #3256 also opposes some of the provisions of the General Industrial Zone and requests that the following activities are provided for within the zone:

- workers accommodation associated with industrial and service activities;
- trade suppliers

16 Submission #3270, which relates to the submitter's Ballantyne Road site, also opposes the notified prohibited activity status for trade supplier activities.

- 17 The submission also raises concern regarding the lack of information and assessment supporting the mapping of the wāhi tūpuna areas and opposes specific associated rules however those submission points will be addressed in a separate brief of evidence relating to the Wāhi Tūpuna Chapter.
- 18 A further submission has been made by the Queenstown Airport Corporation (QAC)(Further Submitter 3436) that opposed the submission points of the Upper Clutha Transport submission 3256 that sought to provide for workers accommodation within the proposed General Industrial Zone due to potential reverse sensitivity effects associated with the location of residential activities in proximity to the Wanaka Airport.

Statutory Framework

Resource Management Act 1991

- 19 Section 5 of the Act sets out the Act's purpose as the promotion of the sustainable management of natural and physical resources so as to enable people and communities to provide for their social, economic and cultural wellbeing and health and safety while sustaining the potential of natural and physical resources, safeguarding the life supporting capacity of air, water, soil and ecosystems and avoiding remedying or mitigating adverse effects on the environment.
- 20 Section 6 of the Act sets out matters of national importance that are to be provided for in achieving the purpose of the Act. The matters of national importance of relevance to the submission are:
- (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:*
 - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (e) *the relationship of Maori and their culture 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:*

(g) *the protection of protected customary rights:*

- 21 Section 7 of the Act sets out other matters that are to be had regard to in achieving the purpose of the Act including kaitiakitanga or the ethic of stewardship (s7(a)/(aa)), the efficient use and development of natural and physical resources (s7(b)), the efficient end use of energy (s7(ba)), the maintenance and enhancement of amenity values (s7(c)) and the quality of the environment (s7(f)) and the finite characteristics of natural and physical resources (s7(g)).
- 22 Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account in achieving the purpose of the Act.
- 23 Section 31 of the Act sets out the functions of Council including the establishment, implementation, and review of objectives, policies and methods that achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources (s31(1)(a)) and ensure that there is sufficient development capacity in respect of housing and business land to meet expected demand (s31(1)(aa)).

NPS-UDC

- 24 In preparing District Plans Councils must give effect to any relevant National Policy Statement. The national policy statement that is of relevance to the consideration of the proposal is the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC).
- 25 The NPS-UDC applies to urban environments that are expected to experience growth and requires Council to provide sufficient development capacity to meet demand for housing and business space. The development capacity to be provided must be supported by infrastructure and the mechanism to provide it is through the plan preparation process. QLDC has defined the urban environment as including the urban areas³ of Wanaka and Queenstown⁴ and the townships/settlements of Albert Town, Luggate and Lake Hāwea. In addition, as set out in Queenstown Lakes District Council's Business Development Capacity Assessment 2017, the Rural Industrial Sub Zone at Luggate forms part of the urban environment for the purposes of the NPS-UDC.

³ i.e. land within Urban Growth Boundaries

⁴ Including Frankton, Arthurs Point, Kelvin Heights, Jacks Point, Arrowtown and such like.

26 The submission site therefore immediately adjoins, and would become part of, the urban environment if rezoned. The NPS-UDC is therefore a relevant consideration and must be given effect to through the zoning of sufficient land for development.

Regional Policy Statements

27 Section 75(3)(c) of the Act requires that a District Plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. In addition Section 74(2)(a) of the Act requires that, in preparing a district plan, a territorial authority must “have regard to” any proposed Regional Policy Statement.

28 The Partially Operative Otago Regional Policy Statement 2019 (**PORPS 19**) and the Partially Operative Otago Regional Policy Statement 1998 (**PORPS 98**) are the relevant regional policy statements to be given effect to by the PDP.

29 The provisions of the PORPS 19 that are of particular relevance to the proposal, in broad terms, promote the sustainable management of Otago’s land resource by:

- Promoting the economic, social and cultural wellbeing and health and safety through the resilient and sustainable use of Otago’s resources and by recognising and providing for cultural values and the diverse needs of Otago’s people and communities, avoiding significant adverse effects on human health and promoting community resilience (Objective 1.1 and Policies 1.1.1 and 1.1.2);
- Promoting the integrated management of interconnected natural and physical resources and ecosystems (Objective 1.2 and Policy 1.2.1);
- Promoting awareness and understanding of the principles of the Treaty of Waitangi and Kāi Tahu values and ensuring that those values are recognised and provided for (Objective 2.1 and Policies 2.1.1 and 2.1.2 and Objective 2.2 and Policies 2.2.1 to 2.2.3);
- Encouraging activities that contribute to the resilience and enhancement of the natural environment including through the improvement of access to rivers, lakes and their margins and requiring the identification and protection, enhancement or restoration of ONLs and ONFs and the identification and maintenance or enhancement of other highly valued natural features and landscapes (Objective 3.1 and Policy 3.1.13 and Objective 3.2 and Policies 3.2.3 to 3.2.6);

- Identifying and minimising the risk posed to Otago’s communities by natural hazards (Objective 4.1 and Policies 4.1.1 to 4.1.10);
- Manage and develop infrastructure in a sustainable way including recognising and providing for regionally significant infrastructure (including airports) and protecting that infrastructure from incompatible activities that may result in reverse sensitivity (Objective 4.3 and Policies 4.3.1, 4.3.2, 4.3.3 and 4.3.5);
- Ensuring urban development is well designed, occurs in a strategic and coordinated way and is well integrated with adjoining urban and rural environments (Objective 4.5 and Policies 4.5.1 and 4.5.2);
- Ensuring that hazards substances, contaminated land and waste do not harm human health of the quality of the environment by identifying, assessing, monitoring and minimising effects of contaminated land (Objective 4.6 and Policy 4.6.5);
- Maintaining or enhancing public access to areas of value (Objective 5.1 and Policy 5.1.1);
- Managing and protecting sufficient land for economic production including for rural activities and industrial activities (Objective 5.3 and Policies 5.3.1 and 5.3.3).

