



**QUEENSTOWN LAKES DISTRICT COUNCIL  
PLAN CHANGE HEARING COMMITTEE**

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**PLANNERS' REPORT FOR  
PLAN CHANGE 16: THREE PARKS SPECIAL ZONE**

**FOR HEARING COMMENCING: 16 SEPTEMBER 2009**

**REPORT DATED: 31 AUGUST 2009**

**SUBMITTED BY:**

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**FOR AND ON BEHALF OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**CONTENTS**

INTRODUCTION.....3  
 EXECUTIVE SUMMARY/ BACKGROUND.....4  
 Relationship to other documents and Plan Changes .....4  
 Submissions received and the issues raised .....5  
 DISCUSSION OF ISSUES RAISED BY SUBMITTERS .....6  
 Issue 1 - General Support .....6  
 Issue 2 - Whether There is a Need for the Additional Zoned Land and Staging Issues.....6  
     a) Supply and demand issues of a general, zone-wide nature .....7  
     b) Whether the proposed residential land (and provision for Visitor Accommodation) is needed and issues of staging.....8  
     c) Whether the proposed retail and commercial land is needed and issues of staging .....11  
 Issue 3 - The Impact of Three Parks on the Wanaka Town Centre and Character, and on Other Commercial Areas.....14  
     a) The Wanaka Town Centre and Wanaka’s point of difference .....14  
     b) Other commercial areas (including Anderson Heights, Ballantyne Rd, and those in and around the townships) .....18  
 Issue 4 - The Logical Expansion/Development of Land and the Integrated Development of Adjoining Land.....20  
 Issue 5 - The Appropriateness of the Structure Plan – the Layout, Green Space, and Rooding.....23  
 Issue 6 - The Appropriateness of Specific Provisions, Objectives, and Policies.....29  
     a) The Low Density Residential (LDR) subzone rules in their entirety.....30  
     b) The appropriateness of provisions relating to bulk, location, and external appearance .....31  
     c) The appropriateness of the provisions relating to ‘big picture’ Urban design matters .....34  
     d) The appropriateness of the activity status of various activities.....38  
     e) The appropriateness of the provisions relating to Sustainable design and construction.....43  
     f) The appropriateness of provisions relating to the non-notification of various resource consent applications .....44  
     g) The appropriateness of provisions relating to transportation issues, including roading, cost sharing and Travel Demand Management .....47  
     h) The appropriateness of methods relating to affordable housing.....49  
 Issue 7 - Consistency with Various Documents .....51  
 Issue 8 - The Adequacy of The Section 32 Report and Associated Reports .....54

**Appendices**

1	Recommendations on specific submissions and further submissions
2	Recommended revised Plan Change Provisions as a result of Submissions
3	Review of Proposed Retail Floor Space at Three Parks Wanaka - Prepared for Queenstown Lakes District Council. Phillip Donnelly and Associates Ltd. August 2009.
4	QLDC Urban Designer’s Report - Response to issues raised in submissions and further submissions to Plan Change 16 - Three Parks Zone (August 2009)
5	Transport Impact Report in response to specific issues raised in submissions 2009. Prepared by MWH.
6	Capacity Analysis for Large Format Retail in Wanaka
7	Baseline Information on the Health of the Wanaka Town Centre (September 2009)

## INTRODUCTION

This report has been written in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions and further submissions received following the public notification of Plan change 16 and to make recommendations on those submissions.

The Plan Change was publicly notified 1 April 2009. Although this Report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, the process undertaken, and the issues and options considered may be gained by reading the Section 32 report and associated documentation. A copy of the Section 32 report (and the associated background documents) is available on the Council's website: [www.qldc.govt.nz](http://www.qldc.govt.nz).

The relevant provisions in the Queenstown Lakes District Council's Partially Operative District Plan which are affected by the Proposed Plan Change are:

- Part 12 (Special Zones) to introduce a new special zone, called Three Parks
- Part 1 (Introduction) by adding an explanation regarding the use of discretionary activity status in the residential subzone of the Three Parks zone.
- Part 10 (Town Centre) to better explain the role of the new 'Commercial Core' proposed by the Plan Change and how it will relate to the existing Town Centre for Wanaka.
- Part 14 (Transport) by adding car parking and cycling provisions relating to the Three Parks zone.
- Part 15 (Subdivision) by adding subdivision standards relating to the Three Parks zone, as attached.
- Part D – Definitions by adding a number of new definitions, as attached.

This report discusses the specific and general points raised by submitters in an effort to assist the commissioners to reach decisions in respect of each, makes recommendations as to whether these submissions should be accepted or rejected (in part or in whole); and finally, recommends that a number of amendments be made to the Plan Change in response to the points raised in submissions.

Submissions are assessed in groups based on issues raised where the content of the submissions is the same or similar. In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within brackets. In summarising further submissions, the name of the further submitter is shown in **bold italics**, with their submission number shown in *italics* within brackets.

The attached report entitled "Appendix 1: Recommendations on specific submissions and further submissions" provides a cross reference of which issues have been considered in relation to each the Planners' recommendation in regard to whether to accept or reject each point. Where there is any inconsistency between the recommendations contained in Appendix 1 and those made in the body of the report, then those in Appendix 1 shall take precedence.

Furthermore, the attached report entitled "Appendix 2: Recommended revised Plan Change Provisions as a result of submissions" contains all recommended amendments (shown struck out and double underlined, as relevant). Where there is any inconsistency between the provisions contained in Appendix 2 and any inference made in the body of the report, then the provisions in Appendix 2 shall take precedence.

## EXECUTIVE SUMMARY/ BACKGROUND

The purpose of the Plan Change (as stated in the Section 32 Report) 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 Partially Operative District Plan are proposed to enable the rezoning.”*

This Plan Change proposes to rezone approximately 100 ha of land, which lies to the southwest of Mount Iron in order to enable the staged development of land to cater for the above uses over time. The land was previously predominantly zoned Rural General with some Rural Residential zoning.

