

# QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on the Proposed District Plan

Report 16.13

Report and Recommendations of Independent Commissioners  
Regarding Upper Clutha Planning Maps  
John Wellington

Commissioners

Trevor Robinson (Chair)

Jenny Hudson

Calum MacLeod

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## 1. SUMMARY OF RECOMMENDATIONS

### 1.1. Overall Recommendation

1. We recommend Mr Wellington's submission be rejected.

### 1.2. Summary of Reasons for Recommendation

2. Consideration of an Outer Growth Boundary would need to be supported by an appropriate policy framework, and the submitter's evidence was not sufficiently specific to support rezoning of rural fringe areas for Rural Residential or Rural Lifestyle living.
3. The Open Space Zone will be considered as part of the variations notified by the Council on 23 November 2017.

## 2. PRELIMINARY MATTERS

### 2.1. Subject of Submission

4. This submission related to unspecified sites to the south of the notified Wanaka Urban Growth Boundary and east of the Cardrona River and to sites currently zoned Open Space under the Operative District Plan.

### 2.2. Outline of Relief Sought

5. The submission sought the extension of the Wanaka Urban Growth Boundary to the south from its location shown on Planning Maps 23 and 18, in order that it would be bounded by Riverbank Road to the junction with the Crown Range Road and potentially west of the latter, between the notified ONL line and Studholme Road.
6. The submission sought rezoning of some areas currently zoned Rural located to the immediate east of the Cardrona River including along the Faulks Road, as shown on Planning Map 18 to Rural Residential and Rural Lifestyle.
7. The submission also sought all areas currently zoned Open Space under the ODP be retained as such.

### 2.3. Description of the Site and Environs

8. The area identified in the submission that is located to the south of the Wanaka UGB is a combination of open rural land and existing rural lifestyle blocks. Specific areas are already the subject of submissions addressed in other reports<sup>1</sup>.
9. The land immediately to the east of the Cardrona River is similarly a mixture of flat rural land, some of which (on Faulks Road) has already been subdivided.
10. Land in the Upper Clutha area currently zoned Open Space (ODP) is located at Peninsula Bay and at Albert Town.

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<sup>1</sup> See Report 16.2

#### 2.4. The Case Presented on the Submission

11. When Mr Wellington appeared at the hearing, the principal concern he expressed was the issue of Rural Residential and Rural Lifestyle zones. He contended that there was considerably more land zoned in the Wakatipu Basin for Rural Residential and Rural Lifestyle than in the Upper Clutha, and in his opinion, the Upper Clutha Rural Residential and Rural Lifestyle zones did not seem to have been selected on the basis of the landscape's ability to absorb that potential development. He cited Hawea Flat as an example of a settlement that is approaching low density urban in nature, rather than being rural.
12. He considered that the cumulative effect of individual subdivisions had not been consistently assessed and suggested that the Upper Clutha required a land use planning study, to enable better protection of the rural environment, similar to that undertaken recently for the Wakatipu Basin. He emphasised that the speed of development in the Upper Clutha had caught everyone by surprise and that could never have been predicted, but there is a chance to think about what do now.
13. Mr Wellington was of the opinion that land to the east of the Wanaka UGB was the logical place for Rural Residential/Rural Lifestyle zoning to avoid adverse effects of that type of development to the west of the township, which is mostly ONL. He identified land to the east of the Cardrona River from Mt Barker Road to SH 6 and extending to the east as far as Boundary/Morris Road, that he considered would be suitable for that zoning.
14. In his original submission, he had suggested that the UGB might need to be extended to the south bounded by Riverbank Road to the junction with the Crown Range Road, possibly close to the Mt Alpha ONL line, and to the unformed part of Studholme Road. The reasons for submission indicated that what was envisaged was a line akin to the Outer Urban Growth Boundary in the Wanaka 20/20 Plan. He thought that some of this extended area should be zoned Large Lot Residential and that some proposed Large Lot Residential land north of Studholme Road should become Low Density Residential.
15. In response to questions from the panel, Mr Wellington did not consider that the Rural Lifestyle zone at Hawea was a failure as a result of its evolution into a small settlement, whereas he thought that the Rural Lifestyle area on Criffel Station on the face of the hill, south of Mount Barker Road, was more obtrusive.
16. He also observed that the Rural Lifestyle zoning in the ODP was more wasteful of land, producing 10 - 15 acre (4 ha or greater) sites, than the proposed Rural Lifestyle zone in the PDP which has a 2 ha average. He thought that Rural Residential zoning could be less wasteful of productive land by clustering development.

#### 2.5. The Council's Position

17. The key points made by Mr Barr in response to this submission were:
  - a. an outer urban growth boundary is not necessary or helpful in achieving the relevant objectives of the plan or the Council's functions under the Act.
  - b. any outer growth boundary would need a supporting policy framework that gives effect to this, which may well include deferred zonings, so it is not just a matter of including it in the Planning Maps, as suggested by various submitters. No such policy framework has been proposed or analysed against sections 32 or 32AA of the RMA.
  - c. deferred zoning is not supported because it is not appropriate and the Council has committed to investment in infrastructure within the Wanaka UGB and the settlements of Luggate and Lake Hāwea.

- d. his evidence on the DCM and Mr Osborne's evidence on housing capacity confirmed that the Upper Clutha area has adequate realisable development capacity for housing out to at least the year 2048.
- e. the NPSUDC will ensure the Council does not lose sight of future planning and the opportunity for growth strategies as required by the NPS, in terms of the requirement to complete a future development strategy under PC12 – PC14 (as also discussed above under the Panel's Reply Minute general questions).