30 Of particular relevance to the consideration of the proposal are the following PORPS 19 provisions:

Objective 1.1 Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

Policy 1.1.1 Economic wellbeing

Provide for the economic wellbeing of Otago’s people and communities by enabling the resilient and sustainable use and development of natural and physical resources.

Objective 5.3 Sufficient land is managed and protected for economic production

Policy 5.3.3 Industrial land

Manage the finite nature of land suitable and available for industrial activities, by all of the following:

- a) *Providing specific areas to accommodate the effects of industrial activities;*

- b) *Providing a range of land suitable for different industrial activities, including land extensive activities;*
- c) *Restricting the establishment of activities in industrial areas that are likely to result in:*
- i. *Reverse sensitivity effects; or*
 - ii. *Inefficient use of industrial land or infrastructure.*

31 The provisions of the PORPS 98 that are of relevance to the proposal seek to promote the sustainable management of Otago's land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources (Objective 5.4.1 and Policy 5.5.2 and 5.5.4);
- Avoiding, remedying or mitigating degradation of Otago's natural and physical resources resulting from activities utilising the land resource (Objective 5.4.2 and Policy 5.5.2 and 5.5.4);
- Protecting outstanding natural features and landscapes from inappropriate subdivision, use and development (Objective 5.4.3 and Policy 5.5.6);
- Promoting diversification and use of land resources to achieve sustainable land use and management systems for future generations (Policy 5.4.4); and
- Recognising and providing for the protection of Otago's outstanding natural features and landscapes (Policy 5.5.6).

32 I understand that the remaining appeals on the PORPS 19 are close to being, or have been, settled with consent orders being issued by the Environment Court on the remaining appealed Chapter 3 provisions. Consequently I understand that, upon resolution of all outstanding appeals, the PORPS 19 will become fully operative and the PORPS 98 will become inoperative.

Luggate 2020 - Luggate Community Plan

33 The Luggate Community Plan (Luggate 2020) was prepared by Council in 2003 in association with the Luggate Community Association and sought to set out the community's vision, strategic goals and priorities for the next 10 to 20 years. The plan was formulated following a community planning workshops. A copy of the Luggate 2020 is attached as **Appendix A** to this evidence.

34 The key community outcomes identified in Luggate 2020 include the consideration of rezoning land outside of the township for industrial purposes⁵. Luggate 2020 goes on to identify the submission site, and the adjoining land to the north east and south west, for potential industrial zoning⁶ and states⁷:

“An industrial zone should be established towards the Red Bridge. This could extend to the current sawmill site. It must be setback from the river, and should be located outside of the township zone.”

35 Luggate 2020 also recognises the historic significance of the Luggate Mill on the existing Upper Clutha Transport site.

36 While Luggate 2020 is not a statutory document it is in my opinion a relevant consideration and outlines that industrial activity on the submission site and wider area has been envisaged and promoted by the community.

Higher Order Proposed District Plan Provisions

Chapter 3 - Strategic Direction

37 Chapter 3 sets out the over-arching strategic direction for the sustainable management of growth, land use and development within the District and seeks to address identified strategic issues (S.I.s) facing the District including (but not limited to) the necessity to achieve economic prosperity and equity through the diversification of the District’s economic base (S.I.1), the management of growth pressures in such a way that avoids detracting from rural landscapes (S.I.2) and the identification and protection of natural resources and in particular the ONLs and ONFs of the District (S.I.4).

38 Chapter 3 goes on to set out Strategic Objectives (SOs) and Strategic Policies (SPs) as a means of addressing the identified strategic issues. The following SOs and SPs are of particular relevance to the consideration of the proposal⁸:

3.2.1 The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)

⁵ Point 3(c) on Page 8 of Luggate 2020

⁶ Figure 2 on Page 9 of Luggate 2020

⁷ First Paragraph on Page 11 of Luggate 2020

⁸ With amendments adopted for conciseness and ease of reference

3.2.1.5 *Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained.*

3.2.1.6 *Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.*

3.2.1.8 *Diversification of land use in rural areas beyond traditional activities, including farming is enabled provided that:*

- a. *the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;*
- b. *the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and*
- c. *significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.*

3.2.5 *The retention of the District's distinctive landscapes (addresses Issues 2 and 4)*

Outstanding Natural Features and Outstanding Natural Landscapes

3.2.5.x *The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and landscape capacity are identified.*

3.2.5.xx *Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:*

- a. *where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected;*
- b. *where the landscape values of Outstanding Natural Features and Outstanding Natural Landscape are not specified in Schedule 21.22, the values identified according to SP*

*[x.x.x.y][the intended new SP on assessment methodology]
are protected.*

3.2.5.xxx In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.