The rezoning of this land stemmed from the Wanaka 2020 community workshops in 2002, which identified the area and its proposed uses. Following this, the Council produced a Growth Options Study which paved the way for the Growth Management Strategy, which established the Council’s policy on where growth should occur. In line with the Growth Options Study and the Wanaka 2020 Plan, the draft Wanaka Structure Plan was produced. The first version was adopted in 2004 as a working draft only, in order to enable full consideration of the transport effects of the development proposed and more consideration of the amounts of land needed to cater for the next 20 years of growth prior to adopting it in its final form. The transport implications were considered as part of the Wanaka Transport and Parking Strategy while a report produced for the Council entitled 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 then adopted in its final form by the Council with the resolution that it be implemented through a series of plan changes. Plan Change 16: Three Parks Zone rezones a significant proportion of the growth foreseen by the Wanaka Structure Plan.

### Relationship to other documents and Plan Changes

As outlined above, this Plan Change has a long history stemming back to the Wanaka 2020 community workshop and resultant community Plan held in 2002. In addition to those technical documents specifically produced in the preparation of the Plan Change (as listed in the Section 32 report), the following Council policy documents provide the strategic direction for the Plan Change:

- Long Term Council Community Plan
- Wanaka 2020 (2002)
- Growth Options Study
- Growth Management Strategy
- Wanaka Structure Plan (2004)
- Reports on Land Demands
- Wanaka Structure Plan (2007)
- Wanaka Transport and Parking Strategy (2008)
- Three Parks Discussion Document

Since the preparation of the S 32 report in 2008 a number of additional documents have been released/ adopted. As these recently released documents are relevant to the

recommendations being made in this report and a number of submissions specifically refer to the Town Centre Strategy and, to a lesser extent Plan Change 32, a brief summary of each of these is provided below.

- The Wanaka Town Centre Strategy Version 1 - (final draft, dated July 2009)

This states the following as its vision for the Town Centre:

*"A relaxed yet vibrant Town Centre where locals and visitors naturally choose to congregate and which is well connected to the landscape."*

Authors of the Three Parks Plan Change were in regular communication with Council staff involved in the preparation of the Town Centre Strategy to ensure that the two were aligned. Of note, the Strategy concludes that it is not necessary to intensify the Town Centre at this point but that further work in relation to development capacity should be undertaken in 2010; accepting that intensification be achieved through undergrounding carparking, increasing heights, or expansion.

- Plan Change 32 – Ballantyne Ponds Mixed Use Special Zone

This is now operative and has had the effect of providing 10 ha of land for industrial activities and 10 ha for mixed business.

- The Proposed Plan Change 36 – Wanaka Industrial Zoning Extension

This is in the early non-statutory consultation phase and proposes to extend the industrial zone on Ballantyne Road (over an area already developed for this purpose and an adjoining Greenfields area).

### **Submissions received and the issues raised**

A total of 42 original submissions and 11 further submissions were received.

Appendix 1 contains a full list of submissions and points of submission, the issues each point deals with, the relief sought, and the planners' recommendation on each. These are listed in alphabetical and numerical order (with the exception of the proforma submissions which are clustered together).

The various points of submission have been divided into the following issues:

1. General support
2. Whether there is a need for the additional development land proposed and staging issues:
  - a) Of a general/ zone-wide nature
  - b) Residential and Visitor Accommodation
  - c) Retail and other commercial
3. The impact of the Plan Change on:
  - a) The Wanaka Town Centre and Wanaka's point of difference
  - b) Other commercial areas (including Anderson Heights, Ballantyne Rd, and those in townships and other small outlying towns)
4. The logical expansion/ development of land and the integrated development of adjoining land.
5. The appropriateness of the Structure Plan – the layout, green space, and roading.
6. The appropriateness of specific provisions and objectives and policies relating to:

- a) Bulk and location
- b) Urban design
- c) Activity status
- d) Sustainable design and construction
- e) Notification
- f) Sustainability
- g) Transportation
- h) Affordable Housing
7. Consistency with various documents
8. The adequacy of the Section 32 report and associated reports

The remainder of this report is divided into these various issues, discussing the matters raised and making recommendations on the submissions received. Where a submission point traverses a number of issues, the submission is acknowledged under each and, at times, specifically discussed under each.

## **DISCUSSION OF ISSUES RAISED BY SUBMITTERS**

### **Issue 1 - General Support**

#### Original and further submissions received

**Bruce Ansley** (16/6/1), **Norman Hewett**, (16/18/1), **Peter Robert Young** (16/42/1), **Hugh J.W. Fraser** (16/12/1), opposed by **Mount Cardrona Station** (16/12/1/1), and **Daphne Stewart** (16/35/1) all generally support the Plan Change.

It is noted that others also expressed their support in principle in their submissions (such as Ballantyne Investments Limited (16/8) and Wanaka Residents Association (16/40)) but these are not formally included here as their relief sought is recorded as being in opposition to the Plan Change.

It is also noted that where submissions expressed their support for the Plan Change but raised specific issues and reasons in their submission they have been addressed under the relevant issue(s) and are, therefore, not included above.

#### Relief sought and recommendations

All these submitters have requested that the Plan Change be adopted.

You are referred to Appendix 1 for recommendations on the specific relief sought. In summary it is recommended that these submissions be accepted in part, acknowledging that it is recommended that some amendments be made to the Plan Change, as notified.

#### Reasons for the recommendations

It is considered that the notified Plan Change can be improved through various amendments to the provisions.

### **Issue 2 - Whether There is a Need for the Additional Zoned Land and Staging Issues**

#### Issue:

Whilst some submissions support the zoning on the basis that it is necessary in order to satisfy the current or foreseeable insufficient supply of land, others contend that there is already adequate capacity in the existing zones and that the zone is not required. Those who argue that it is not necessary seek either a reduction in scale or rejection of the Plan Change in its entirety and many request that further capacity and needs assessments be undertaken. The following discussion of the submissions is broken down into issues raised generally and those raised specifically in relation to the need and/ or staging of the specific landuses.

In considering this issue, you are also referred to Appendix 3 entitled “Review of Proposed Retail Floor Space at Three Parks Wanaka”, prepared by Phillip Donnelly and Associates.

You are also referred to page 51 of the Section 32 report regarding whether the Plan Change is “necessary“.