## 2.6. Discussion of Planning Framework

18. Mr Barr provided us with input on the planning background to the relevant Plan provisions. We note that the latest version of the PDP available to the planners was that recommended in the staff reply on each chapter. In our Report 16, we summarise the key background provisions in the PDP, as recommended by the Hearing Panel, that is to say, a further iteration along from that considered in the planning evidence. For the purposes of our discussion here, we have not repeated the reference to every objective, policy or other provision to which we have had regard.
19. The provisions of the NPSUDC and Strategic Chapters 3 and 4 of the PDP, which we have discussed in some detail in Report 16, are relevant to consideration of an extension of the UGB and an outer urban growth boundary. Many of the objectives set out in the NPSUDC relate to the operation of urban environments and thus are principally relevant to the provisions as to what activities may occur within those environments. To the extent, however, that zoning choices provide different outcomes, we refer to objective OA1:

Objective OA1:

*Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.*

and

Objective OC1:

*Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long term.*

20. These objectives are supported by similar policies PA3 and PA4.
21. Policies within Chapter 3 that are of particular relevance are Policies 3.3.13-15, 3.3.22, 3.3.24 and 3.3.32.
22. Chapter 4 provides more direction on urban development. The first recommended objective, 4.2.1, relates to use of UGBs:
- “Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.”*
23. The first three policies of Chapter 4 expand on the policies of Chapter 3 related to definition of UGBs, focussing urban development within UGBs, and to a lesser extent within smaller rural settlements, and ensuring UGBs operate as effective boundaries to urban development.
24. Policy 4.2.1.4 might particularly be noted:

*“Ensure Urban Growth Boundaries encompass a sufficient area consistent with:*

- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
- b. ensuring the ongoing availability of a competitive land supply for urban purposes;*
- c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;*
- d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
- e. a compact and efficient urban form;*
- f. avoiding sporadic urban development in rural areas;*
- g. minimising the loss of the productive potential and soil resource of rural land.”*

25. Chapter 4 also provides two related objectives for management of development within UGBs as follows:

4.2.2.A *A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.*

4.2.2.B *Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects outstanding natural landscapes and outstanding natural features in areas supporting significant indigenous flora and fauna.*

26. Policies particularly relevant to zoning choices within UGBs include Policies 4.2.2.1, 4.2.2.2 and 4.2.2.12.

27. Recommended Policy 4.2.2.22 should also be noted given its specific guidance for location of the Wanaka UGB:

*“Define the Urban Growth Boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps that:*

- a. are based on existing urbanised areas;*
- b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;*
- c. have community support as expressed through strategic community planning processes;*
- d. utilise the Clutha and Cardrona Rivers and the lower slopes of Mount Alpha as natural boundaries to the growth of Wanaka; and*
- e. avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.”*

### 3. ISSUES

28. We have identified the following issues arising from Mr Wellington’s submission that we need to address:

- a. Is there a case for significant extension of the UGB and/or identification of an outer urban growth boundary?

- b. Is there a case for rezoning additional rural land east of the Cardrona River Rural Residential and/or Rural Lifestyle?

29. While Mr Wellington's submission also raised the status of land currently zoned Open Space under the ODP, that Zone, and the land to which it relates, is the subject of the Stage 2 Variations notified by the Council on 23 November 2017 and Mr Wellington's submission on that point will need to be considered in that process. We have no jurisdiction to do so.

#### 4. DISCUSSION OF ISSUES AND CONCLUSIONS

30. Considering the relief sought in Mr Wellington's original submission, we have discussed at some length the adequacy of the Council evidence on future demand for housing and the extent to which the PDP *provides* for that future demand, in the context of our assessment of the NPSUDC in our Report 16.

31. It follows from the conclusions we reached there that we would not support a large scale extension of the UGB at this time.

32. Mr Wellington's submission, however, suggested to us that what he is seeking is something in the nature of an *Outer Growth Boundary* as provided in the Wanaka 20/20 Plan.

33. We think that Mr Barr's response was sound on that point. Identification of an Outer Growth Boundary would need to be supported by an appropriate policy framework before it could seriously be considered.

34. As regards Mr Wellington's points in relation to development in rural areas, his evidence was too general to support rezoning of any particular areas.

35. We do consider, however, that Mr Wellington made a valid point that management of the non-ONL rural areas of the Upper Clutha area needs to be considered more holistically. We note that Mr Julian Haworth made a similar point when he appeared for UCES.

36. In the context of the consideration by the Stream 2 Hearing Panel of submissions related to the Wakatipu Basin, that Hearing Panel recommended to Council that it undertake a structure planning exercise for the Wakatipu Basin. That process has now led to notification of Variation 2.

37. We agree with Mr Wellington (and Mr Haworth) that there would be considerable value in undertaking a similar exercise in the Upper Clutha Basin and we recommend that course to Council.

38. As regards the specific relief sought by Mr Wellington, however, we recommend that his submission be rejected.

#### 5. OVERALL CONCLUSIONS AND RECOMMENDATIONS

39. For the reasons set out in our report, we recommend that those aspects of Mr Wellington's submissions we had jurisdiction to consider be rejected.

40. Consequent on Mr Wellington's submission, however, we recommend to Council that it undertake a strategic planning exercise for the Rural Character Landscape areas of the Upper Clutha Basin, similar to that which it has undertaken for the Wakatipu Basin.

For the Hearing Panel

A handwritten signature in blue ink, consisting of a large, stylized 'T' shape with a horizontal line extending to the right and a vertical line extending downwards.

Trevor Robinson, Chair  
Dated: 27 March 2018