Rural Character Landscapes

3.2.5.2 Within Rural Character Landscapes, adverse effects on landscape character and visual amenity values from subdivision or development are anticipated and effectively managed, through policies and rules, so that:

- a. landscape character is maintained; and*
- b. visual amenity values are maintained or enhanced.*

3.2.5iv In Rural Character Landscapes, new subdivision, use and development in proximity to any Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Feature or Landscape.

3.2.6 *The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)*

3.3 Strategic Policies

Town Centres and other Commercial and Industrial Areas

3.3.8 Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities.

3.3.11 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

Urban Development

3.3.13 *Apply Urban growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea Township. (relevant to S.O. 3.2.2.1)*

3.3.14 *Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)*

3.3.15 *Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)*

Rural Activities

3.3.25 *Provide for non-residential development with a functional need to located in the rural environment, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment.*

Landscapes

3.3.30 *Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.*

3.3.30x *Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change.*

3.3.32x *In any Priority Area of any Rural Character Landscape where landscape character and visual amenity values are identified in Schedule 21.22, ensure that new subdivision and development for the purposes of Rural Living:*

- a. *maintains that landscape character;*
- b. *enhances any visual amenity values that Schedule 21.22 specifies to be enhanced; and*
- c. *otherwise maintains those identified visual amenity values.*

3.3.32y *In any Rural Character Landscape that is not a Priority Area, or is a Priority Area that has not achieved all of the requirements of SP 3.3.32X, do not allow new subdivision or development for the purposes of Rural Living except where:*

- a. *according to the methodology in SP [x.x]:*
 - i. *a landscape character area for assessment purposes is identified at an appropriate scale including mapping;*
 - ii. *the landscape character and visual amenity values of that landscape character area are identified; and*
 - iii. *the landscape capacity of that landscape character area is assessed so as to soundly inform a determination that the requirements of SP 3.3.24 are met; and*
- b. *the approval of new subdivision or development for the purposes of Rural Living maintains the landscape character and maintains or enhances the visual amenity values so identified in relation to that landscape character area.*

Regionally Significant Infrastructure

3.3.37 *Protect regionally significant infrastructure by managing the adverse effects of incompatible activities.*

Chapter 4 - Urban Development

4.2.1 *Objective - Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. (from Policies 3.3.12 and 3.3.13)*

4.2.1.2 *Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements.*

4.2.1.3 *Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.*

4.2.1.7 *Contain urban development of existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.*

Chapter 6 - Landscapes and Rural Character

6.3.2 *Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone*

6.3.2.1 *Avoid urban development and subdivision to urban densities in the rural zones.*

6.3.2.2 *Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.*

6.3.2.7 *Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of the Outstanding Natural Feature or Outstanding Natural Landscape.*

6.3.4 *Managing Activities in Rural Character Landscapes*

6.3.4.1 *Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.*

6.3.4.4 *Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads.*

6.3.4.6 *Avoid adverse effects on visual amenity from subdivision, use and development that:*

- a. *is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- b. *forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.*

6.3.4.8 In the upper Clutha Basin, subdivision and development maintains open landscape character where that is the existing character of the Rural Character Landscape.

Appropriateness of the Notified Provisions

39 Before assessing whether the application of the GIZ to the submission site is appropriate it is necessary to consider the appropriateness of the notified provisions of the GIZ in terms of how they align with the higher order provisions of the Proposed District Plan and achieve the purpose of the Act.

40 As set out above the higher order provisions of the Proposed District Plan seek to (among other things) achieve a prosperous and resilient economy, provide for industrial and commercial development and ensure that industrial activities are not compromised by the location of incompatible non-industrial activities in industrial areas. In addition the higher order provisions seek to protect the landscape values of ONFs and ONLs and maintain the landscape character and maintain or enhance the visual amenity values of the RCLs. In terms of urban development the higher order provisions direct it to locate within Urban Growth Boundaries (UGBs) or in appropriately zoned land in rural settlements outside of the identified UGBs.

41 In general terms consider that, subject to the amendments recommended by Mr. Place, the provisions of the General Industrial Zone appropriately align with and give effect to the higher order provisions of the PDP. That being said I consider that some amendments to the provisions are necessary if the relief sought by Upper Clutha Transport is to be adopted.

Resource Management Issues and Options

42 The resource management issues that the amending proposal seeks to address are whether the existing Rural zoning of the site is the most efficient use of the land resource and whether an alternative zoning that provides for industrial activities would better give effect to the higher order provisions of the PDP.

43 The options considered in addressing the identified resource management issues are as follows:

Option 1 - Status Quo

44 The status quo would involve the retention of the existing Rural zoning.

Option 2 - General Industrial Zone

45 The application of the GIZ to the submission site to provide for industrial activities and enable the relocation of industrial activities from the existing Luggate Township.

Option 3 - Rural Industrial Sub Zone

46 As has been suggested in Mr. Place’s s42A report the application of a Rural Industrial Sub Zone to the submission site is a potential option.