**a) Supply and demand issues of a general, zone-wide nature**

Submissions received

The following original and further submissions question whether there is any ‘need’ to re-zone the land in the manner proposed:

- **Infinity Investment Group Holdings Ltd** (16/21/1 and 16/21/7) supported by **Shotover Park Limited** (16/21/1/1, 16/21/7/1) and opposed by **Willowridge Developments Limited** (16/21/1/2, 16/21/7/2) suggests that the Plan Change over-estimates demand for all landuses and that it is unacceptable that the staging plan is only indicative.
- **Mount Cardrona Station** (16/27/1, 16/27/2), partly supported by **Shotover Park Limited** (16/27/1/1, 16/27/2/1) and opposed by **Willowridge Developments Limited** (16/27/1/2, 16/27/2/2), submits that the Plan Change is not necessary (except for the large scale business activities) due to the availability of development land that already exists in the wider Wanaka area and that the demand and growth projections need to be re-calculated.
- **Robert Facer and Linda Montgomery** (16/32/1), supported by **Shotover Park Limited** (16/32/1/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/32/1/2) and **Willowridge Developments Limited** (16/32/1/3), consider there is not the population to warrant the development.

The following original and further submitters consider the Plan Change is necessary in order to cater for future demand:

- **BA Kelly** (16/22/1) and **MC Kelly** (16/23/1) support the Plan Change as it encompasses all the future needs of Wanaka in a location that they support.
- **Orchard Road Holdings** (16/31/1), opposed by **Shotover Park Limited** (16/31/1/1), submits that the Plan Change is necessary to meet land requirements.
- **Willowridge Developments Limited** (16/41/1), opposed by **Shotover Park Limited** (16/41/1/1), contends in its submission, that the Plan Change is necessary to meet foreseeable future urban growth demands and that the staging mechanisms will manage its establishment alongside the evolution of the Town Centre.

### Discussion

It is noted that, unlike in the case “Infinity Group and Dennis Norman Thorn vs. Queenstown-Lakes District Council” (C010/2005), Section 32 of the RMA no longer requires Councils to show that the Plan Change is ‘necessary’ but, rather that it is ‘appropriate’, which is a lower threshold.

The need to rezone the various landuses in plan Change 16 is set out below. In short, it is considered that it is appropriate to rezone the land for the uses envisaged. These matters have been well considered with a strong foundation laid through the community planning and successive reports leading to the Wanaka Structure plan 2007.

It is considered appropriate that the staging areas be indicative only as it is considered it will be unnecessary to have arguments about exact boundaries will be important to ensure that development doesn’t obviously get developed in the wrong place prematurely. It is considered that this level of control will be possible through the requirement to comply with the indicative staging plan.

### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that the quantum of various landuse zoning be retained, as notified, albeit that a number of amendments are recommended to be made to the assessment criteria for subsequent retail stages. This is discussed in more detail in section 2c) below.

### Reasons for the recommendations

With respect to the various types of land uses enabled by Plan Change 16, it is considered that either:

- a) There is an existing need for the zoned land; OR
- b) There is likely to be a need in the foreseeable future, OR
- c) There will not be any adverse effect from providing an ample supply of zoned land ahead of demand, provided the staging and location of release is controlled.

You are also referred to the following sections which specifically address the need for more retail, commercial, and residential land.

### **b) Whether the proposed residential land (and provision for Visitor Accommodation) is needed and issues of staging**

The following original and further submissions consider there is no need to re-zone the proposed amount of residential land:

- **Ballantyne Investments Limited** (16/8/1) supported by **Ballantyne Investments Limited** (16/8/1/1) and **Mount Cardrona Station** (16/8/1/2) and opposed by **Willowridge Developments Limited** (16/8/1/3), request that the residential component should be withdrawn and focus on retail, commercial and mixed use.
- **Mount Cardrona Station** (16/27/3, 16/27/4), partly supported by **Shotover Park Limited** (16/27/3/1, 16/27/4/1) and opposed by **Willowridge Developments Limited** (16/27/3/2, 16/27/4/2) submits that the residential land provided should be deleted or

significantly reduced and that its release be staged in accordance with an updated demand analysis.

- **New Zealand Transport Agency** (16/30/5) requests that if activities are staged, then the intersections onto Riverbank Rd should be part of a latter stage.
- **Mount Cardrona Station** (16/27/6), partly supported by **Shotover Park Limited** (16/27/6/1) and opposed by **Willowridge Developments Limited** (16/27/6/2), contends that the proposed zoning will result in an over-supply of Visitor Accommodation.

The following original and further submissions consider the Plan Change is necessary in order to cater for future residential land demand:

- **Allenby Farms Limited** (16/5/1), supported by **Willowridge Developments Limited** (16/5/1/2) and opposed by **Mount Cardrona Station** (16/5/1/1), consider that there has been sufficient residential land over past decade but held in limited ownerships and released erratically resulting in demand exceeding supply and increased prices.

It is noted that the submission by **Willowridge Developments Limited** (requesting a change to the order of residential staging) is discussed under Issue 5 as it requests a change to the Structure Plan. As a result, an associated submission by **NZ Transport Agency** is also addressed under that issue.

#### Discussion

The amount of land provided for the various uses shown in the Wanaka Structure Plan and, more specifically, in the Three Parks Plan Change, were directed by the “Wanaka Land Demands” report, dated May 2007. It is noted that the amount of residential land provided in the Structure Plans is approximately 20% greater than the projected demand, so as to ensure a strong supply over time. Whilst this means that there is a lot of residential land provided within the Three Parks Zone, it is considered sensible to identify the future use of all this land at the outset in order to be able to provide certainty of outcome and to avoid discretionary resource consents being applied for on what would otherwise be Rural General zoned land.

There is a detailed discussion in the Section 32 report for this Plan Change regarding whether there is a need to increase the supply of residential land. Readers are referred to Pages 52-55 of the Section 32 report, where the capacity for further development is discussed in detail. In short, the conclusion was that while there does not appear to be an existing shortage, if projected growth rates are realised there is likely to be a shortage (particularly for modestly priced residential land) in the foreseeable future. It was also held that increasing the supply of residential land can be beneficial so long as it does not undermine the urban form of Wanaka. The strategic planning of the Wanaka Structure Plan indicates that growth in Three Parks would not be inappropriate. It is considered that staging the release of the residential land will effectively ensure that residential development is not ‘opened up’ on too many fronts (which would otherwise result in inefficiencies and disjointed development).

In particular, Mount Cardrona Station suggest that the amount of residential land provided by the Plan Change is inappropriate given the existing capacity for residential development in the Wanaka area. Whilst it is not considered necessary to reiterate the position outlined on pages 52 to 55 of the Section 32 report, that analysis is considered relevant and the

conclusions appropriate. There are however some specific comments worth making with regards to the submission of Mt Cardrona Station.