Costs / Benefits

47 The costs and benefits of the three identified options are outlined below:

	Costs	Benefits	Rank
Option 1: Status quo / No change	<ul style="list-style-type: none"> • Inefficient use of the land resource compared to application of more enabling zone. • Opportunity to facilitate relocation of industrial and service activities for Luggate Township would not be realised. • Opportunity to ensure ongoing management of the closed landfill would not be realised. • Socioeconomic benefits of industrial and service activities in proximity to Luggate may be lost. • Opportunities to enhance amenity of the Luggate Township are not realised. • Opportunities to give effect to Luggate 2020 Community Plan would not be realised. • Result in ongoing uncertainty and potential compliance costs for the ongoing operation of established activities within the Township. 	<ul style="list-style-type: none"> • Potential adverse effects on landscape, infrastructure and roading network would be avoided. 	3
Option 2: Rezone as GIZ	<ul style="list-style-type: none"> • May result in adverse effects in terms of landscape, infrastructure and the roading network. • May require amendments to notified plan chapter to manage 	<ul style="list-style-type: none"> • Would provide brownfield industrial development opportunities that do not come at the expense of otherwise productive land. 	1

	<p>site specific effects and provide for the range of activities envisaged.</p>	<ul style="list-style-type: none"> • More efficient use of the land resource when compared to the status quo. • Generally consistent with existing zoning and established activities in the immediate vicinity. • Would contribute to giving effect to the NPSUDC. • Would realise the community vision for Luggate as set out in Luggate 2020. • Would result in positive socioeconomic benefits and amenity enhancements for the Luggate Township. • Would enable the relocation of established industrial and service activities from the Township Zone while retaining their link to Luggate and socioeconomic benefits. • Would provide for the management of the closed landfill through the subdivision and/or development process. • Provides for an efficient plan preparation process. • Would contribute to economic resilience and diversity. • Would provide for a broader range of industrial and service activities. 	
<p>Option 3: Rezone as RISZ</p>	<ul style="list-style-type: none"> • May result in adverse effects in terms of landscape, infrastructure and the roading network. • May require amendments to notified plan chapter to manage site specific effects and provide for the range of activities envisaged. • May limit the scope of industrial activities that could otherwise be located within the GIZ. 	<ul style="list-style-type: none"> • Would generally provide for the range of activities undertaken from the existing Luggate Township site. • Would provide brownfield industrial development opportunities that do not come at the expense of otherwise productive land. • More efficient use of the land resource when compared to the status quo. 	<p>2</p>

		<ul style="list-style-type: none"> • Consistent with existing zoning and established activities in the immediate vicinity. • Would contribute to giving effect to the NPSUDC. • Would realise the community vision for Luggate as set out in Luggate 2020. • Would result in positive socioeconomic benefits and amenity enhancements for the Luggate Township. • Would enable the relocation of established industrial and service activities from the Township Zone while retaining their link to Luggate and socioeconomic benefits. • Would provide for the management of the closed landfill through the subdivision and/or development process. • Would contribute to economic resilience and diversity. • Would allow for landscape effects to be managed through existing provisions. 	
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48 Based on the above cost / benefit analysis I consider Option 2 - Rezone as GIZ to be the preferred option however Option 3 - Rezone as RISZ would achieve similar outcomes in terms of costs and benefits and therefore comes a close second in terms of order of preference.

Scale and Significance Evaluation

49 The level of detailed analysis undertaken for the evaluation of this proposal has been determined by an assessment of the scale and significance of the implementation of the proposed provisions in the District Plan. In making this assessment, regard has been had to whether the proposal will:

- Result in significant variance from the existing baseline in the Rural Chapter.
- Have effects on matters of national importance.

- Adversely affect those with specific interests.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.
- Are more appropriate than the existing.

50 The proposed rezoning of the submission site from Rural to GIZ (or RISZ as suggested by Mr. Place) will result in a significant change from the baseline of the existing Rural Chapter and as such a reasonably significant level of assessment has been undertaken and is set out in the evidence for the submitter.

51 There are a number of matters of national importance of relevant to the consideration of the proposal. I consider that, based on the evidence of Mr. Espie, the development that the proposed GIZ will enable will not compromise the natural character of the Clutha River and its margins and that the river and its margins and the associated ONL will be protected from inappropriate subdivision and development. In addition I consider that the proposed 20m setback from the Clutha River boundary will ensure that built development will be appropriately setback from the ONL including the thin sliver of ONL (approximately 10m wide at its widest point) that projects into the site.

52 Further I consider that public access to and along the Clutha River will be appropriately maintained.

53 The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is relevant to the submission site given the wāhi tūpuna areas identified as part of Stage 3 of the PDP. I consider that this matter is however more relevant to submissions on the wāhi tūpuna chapter and mapping and that the proposed zoning in itself is unlikely to affect Maori values as development within the parts of the site covered by the identified wāhi tūpuna areas (which are also largely covered by the proposed Building Restriction Area and 20m setback from the Clutha River boundary) would be subject to the relevant rules of the Wāhi Tūpuna chapter and would therefore allow for effects on Māori values to be managed at resource consent stage.

54 Further to the above iwi groups are likely to have specific interests in relation to the site given the identified wāhi tūpuna areas and the potential for development to adversely affect

cultural values. As above however I consider that development within the parts of the site that are covered by the wāhi tūpuna areas would be subject to the relevant rules of the Wāhi Tūpuna Chapter and therefore adverse effects on cultural values can be appropriately managed through any resource consent process.

- 55 In addition QAC have lodged a further submission opposing the relief sought in relation to the provision for workers accommodation within the GIZ. QAC have opposed these submission points on the basis that they would provide for the introduction of activities sensitive to aircraft noise within proximity to the Wanaka Airport. The submission site is located outside of the outer control boundary by approximately 1.2km and it is likely that if workers accommodation was to be provided on the site it would include sound insulation given the industrial activities that the zone would enable and that the workers accommodation would be ancillary to. To address this matter I recommend that acoustic insulation is included as a matter of discretion as part of any rule that provides for workers accommodation.
- 56 The NPS-UDC and the PORPS 19 are higher order documents relevant to the consideration of the proposal. I consider that the proposal will assist in giving effect to the NPS-UDC through the provision of additional business (industrial) land and I note that Ms. Hampson supports the proposed rezoning from an economics perspective.
- 57 With regard to the PORPS 19 I consider that the proposal will contribute to the economic, social and cultural wellbeing and health and safety of the District and in particular the Luggate community. In addition I consider that the landscape values of the adjoining ONL will be appropriately protected and that the landscape character and visual amenity values of the wider RCL will be maintained.
- 58 The site is not identified as being subject to any specific natural hazard and contamination associated with the closed landfill site or the adjoining sawmill can be appropriately addressed under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health at such time as the land is development (the provisions of the NES being triggered when there is any subdivision, earthworks or change of use proposed).
- 59 Being an industrial zone within which any critical listening environments require assessment against the noise insulation and ventilation requirements set out in Table 5 of PDP Chapter 36 - Noise (pursuant to Rule 18.A.5.1) the proposal is not likely to result in significant adverse reverse sensitivity effects on the Wanaka Airport (being regionally significant infrastructure).

60 Further public access to the Clutha River will be appropriately maintained and the proposal will provide industrial land that is not at the expense of productive rural land (the site's productive potential being already compromised by the closed landfill and potential soil contamination issues).

61 I do not consider that the proposal would impose increased costs or restrictions on individuals, communities or businesses.

62 I consider that the proposed GIZ is more appropriate than the current Rural Zoning as it will provide for a more efficient use of a site that is already modified and compromised by the presence of the closed landfill. In addition I consider that the proposal will result in significant socioeconomic benefits associated with the relocation of industrial and service activities from the Luggate Township while retaining a close connection to the township.

Matters Raised in Council's Evidence and s42A Report

63 A number of matters were raised in Council's evidence and s42A report with regard to the proposed GIZ at Luggate. The matters raised relate to landscape, infrastructure and transport.

Landscape

64 In his landscape evidence Mr. Jones found that the proposed rezoning was likely to be appropriate in landscape terms but requested detailed landscape assessment. Mr. Espie has undertaken a detailed landscape assessment and as set out in his evidence, finds that subject to some site specific provisions being inserted into the relevant chapter the proposed rezoning will be appropriate from a landscape perspective. The amendments to the relief sought to address landscape matters are as follows:

- increased zone boundary setbacks (20m) from the Church Road and Clutha River boundaries of the submission site in order to ensure that buildings are setback from the public road and adjoining ONL and that adequate space is available for landscaping and screening; and
- the application of a Building Restriction Area over the historic landfill at the more open northern end of the site.

65 These recommendations have been incorporated into my suggested amendments to the zone provisions that I will discuss shortly and an updated plan of the proposed zoning is attached as **Appendix B** to this evidence.

Infrastructure

66 Mr. Powell raised concerns regarding the availability of services to the site and the lack of information that accompanied the submission in that regard. Mr. Powell opposed the proposed rezoning in the absence of servicing information. The evidence of Ms. Greaves demonstrates that the site can be serviced with any necessary upgrades to be determined and provided for at the time of development.

Transport

67 Mr. Smith, in his evidence for Council, raised some concerns relating to the effects of the proposed rezoning on traffic and associated effects on the safety and efficiency of the wider road network and in particular effects on the State Highway intersections.

68 Mr. Carr has undertaken an assessment of the potential traffic effects associated with the proposed rezoning. As Mr. Carr points out in his evidence, while it is the submitter's intention to relocate their existing activities from the Luggate Township to the submission site there is no guarantee that such an outcome will occur. As such the extent of the proposed zoning and the development that it enables must be considered rather than the extent of traffic volumes that are currently associated with the submitter's activities or their future aspirations. The site must be treated as if it were sold on to another party who may have different aspirations and may seek to develop the site to the full extent of the zone.

69 Mr. Carr has estimated that, without any specific control on the extent of buildings, the proposed GIZ could accommodate in the region of 50,000m² of gross floor area⁹. This is an outcome far in excess of what the submitter envisages for the site and could potentially compromise the safety and efficiency of the surrounding road network.

70 In order to control the extent of built development that the submission site can accommodate and in turn limit the extent of projected vehicle movements a limit of 25,000m² of gross floor area within the GIZ is proposed. The submitter's immediate plans for the submission site (being the relocation of existing activities from the Main Road site) would account for less

⁹ Once access, manoeuvring and car parking is deleted from the available land area.

than half of the proposed total gross floor area. As such the proposed floor area limit comfortably provides for current and potential future aspirations for the development of the site.

- 71 Mr. Carr finds that the submission site can be appropriately accessed and that the proposed zoning will not adversely affect road safety to any significant degree. In addition, based on the proposed gross floor area limit Mr. Carr finds that the proposed rezoning will not compromise the safety or efficiency of the SH6/SH8A intersection. Mr. Carr notes that some widening of Church Road may be required to meet Council's Code of Practice however I consider that the need for such works can be assessed and provided for through the resource consent process that will be required for industrial activities to establish on site. I adopt Mr. Carr's opinion on this matters and therefore consider that the proposal can be appropriately accessed and will not compromise the safety or efficiency of the wider road network.