An underlying assumption in the amounts of land indicated for future urbanisation by the Wanaka Structure Plan was that the growth of Wanaka should be catered for in Wanaka. That is to say, the outcome of a series of smaller towns that act as ‘commuter suburbs’ to Wanaka is not considered desirable or sustainable. The Growth Management Strategy promoted the growth of smaller towns to a scale at which they could sustain more of their own infrastructure and services. There is an expectation that those towns will grow as places that will attract residents and visitors on their own merits, rather than places that will absorb some of the growth that otherwise would have occurred in Wanaka. The Council has supported (to date) the rezoning of Mount Cardrona Special Zone on the basis that it will form a community and attract its own growth. A situation where a considerable amount of the wider Wanaka ward’s future growth is taken up by the Mount Cardrona Station development is not envisaged nor supported.

Mount Cardrona Station suggest that account has not been taken of capacity in Visitor Accommodation Zones. It is unclear what ‘Visitor Accommodation’ zones are referred to but is noted that the Dwelling Capacity Model does have regard for residential development in the Rural Visitor Zones and the subzones of Visitor Accommodation in the Residential Zones.

Lastly, plan changes such as Plan Change 16 are designed to enable growth well into the future. It takes some time for rezoning to occur, resource consents to be processed and development to in fact take place. The Wanaka Structure Plan provided a model for the accommodation of growth over a 20 year period from 2007. It is appropriate to rezone some of this land now to enable the implementation of the Wanaka Structure Plan. It would be unwise to assume that the recent slowdown in economic activity and development should affect the long term planning that has been undertaken which relies on longer term trends of growth which should be separated from shorter term economic cycles. There are other parts of the Wanaka Structure Plan that can be withheld from rezoning over coming years if longer term changes mean that the current growth projections are unlikely to be realised.

It is considered that the existing controls on Visitor Accommodation, together with market forces which are unlikely to particularly favour Visitor Accommodation in this location, will mean it is unlikely that the zone will produce an over-supply of Visitor Accommodation. As such, it is not considered that further controls on Visitor Accommodation are necessary.

It is noted that the concern regarding Visitor Accommodation is also addressed under Issue 6 and the suggestion that the residential component be subject to a separate Plan Change is addressed in more detail under Issue 4.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that no amendments be made to the amount of residential land shown on the Structure Plan or to the provision for Visitor Accommodation.

#### Reasons for the recommendations

The reasons are discussed in detail above, but in summary:

- The staging requirements, together with the market, will control where and when residential land will be developed
- Existing controls are aimed to ensure that the Medium Density Residential subzone remains predominantly residential, rather than morphing into a Visitor Accommodation area. Furthermore, Visitor Accommodation is unlikely to be a significantly desirable use within the zone, regardless of rules.

**c) Whether the proposed retail and commercial land is needed and issues of staging**

The following submitters contend that the proposed retail and commercial land is either not required at all or should be significantly reduced in scale and that, instead, it can be accommodated within the existing zoned areas:

- **Dennis Costello** (16/10/1), supported by **Shotover Park Limited** (16/10/1/1) contends that the Plan Change does nothing that can not be located within the existing zoned land (this submission seems to be focusing on commercial and retail rather than residential).
- **Helwick Holdings # 2** (16/17/1), supported by **Mount Cardrona Station** (16/17/1/1) **Shotover Park Limited** (16/17/1/2), and **Sustainable Wanaka** (16/17/1/3), suggests the plan is 10 years early.
- **Mount Cardrona station** (16/27/1, 16/27/5), partly supported by **Shotover Park Limited** (16/27/1/1, 16/27/5/1) and opposed by **Willowridge Developments Limited** (16/27/1/2, 16/27/5/2) submits that the Plan Change proposes more retail and business land than is needed (and than is supported by the Section 32 documents) and that it should only provide for industrial and large scale retail and business continuous to the existing industrial zone.
- **Chris Norman** (16/29/1), supported by **Roger Gardiner** (16/29/1/1), **Mount Cardrona Station** (16/29/1/2), **Shotover Park Limited** (16/29/1/3), **Sustainable Wanaka** (16/29/1/4) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/29/1/5) and **Willowridge Developments Limited** (16/29/1/6), contends that there is an over-supply of retail space and that more analysis of the existing zoned capacity is required and that Anderson Heights does have the capacity and ability to fulfil the retail needs proposed to be provided for by Three Parks.
- **Shotover Park Limited** (16/33/1, 16/33/7) supported by **Mount Cardrona Station** (16/33/1/1, 16/33/7/1) and opposed by **Willowridge Developments Limited** (16/33/1/2, 16/33/7/2), whilst agreeing that there may be a shortfall of available land in Wanaka for Large Format Retail (LFR), considers that the Plan Change over-estimates the demand for mixed use/ commercial/ business land and requests that the scale of commercial enabled in stage 1 be reduced and that more certainty be provided as to the scale allowed in subsequent stages.
- **Sustainable Wanaka** (16/36/1 and 16/36/2) supported by **Shotover Park Limited** (16/36/1/1, 16/36/2/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/36/1/2) and **Willowridge Developments Limited** (16/36/1/3, 16/36/2/2), submits that a further capacity study is needed of all existing retail and commercial areas in Wanaka and believe that needs can be met within these areas.

The following submitters contend that the proposed retail/ commercial re-zoning is necessary:

- **Nichols Garden Group** (16/28/1) supported by **Wanaka Hardware and Building Supplies Ltd** (16/28/1/2) and opposed by **Shotover Park Limited** (16/28/1/1), submits that sufficient land should be re-zoned to address the shortfall in land for large format retail.
- **Wanaka Hardware and Building Supplies Ltd** (16/39/1), supported by **Willowridge Developments Limited** (16/39/1/2) and opposed by **Shotover Park Limited** (16/39/1/1), submits that there is insufficient suitably zoned land for Large Format Retail (LFR) and that there is little room for expansion and potential for reverse sensitivity in the Anderson Heights business zone.
- **Willowridge Developments Limited** (16/41/3), opposed by **Shotover Park Limited** (16/41/3/1), submits that the Plan Change is necessary to meet the foreseeable retail needs of Wanaka and that 12,000m<sup>2</sup> is an appropriate amount for the first stage.
- **Willowridge Developments Limited** (16/41/16), opposed by **Shotover Park Limited** (16/41/16/1), submits that it is onerous to require 80% of the first 2 Outline Development Plans to be occupied before allowing any non residential use in the MDR (deferred mixed used) Zone and requests, instead, that requiring 80% of the first retail phase of 12,000m<sup>2</sup> to be completed will adequately ensure against the premature encroachment of commercial uses into the MDR zone.

### Discussion

Readers are directed toward Appendix 3; a report by Philip Donnelly, an economist with experience in retail issues.

The Commercial Core is designed to achieve two major functions. It will be a complementary commercial area to the Town Centre that will accommodate uses that cannot feasibly locate in the Town Centre and would be less appropriate to locate in other parts of the District. It will also serve as a local convenience area and will have the amenity to support community activity such that it will support the residential areas that are provided for as part of the Plan Change and envisaged through the Wanaka Structure Plan. Importantly, medium density residential land is designed to be predominantly within walking distance of the Commercial Core.

Large Format Retail (LFR) offers a type of shopping that relies on large amounts of floor space to display a large range of goods. While many people have concerns regarding some of the outcomes of areas devoted to LFR (which the provisions of this plan change are seeking to avoid), it remains evident that they form a popular part of the retail sector with consumers. Affordable rents are a key aspect of LFR meaning that they often find it difficult to locate on sites that are of high value (as is often the case in and around Town Centres). Large sites are also necessary, noting that large stores such as the New World supermarket and Mitre 10 are already on constrained sites that will not easily provide for expansion as their trade increases with the growth of the town. There is a lack of sites large enough, let alone at low enough land prices in the Town Centre to attract many of the larger format retailers (as shown in the attached capacity analysis, provided in Appendix 6) and alternative locations such as larger sites in business areas on Ballantyne Road and in the Anderson Heights area are not appropriate (for reasons discussed elsewhere within this report).

It is a correct observation nonetheless that there is capacity for development in and around the Town Centre and that some LFR may locate in these areas, especially if the supermarket does not remain on its current site (which it may well do). This is one of the

reasons why the provisions limit the amount of retail that can be developed in the first stage and enable such matters such as existing capacity to be further considered in all subsequent stages.

There is a question as to whether LFR need be enabled at this scale at all. It is our view that the option of simply not providing for future LFR demand in Wanaka is not appropriate. There is already a large amount of 'retail leakage' out of Wanaka. For residents it is neither convenient nor an efficient use of fossil fuels to travel long distances to other locations. Second home owners and tourists may choose to do their shopping in other locations. These patterns are already considered to be the case. Allowing more of this type of retail in Wanaka should increase the proportion of retail spend in Wanaka itself, with positive outcomes for the local economy and employment.

It is also noted that it is unlikely that the Council would be able to prevent further LFR from establishing in Wanaka but, rather, it will simply locate in less than optimal locations such as business and industrial areas (as has tended to occur to date). This will result in a dispersed retail pattern which does not have (and never will have) the critical mass or urban structure to enable comparative 'one stop' shopping in a pleasant environment. As such, it is considered more appropriate to continue to enable and actively support retail in the Town Centre (through the initiatives specified in the Town Centre Strategy) whilst also specifically providing for it at Three Parks such that retail can realistically co-locate in these two areas, which, together, will cater for the majority of retail needs.

The reasons that Anderson Heights is not considered an appropriate location for uses such as retail is discussed further under Issue 3 below. In summary, it is considered that Anderson Heights would more appropriately be focused on business, wholesale and light industrial activities. It is suggested that at the same time as enabling commercial development in Three Parks, Council needs to look at ensuring that retail does not continue to locate in significant amounts in Anderson Heights and other business areas. This is important in order to encourage the clustering of retail uses that are not expected to occur in the business areas of Ballantyne Road and Anderson Heights (due to land value or land size needs). The business area rules of Three Parks (if supported in a Council decision) may be appropriate to consider applying in these areas. Further analysis on the future of these areas will be an important to consider in the near future.

It is considered important a) to ensure that commercial and retail activity does not 'leak' into the MDR (mixed use) subzone before the Commercial Core has had a chance to establish itself and b) to ensure that such activity it not allowed to locate there as a way of circumventing the retail assessment and health check, which would be required if those same activities were being located in the Commercial Core. As such, it is considered important to impose strong deferment triggers which require the Commercial Core to have established beyond just a few LFR stores before the mixed use area is developed (i.e. the Commercial Core should include a mainstreet environment with some office space and specialty retail before non-residential uses are allowed to establish in the mixed use area). As such, in line with Shotover Park Limited's further submission, it is considered that the deferment mechanisms actually be further strengthened rather than weakened.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- The first stage of retail development be provided in the manner as notified in the Plan Change

- The assessment of subsequent stages be further strengthened through additional matters of discretion and assessment matters
- The mechanisms for deferring mixed use development in the MDR (deferred mixed use) subzone be strengthened

#### Reasons for the recommendations

The reasons are discussed in detail above but in summary:

- It is unlikely that the Council would be able to prevent further LFR from establishing in Wanaka
- The lack of large, affordable sites currently within the Town Centre will very likely result in LFR continuing to locate in other business areas and even in areas not zoned for commercial use, resulting in a dispersed retail pattern, which is considered to have significant adverse effects to the community.
- As the existing available areas are unlikely to provide a suitable location for many of the retailers, if 3 Parks does not provide such uses, there will continue to be a high level of 'retail leakage' out of Wanaka, which is an inconvenient and inefficient option
- This retail leakage out of Wanaka results in lost opportunities for Wanaka in terms of establishing a more diverse, stable, and less seasonal local economy and employment.
- It is of utmost importance that the MDR (deferred mixed use) subzone does not get prematurely developed

### **Issue 3 - The Impact of Three Parks on the Wanaka Town Centre and Character, and on Other Commercial Areas**

This discussion is further broken down into concerns raised about:

- a) The effect on the Wanaka Town Centre (including Wanaka's character and point of difference); and
- b) The effects on other commercial areas.

#### **a) The Wanaka Town Centre and Wanaka's point of difference**

##### Issue:

Many submitters are concerned that the Three Parks Plan Change enables the development of a second Town Centre which will offer a pleasant mixed use environment and that, as such, it will compete with and detract from the existing Wanaka Town Centre.