Appropriateness of the General Industrial Zone

- 72 As an alternative to the proposed General Industrial Zone Mr. Place has recommended the Rural Industrial Sub Zone (RISZ) as an appropriate zoning. I agree that RISZ could be an appropriate alternative zoning for the site, although as I have discussed earlier I retain the view that GIZ is most appropriate. The Rural Industrial Sub Zone was not suggested as an alternative zone in the submission of Upper Clutha Transport as the RISZ did not form part of Stage 3 of the Proposed District Plan and therefore it was considered it might not be available. However, Council having introduced the possibility of a Rural Industrial Sub Zoning I consider that the RISZ will not result in outcomes that are more intensive than what could occur under the GIZ but rather provide for a reduced range of industrial activities that align reasonably well with the submitter's existing operations and future aspirations.
- 73 A comparison of the GIZ and RISZ provisions is attached as **Appendix C** to this evidence and demonstrates that the bulk and location controls are not significantly different between the two zoning options and the matters of control / discretion in in both zones provide Council with the ability to address landscape and visual amenity effects through building design, landscaping and screening with particular attention given to the management of visual effects when viewed from public roads (i.e. Church Road) or public places (i.e. the margins of the Clutha River and the Clutha River Track).
- 74 I therefore consider that the suggested RISZ is within the scope of UCTs submission in that it will result in a similar extent of development (although comprising a reduced range of

activities) to what may result from the proposed General Industrial Zone and that the application of the RISZ as an alternative would be unlikely to have generated further submissions that were not otherwise received.

75 I also consider that the application of the RISZ as an alternative to the GIZ has some attraction in that it would avoid the existing RISZ that immediately adjoins the site becoming an anomalous spot zone and will make greater use of the RISZ, noting that the adjoining site is the only instance of RISZ in the entire District.

76 That being said while the GIZ sits within the urban chapters of the PDP and, in this instance, would not be contained within a UGB, I do not consider that should necessarily preclude the application of the zone to the submission site. As I have set out above in my identification of the relevant provisions of the PDP, and as I explain below, there is in my opinion no expectation in the PDP that all GIZ land must be located within a UGB.

77 PDP Strategic Policies 3.3.13 to 3.3.15, which relate to urban development, direct that UGBs are to be applied around the urban areas of Wanaka and the Lake Hawea Township and that urban development outside of UGBs is avoided except (as per Strategic Policy 3.3.15) in relation to settlements where no UGB is provided. In such case urban development is to be located within land zoned for that purpose. Strategic Policy 3.3.15 does not state that urban development must be located within the Settlement Zone (indeed when Strategic Policy 3.3.15 was formulated there was no Settlement Zone) and therefore I consider that it refers to settlements more generally and directs that urban development (in this case industrial development) is located within the applicable urban zone, such as GIZ.

78 This strategic policy direction is elaborated on in Chapter 4 - Urban Development of the PDP. Objective 4.2.1 directs that UGBs are to be used as a tool to manage the growth of the larger urban areas. Policy 4.2.1.2 seeks to focus urban development on land within or adjacent to the existing larger urban settlements and to accommodate urban development within smaller rural settlements.

79 Policy 4.2.1.3 directs that urban development is contained within defined Urban Growth Boundaries or within existing rural settlements. Policy 4.2.1.7 is as follows:

4.2.1.7 Contain urban development of existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.

80 I consider that the higher order provisions of the PDP seek to provide for the urban development of the rural settlements through appropriate zoning. I do not consider that urban development is sought to be avoided in and around rural settlements. Instead it is urban development through ad hoc resource consent processes that the policy direction seeks to avoid.

82 In addition I note that both Mr. Jones and Mr. Espie describe the site as:

- appearing to be within the urban fringe of Luggate¹⁰
- having a settlement fringe location and being a logical extension of the township¹¹

83 Given the functional need to have some separation between industrial and service activities and residential areas (as illustrated by the current situation at the submitter's Main Road site) I consider the submission site a suitable location in that it provides the necessary separation, co-locates with established industrial activities and as pointed out by Mr. Espie and Mr. Jones would read as part of the urban environment of Luggate.

84 UCT provides an important employment function for Luggate and Ms. Hampson supports the relief sought from an economic perspective. The proposed GI zoning would provide for the relocation of their existing activities outside of the existing settlement but retaining the link to Luggate and locating within an area that has been envisaged by the community as being suitable for industrial development. I consider that there is clear demand for industrial zoned land at Luggate and it would be most appropriate to locate it outside of the existing settlement to address the reverse sensitivity issues experienced by the submitter. The Luggate 2020 Community Plan has identified the submission site as a suitable location for these activities.

85 I therefore consider that the application of the GIZ outside of an UGB is provided for and anticipated in the higher order provisions of the PDP and that the submission site is an appropriate location for it to be applied.

Evaluation under Section 32(1)(a) and (b)

86 Section 32(1)(a) requires that the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act. For the reasons

¹⁰ Paragraph 6.3 of Mr. Espie's evidence

¹¹ Paragraph 3.1 of Mr. Jones' evidence

set out above I consider that the objectives of the proposal (being the rezoning of the submission site as GIZ) is the most appropriate way to achieve the purpose of the Act.

87 Section 32(1)(b) requires that the provisions of a proposal are assessed in terms of whether the provisions are the most appropriate way of achieving the objectives of the proposal.

88 I consider that the Church Road site fits reasonably comfortably into the GIZ Chapter. As noted in paragraph 41 above I consider that some amendments to the objectives, policies and rules of the GIZ are required to accommodate the relief sought.