##### Original Submissions

The following submitters raise concerns that the Three Parks Zone will adversely affect the Town Centre and/ or damage the Wanaka character and its point of difference:

- **Ardmore Ltd** (16/1/1, 16/1/2, 16/1/3, 16/1/4, 16/1/5), **Noosa Holdings Ltd** (16/2/1, 16/2/2, 16/2/3, 16/2/4, 16/2/5), **Pembroke Body Corporate** (16/3/1, 16/3/2, 16/3/3, 16/3/4, 16/3/5) and **Trinity Group** (16/37/1, 16/37/2, 16/37/3, 16/37/4, 16/37/5) raise concerns in their submission that the Plan Change should include a very precise business zone which only enables LFR and custodial residential uses so as to not detract from the existing Town Centre (and its ongoing redevelopment) and in order to avoid fragmented retail/ commercial development. These submissions are

supported by **Roger Gardiner** (16/1/1/1, 16/1/2/1, 16/1/3/1, 16/1/4/1, 16/1/5/1, 16/2/1/1, 16/2/2/1, 16/2/3/1, 16/2/4/1, 16/2/5/1, 16/3/1/1, 16/3/2/1, 16/3/3/1, 16/3/4/1, 16/3/5/1), **Mount Cardrona Station** (16/1/1/2, 16/1/2/2, 16/1/3/2, 16/1/4/2, 16/1/5/2, 16/2/1/2, 16/2/2/2, 16/2/3/2, 16/2/4/2, 16/2/5/2, 16/3/1/2, 16/3/2/2, 16/3/3/2, 16/3/4/2, 16/3/5/2, 16/37/1/1, 16/37/3/1, 16/37/4/1), and **Shotover Park Limited** (16/1/3/3, 16/2/3/3, 16/3/3/3, 16/37/3/2), partly supported by **Mount Cardrona Station** (16/37/2/1) and **Shotover Park Limited** (16/1/1/3, 16/1/4/3, 16/1/5/3, 16/2/1/3, 16/2/4/3, 16/2/5/3, 16/3/1/3, 16/3/4/3, 16/3/5/3, 16/37/1/2, 16/37/2/2, 16/37/4/2), and opposed by **Shotover Park Limited** (16/1/2/3, 16/2/2/3, 16/3/2/3) and **Willowridge Developments Limited** (16/1/1/4, 16/1/2/4, 16/1/3/4, 16/1/4/4, 16/1/5/4, 16/2/1/4, 16/2/2/4, 16/2/3/4, 16/2/4/4, 16/2/5/4, 16/3/1/4, 16/3/2/4, 16/3/3/4, 16/3/4/4, 16/3/5/4, 16/37/1/3, 16/37/2/3, 16/37/3/3, 16/37/4/3).

- **Alistair Madill Architects Ltd** (16/4/1, 16/4/2), supported by **Alistair Madill Architects** (16/4/2/1), **Roger Gardiner** (16/4/1/1, 16/4/2/2) **Mount Cardrona Station** (16/4/1/2, 16/4/2/3), **Shotover Park Limited** (16/4/1/3) and **Sustainable Wanaka** (16/4/1/4) and opposed by **Willowridge Developments Limited** (16/4/1/5, 16/4/2/4), contends that the Plan Change has morphed from a residential subdivision with a second supermarket into a predominantly commercial subdivision, which will have a significant effect on the existing Town Centre.
- **Denis Costello** (16/10/1), supported by **Shotover Park Limited** (16/10/1/1), contends that the massive proportional increase in commercially zoned land will have immediate adverse effects on Anderson Heights, the lake front, Ballantyne Rd, and the smaller township areas – meaning an end to improvements in the Town Centre and the provision of convenience shopping in outer areas. He also comments that insufficient community benefits are being offered by this proposal.
- **Shaun Gilbertson** (16/13/1), supported by **Pete Bullen** (16/13/1/1) and partly supported by **Shotover Park Limited** (16/13/1/2), is concerned that unless serious consideration is given to staging then Three Parks will detract from the redevelopment of the existing Town Centre.
- **Helwick Holdings No.1 Ltd** (16/16/1), supported by **Shotover Park Limited** (16/16/1/1) and **Sustainable Wanaka** (16/16/1/2), is opposed on the basis that it will spread retail and services, resulting in a reduction in rental growth and hence, less investment and redevelopment in the Town Centre.
- **Helwick Holdings # 2** (16/17/1), supported by **Mount Cardrona Station** (16/17/1/1) **Shotover Park Limited** (16/17/1/2), and **Sustainable Wanaka** (16/17/1/3), suggests that the Plan Change is 10 years too early and that, as a result both Three Parks and the existing Town Centre may become lemons
- **Deborah Humphrey** (16/19/1), supported by **Shotover Park Limited** (16/19/1/1) and opposed by **Willowridge Developments Limited** (16/19/1/2), opposes the retail component, contending that the size of the proposed retail area (in a single ownership) will provide a disincentive for investment/ redevelopment in the existing Town Centre and impact on its viability.
- **Gavin Humphrey** (16/20/1, 16/20/2), supported by **Mount Cardrona Station** (16/20/1/1, 16/20/2/1) and **Shotover Park Limited** (16/20/1/2, 16/20/2/2) and opposed by **Willowridge Developments Limited** (16/20/1/3), opposes the inclusion of smaller retail due to its effect on the Town Centre, and requests that further retail analysis be undertaken.

- **Infinity Investment Group Holdings Ltd** (16/21/1), supported by **Shotover Park Limited** (16/21/1/1) and opposed by **Willowridge Developments Limited** (16/21/1/2), contends that the charm of Wanaka will be compromised by a 3<sup>rd</sup> centre which replicates many of the functions and that the Town Centre should be intensified rather than expanding on the fringe.
- **Greg Marshall** (16/25/1), supported by **Mount Cardrona Station** (16/25/1/1), **Shotover Park Limited** (16/25/1/2) and **Sustainable Wanaka** (16/25/1/3), contends that developing a larger separate retail area would make many businesses in the Town Centre unsustainable, introduce more franchise retail and dilute Wanaka's character and vibrancy.
- **Mount Cardrona Station** (16/27/1, 16/27/6, and 16/27/7 and 16/27/9), partly supported by **Shotover Park Limited** (16/27/1/1, 16/27/5/1, 16/27/6/1, 16/27/7/1, 16/27/9/1) and opposed by **Willowridge Developments Limited** (16/27/1/2, 16/27/5/2, 16/27/6/2), suggests that providing an over-supply of business land, enabling a mixed use community, providing for tourism and community facilities, and a range of residential uses will reduce the vibrancy of the Town Centre and result in fragmentation.
- **Linda Montgomery and Robert Facer** (16/32/1 and 16/32/2), supported by **Shotover Park Limited** (16/32/1/1,16/32/2/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/32/1/2, 16/32/2/2) and **Willowridge Developments Limited** (16/32/1/3, 16/32/2/3), contend that diverting retail into another area will not support existing retail development in the Town Centre and Anderson Heights and Ballantyne Rd commercial areas.
- **Shotover Park Limited** (16/33/6), supported by **Mount Cardrona Station** (16/33/6/1) and opposed by **Willowridge Developments Limited** (16/33/6/2), requests that the scale of the commercial development be reduced to ensure the continued amenity, vitality etc of the existing Town Centre (and notes that it does not consider the proposed staging will adequately manage such effects).
- **Sir Clifford Skeggs** (16/34/1 and 16/34/2), supported by **Shotover Park Limited** (16/34/1/2, 16/34/2/2) and opposed by **Orchard Road Holdings Limited** (16/34/1/1, 16/34/2/1) and **Willowridge Developments Limited** (16/34/1/3, 16/34/2/3), contends that the extensive Commercial Core proposed, which is double the size of the existing Town Centre, will have a significant effect on the community.
- **Sustainable Wanaka** (16/36/6), supported by **Shotover Park Limited** (16/36/6/1), submit that the emphasis should be on creating a high quality urban fabric within the three existing centres.

The following submitters consider that the Plan Change will not have an adverse effect on the character or viability of the existing Town Centre:

- **Architects Plus Ltd** (16/7/1), supported by **Willowridge Developments Limited** (16/7/1/2) and opposed by **Shotover Park Limited** (16/7/1/1) contends that the Plan Change will allow the town to grow yet allow the lake front to retain its inherent character.

- **R W Carrick** (16/9/1) contends the Plan Change will help to maintain the special character of Wanaka, the village feel, lake views, and accessibility to the lake.
- **Willowridge Developments Limited** (16/41/1) opposed by **Shotover Park Limited** 16/41/1/1) requests that the Plan Change be adopted and, amongst its reasons, states that the retail floorspace projections are unlikely to result in adverse effects on the viability and vitality of the existing Town Centre.

### Discussion

Whether enabling additional retail separate from the Town Centre will harm or help to preserve the character and vitality of the Town Centre is at the core of the opposing views of these submitters. We subscribe to the view that, provided the staging avoids an excessive over-supply of relatively cheap retail space at Three Parks which renders the Town Centre incapable of competing, and controls the number of small retail stores then Three Parks will, in fact, help to preserve the character of the Town Centre rather than to threaten it. It will provide a more appropriate location for the Large Format Retail (LFR) and, as the Town Centre nears capacity, will provide increasingly for smaller retail which simply can not fit within the Town Centre. The disadvantages of trying to cater for all projected demand within the Town Centre are well articulated in various reports (including Growth Options Study and the Growth Management Strategy). In summary, to do so would require either a significant increase in height or a significant extension of the Town Centre. Catering for demand through increases in height would only be marginally effective at meeting demand as retail and many commercial uses will not wish to locate above ground and the increase itself would have an effect on character. Similarly, extending the town brings its own issues. Aside from the fact that there are limited practical opportunities for this, extending the boundary would have an adverse effect on the walkability of the Town Centre itself and of the surrounding residential areas into the Town Centre. Furthermore, significant areas of additional parking would be required to cater for the additional floorspace in the form of on street and either surface, underground, or stack parking. With the exception of underground carparking, which may well be prohibitively expensive, the others all have adverse effects from an urban design perspective. Whilst stack parking can be well executed if 'sleaved' with buildings along the street edge(s), the potential for this within or on the edge of the Town Centre is limited by a lack of sufficiently large sites and the cost can, again, pose a barrier. In particular, the effect of LFR would significantly change the existing character of the Town Centre. Whilst it would serve as an 'anchor'; drawing locals into the centre and thus, have some positive social benefits, the adverse effects on character and on Wanaka's existing 'point of difference' are undoubtedly significant and are considered to over-ride the positives that would come from it.

A number of specific matters were raised by submitters and these are discussed in turn below.

The Council sought further urban design advice in order to address submitters' suggestions that the Plan Change should allow only for a small number of LFR premises and not for smaller retail or residential uses. The significant disadvantages of establishing an exclusively LFR centre are well outlined in the attached urban design report (Appendix 4), including the fact that creating a more mixed use environment at Three Parks is a more sustainable, higher amenity solution than would result if only LFR were allowed. That said, the urban design report does raise some concerns with regard to specialty retail and, in turn, suggests that as part of assessing subsequent stages of commercial development (beyond the initial 12,000m<sup>2</sup> of retail), matters such as the quality of the first stage, the quantity of specialty retail provided in the first stage, and whether and to what extent development other than retail uses has been undertaken within the zone, should all be

carefully considered before approving further retail stages. The urban design report also suggests improvements to the assessment matters relating to the design of the LFR to ensure that a quality mainstreet is established over time.

The Council has sought further economic advice in order to address submitters' concerns that the Three Parks Zone will reduce rental rates in the Town Centre and result in less investment and redevelopment of the existing Town Centre. It is noted that there is already a pattern of some retail uses locating in the Anderson Heights business area. It is therefore considered that the Three Parks proposal is more designed to direct uses that otherwise would locate in less suitable places such as Anderson Heights than attract uses that would more suitably locate in the Town Centre.

- In response to the submission suggesting that the Plan Change would make many businesses in the Town Centre unsustainable by introducing more franchise retail to Wanaka, and diluting Wanaka's point of difference, it is considered that such retail is likely to establish increasingly in Wanaka over time irrespective of Three Parks. In saying this, it is assumed that by franchise retail, the submitter is referring to chain stores such as "Just Jeans". The Wanaka Health check (refer 12.26.7.4(ii)(o)) actually anticipates the establishment of chain stores in the Town Centre but is careful to exclude their presence as an indicator of a 'healthy' Town Centre as it is understood that they can often sustain higher rents/ lower profit margins than could a local independent retailer.
- The outcome of the Wanaka Town Centre Health check is of utmost importance in determining the timing of further retail at Three Parks. As such, it is timely to note that pedestrian counts do not appear to have been undertaken for the Wanaka Town Centre and that this should be rectified over the coming 12 months in order to provide the necessary baseline data from which to compare future Town Centre health checks submitted with resource consent applications.
- Refer below for recommendations and the associated reasons.