89 It is my opinion that a rule should be inserted as Rule 18A.4.15a that provides for workers accommodation within the GIZ at Luggate as a restricted discretionary activity with Council's discretion being restricted to the provision of acoustic insulation to address potential reverse sensitivity issues and the extent to which the workers accommodation serves the functional needs of the associated industrial or service activities.

90 In addition I consider that minor amendments are required to Rule 18A.5.3 to provide for the increased boundary setbacks on the Church Road and Clutha River boundaries of the site.

91 Further I consider that the proposed 25,000m² limit on gross floor area can be incorporated into Rule 18.A.5.4 with the addition of a site specific matter of discretion relating to traffic effects on the wider roading network. I also note that the incorporation of the 25,000m² limit into this rule also serves to allow Council to consider visual effects, landscaping and screening if built development should exceed this limit.

92 The proposed Building Restriction Area is appropriately provided for through notified Rule 18.A.4.xx and no amendment to that rule is required.

93 My recommended amendments to the GIZ rules are as follows:

	Table 18A.4 - Activities in the General Industrial Zone	Activity Status
18A.4.15	Residential Activity, Residential Units and Residential Flats	PR

18A.4.15a	<u>Workers accommodation in the General Industrial Zone at Luggate that is ancillary to industrial and service activities</u>	<p style="text-align: center;"><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>acoustic insulation;</u></p> <p>b. <u>The extent to which the workers accommodation fulfils the functional needs of the associated industrial and service activities.</u></p>
	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-Compliance Status
18A.5.3	<p>Minimum Boundary Setbacks</p> <p>a. Road boundary setbacks</p> <p style="padding-left: 20px;">i. Fronting any residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone) - 7m</p> <p style="padding-left: 20px;">ii. All other road boundaries - 3m</p> <p style="padding-left: 20px;">iii. Statehighway boundaries - 5m</p> <p style="padding-left: 20px;">iv. <u>In the General Industrial Zone at Luggate - 20m</u></p> <p>b. Internal boundary setbacks</p> <p style="padding-left: 20px;">i. Where a site adjoins any other zone outside of the General Industrial Zone - 7m</p> <p style="padding-left: 20px;">ii. No minimum internal setbacks are required where a site adjoins other sites within the General Industrial Zone</p>	<p style="text-align: center;">RD</p> <p>Discretion is restricted to:</p> <p>c. Visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places;</p> <p>d. The nature of the activity, including any noise, vibration, odour, dust, glare, traffic or any other nuisance effects;</p> <p>e. Landscaping and screening; and</p> <p>f. Compatibility with the appearance, layout</p>

	<p>iii. <u>On the eastern boundary between the General Industrial Zone at Luggate and the Clutha River - 20m</u></p>	<p>and scale of surrounding sites.</p>
18.A.5.4	<p>Building coverage</p> <p>Maximum building coverage of 75% <u>except that in the General Industrial Zone at Luggate the maximum building coverage shall be limited to 25,000m² of gross floor area within the zone.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Site layout and the location of buildings; b. Traffic effects of additional building coverage including adequate provision of access, onsite parking, loading and manoeuvring; c. <u>In the General Industrial Zone at Luggate - traffic effects on the wider roading network;</u> d. Visual effects of the height, scale, location and appearance of the built form when viewed from adjoining sites, roads and public places; e. Landscaping and screening; and f. Adequate provision and location of outdoor storage space, including waste and

		recycling storage and servicing areas.
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94 While I consider that the GIZ is appropriate, if it is found that the RISZ is preferable then I would recommend the following amendments to the RISZ rules to provide for the relief sought:

	Table 10 - Activities in Rural Industrial Sub Zone	Activity Status
<u>21.13.5</u>	<u>Workers accommodation in the Rural Industrial Sub Zone at Luggate that is ancillary to industrial and service activities</u>	<u>RD</u> <u>Discretion is restricted to:</u> a. <u>acoustic insulation;</u> b. <u>The extent to which the workers accommodation fulfils the functional needs of the associated industrial and service activities.</u>
<u>21.13.6</u>	<u>Building Restriction Area</u> <u>No building shall be located within a building restriction area as identified on the District Plan maps</u>	<u>NC</u>
	Table 11 - Standards for activities within the Rural Industrial Sub Zone These standards apply to activities listed in Table 1 and Table 10.	Activity Status
21.14.4	Setback from Sub-Zone Boundaries	RD Discretion is restricted to:

	<p>The minimum setback of any building within the Rural Industrial Sub Zone shall be 10m from the Sub Zone boundaries <u>except:</u></p> <p><u>On Lot 1 DP 30025 and Lot 1 DP 475297 at Church Road, Luggate the minimum setback on the Sub-Zone boundaries adjoining Church Road and the Clutha River shall be 20m.</u></p>	<p>a. The requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties, <u>public roads and public places</u> and whether there is adequate room for landscaping within the reduced setback;</p> <p>b. Rural amenity and landscape character;</p> <p>c. Privacy, outlook and amenity from adjoining properties.</p>
<p><u>21.14.6</u></p>	<p><u>Building coverage</u></p> <p><u>On Lot 1 DP 30025 and Lot 1 DP 475297 at Church Road, Luggate building coverage shall be limited to a maximum of 25,000m² of gross floor area.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>traffic effects on the wider roading network;</u></p>

95 In conclusion and turning to the Rezoning Assessment Principles set out at paragraph 8.7 of Mr. Barr’s evidence, I consider as follows:

*(a) whether the change is consistent with the objectives and policies of the proposed zone.
This applies to both the type of zone in addition to the location of the zone boundary;*

96 I consider that the proposed rezoning and site specific rule amendments are consistent with the objectives and policies of the GIZ. For completeness I consider that the rezoning of the site as RISZ with associated site specific rules would also be consistent with the objectives and policies of the Rural Zone that relate to the RISZ.

- (b) whether the change is consistent with the PDP Strategic Directions chapters (Chapters 3 - 6);*
- 97 I consider that the application of either the GIZ or the RISZ would be consistent with the Strategic Directions chapters of the PDP.
- (c) the overall impact of the rezoning gives effect to the PRPS and PORPS;*
- 98 I consider that the proposed rezoning to GIZ or the suggested RISZ would result in significant socioeconomic benefits for the Luggate community and would not compromise the landscape values of the adjoining ONL or the landscape character or visual amenity values of the wider RCL. Further I consider that the proposed zoning would not compromise the operation of regionally significant infrastructure. Overall I consider that the proposal would give effect to the relevant provisions of the PORPS 19.
- (d) relevant issues debated in recent plan changes are considered;*
- 99 I am not aware of any relevant issues debated in recent plan changes.
- (e) changes to zone boundaries are consistent/considered alongside PDP maps that indicate additional overlays or constraints (e.g. Airport Obstacle Limitation Surfaces, SNAs, Building Restriction Areas, ONF/ONL);*
- 100 There are a number of overlay applicable to the submission site including Wāhi Tūpuna areas, landscape lines and the closed landfill. The proposed zone boundaries would not affect those overlays. In addition the proposed setbacks and Building Restriction Area reduces the scope for built development within the applicable overlays.
- (f) changes should take into account the location and environmental features of the site (e.g. the existing and consented environment, existing buildings, significant features and infrastructure);*
- 101 The proposal takes into account the location and environmental features of the site.
- (g) zone changes recognise the availability or lack of major infrastructure (e.g. water, wastewater, roads), and that changes to zoning does not result in unmeetable expectations from landowners to the Council for provision of infrastructure and/or management of natural hazards;*

102 The proposed GIZ can be appropriately serviced and is not identified as being susceptible to any specific natural hazard.

(h) zone changes take into account effects on the wider network water, wastewater and roading capacity, and are not just limited to the matter of providing infrastructure to that particular site;

103 The evidence presented to support the proposed GIZ takes into account the effects of the proposed zone change on the wider infrastructure network and, in the case of the roading network, a site specific rule has been proposed to allow for potential adverse effects on the safety and efficiency of the wider roading network to be assessed through resource consent processes.

(i) there is adequate separation and/or management between incompatible land uses;

104 The purpose of the proposed zone change is to provide adequate separation between existing incompatible land uses, being established industrial, service and residential activities at Main Road, Luggate. In addition a site specific rule has been recommended to provide for workers accommodation while ensuring that Council retains control over potential reverse sensitivity effects on the permitted industrial and service activities and also the operations of the Wanaka Airport.

(j) rezoning in lieu of resource consent approvals, where a portion of a site has capacity to absorb development does not necessarily mean another zone is more appropriate; and

105 I consider that rezoning is the most appropriate means of providing for the ongoing industrial and service activities in the vicinity of Luggate.

(k) zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.

106 There are no resource consents of relevance to the consideration of the proposal.

107 Overall I consider that the proposal comfortably aligns with Council's Rezoning Assessment Principles.

Part 2 Assessment

- 108 Under Section 32 of the RMA the extent to which the objectives of a proposed plan are the most appropriate way to achieve the purpose of the Act, and whether the provisions of the proposed plan are the most appropriate way of achieving those objectives, must be examined.
- 109 I consider that the objectives and policies of the Proposed District Plan, as they relate to Strategic Direction, Urban Development and Landscapes and Rural Character are an appropriate means of achieving the purpose of the Act. In addition I consider that the objectives and policies of the General Industrial Zone appropriately give effect to the higher order provisions of the Proposed District Plan.
- 110 I consider that the relief sought, when compared to alternative options for the site, is the most appropriate means of achieving the objectives of the Proposed District Plan.
- 111 I consider that the relief sought will be consistent with Section 5 of the Act in that it will provide for the use, development, and protection of natural and physical resources in a way, or at a rate, that enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while safeguarding the life-supporting capacity or air, water, soil and ecosystems.
- 112 Through the provisions of the Proposed District Plan the development enabled by the proposed rezoning will be appropriately controlled and managed to ensure that the environmental effects arising are appropriately avoided, remedied or mitigated.
- 113 I consider that the proposed rezoning adequately recognises and provides for the relevant matters of national importance set out in Section 6 of the Act and has appropriate regard to the relevant Section 7 matters.
- 114 With regard to Section 8 I consider that treaty principles (and s6(e)) are likely to be addressed through the hearing process on the Wāhi Tūpuna Chapter am not directly affected by the proposed rezoning as the development of the site will be subject to the provisions of the Wāhi Tūpuna Chapter.
- 115 I therefore consider that the relief sought in the submission of Upper Clutha Transport achieves the purpose of the RMA.

Conclusion

116 Overall, having carefully considered the matters set out in Section 32, I consider that the rezoning of the submission site to General Industrial Zone, the incorporation of my recommended amendments to the zone rules will meet the purpose of the RMA.

A handwritten signature in black ink, appearing to read 'Scott Sneddon Edgar', written in a cursive style.

Scott Sneddon Edgar

29th May 2020