**b) Other commercial areas (including Anderson Heights, Ballantyne Rd, and those in and around the townships)**

- **Linda Montgomery and Robert Facer** (16/32/1 and 16/32/2), supported by **Shotover Park Limited** (16/32/1/1, 16/32/2/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/32/1/2, 16/32/2/2) and **Willowridge Developments Limited** (16/32/1/3, 16/32/2/3), contend that diverting retail into another area will not support existing retail development in the Town Centre and Anderson Heights and Ballantyne Rd commercial areas.
- **Denis Costello** (16/10/1), supported by **Shotover Park Limited** (16/10/1/1), contends that the massive proportional increase in commercially zoned land will have immediate adverse effects on Anderson Heights, the lake front, and Ballantyne Rd and the smaller township areas – meaning an end to improvements in the Town Centre and the provision of convenience shopping in outer areas.
- **Mount Cardrona Station** (16/27/6), partly supported by **Shotover Park Limited** (16/27/6/1) and opposed by **Willowridge Developments Limited** (16/27/6/2), raises concern that allowing specialty retail at Three Parks will compete with small growing communities.

Discussion

It is evident that a considerable amount of retail and offices have located in Anderson Heights and Ballantyne Road. When considering the objectives and policies of the Business and Industrial Zones, it is clear that much of this development is not consistent with the intended purpose of these areas.

In summary, the purpose of the Anderson Heights area is to provide for light industrial, processing, storage and retailing of bulky or larger goods plus the opportunity for vehicle orientated service and retail uses. Notably, retailing of goods manufactured on site and ancillary products (up to 20% of the GFA) and of goods stored outside is permitted, retailing over 500m<sup>2</sup> Net Floor Area (NFA) is discretionary, and under 500m<sup>2</sup> NFA is non complying. As such, unless produced on site, specialty retail should not be occurring in this area.

The purpose of the Ballantyne Rd area is for industrial activities, including the retailing of goods manufactured on site and ancillary products (up to 20% of the GFA). What was intended and what has eventuated are two very different things. One can only assume that businesses were attracted to those areas due to their low rental rates (relative to those of the Town Centre) and the lack of ‘teeth’ in the rules.

It is fair comment that the establishment of Three Parks may well result in some retail moving from these two areas to Three Parks (as the layout and plan provisions will be more suitable) which may detract from those areas, but it is questionable whether it was really ever appropriate for them to locate where they did in the first place. Further assessment of the Anderson Heights area has shown that there is limited capacity for intensification and that the subdivision pattern is such that it is unrealistic to expect that LFR could be accommodated there in a manner that enables a desirable urban outcome. There are also a lack of suitable large sites, with one of the larger sites occupied by Mitre 10 already constrained (as discussed in the further submission of Wanaka Hardware and Building Supplies Ltd, submissions 16/32/1/3, 16/32/2/3).

Anderson Heights lacks sufficient parking and has access problems (such as the intersection between Plantation Road and Anderson Road). The Council also wants to avoid significant increases in traffic on Plantation Road given its role in servicing school sites. It is considered that the model of retail inter-dispersed with industrial sites leads to poor amenity and poor transport outcomes with shops not being in easy and pleasant walking distance from one another. It is considered that the establishment of a dedicated commercial area (with zoning provisions which ensure high quality design outcomes) within the Three Parks Zone is preferable to relying on the existing zones.

In summary it is not considered realistic or appropriate that these areas accommodate projected retail demand. However, it is considered important that the Council clarify the future purpose of the Anderson Heights Business Zone and the Ballantyne Road Industrial Zone and amend the provisions in order to reflect those intended functions.

It is not expected that Three Parks will compete significantly with or have any significant adverse effects on the provision or viability of convenience shopping in outer-lying townships. Those residents are likely to already do their bulk shopping in Wanaka (or other centres) and limit their local shopping to those items that they need more regularly and for which it is not worth travelling for (e.g. milk and bread). There is no intention in the Luggate, Hawea, or Cardrona Community Plans, the Mount Cardrona Station Plan Change, or the District-wide Growth Management Strategy to grow these towns to a point beyond which infrastructure (water and sewage) can be provided in a cost-effective way. No township is projected to grow to a size which would sustain a supermarket, for example. It is not commercially realistic to expect that these towns will develop significant retail centres given their size and proximity to Wanaka.

### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- The staging mechanisms be strengthened beyond just requiring a Town Centre Health Check and retail needs assessment but to also include an assessment of whether there is evidence that the 3 Parks zone is developing into an integrated mixed use community.
- The baseline reports (referred to in regard to undertaking a Town Centre health check, etc) be clearly identifiable as attachments to the Decision on Three Parks so as to be easily accessible for future reference
- That pedestrian counts be undertaken at key locations and at a variety of times and days of the week (and seasons) over the coming 12 months in order to provide important baseline data.
- The future of the business and industrial zones in Wanaka be clarified and Council consider a Plan Change be prepared to prevent inappropriate retail development in these zones.

### Reasons for the recommendations

- To zone for LFR only would result in poor urban environment.
- Increasing capacity within the Town Centre to cater for all projected demand would result in significant adverse effects on the Town Centre, which it is considered are more severe than the option of creating a 2<sup>nd</sup> Commercial Core.
- The Wanaka Town Centre and other existing or zoned commercial areas do not provide a long term solution/ location for all of the demand for LFR.
- There are significant benefits from co-locating LFR and other retail in the manner proposed, which could not be realised if the current model of dispersed retail amongst the 3 main areas (being the Town Centre, Anderson Heights, and Ballantyne Road) is continued.
- The staging mechanism in the Plan Change can avoid adverse effects on the Town Centre and enable public participation (in stages beyond the initial 12,000m<sup>2</sup> of retail) while providing certainty to the developer and community as to where retail will develop in the future.

## **Issue 4 - The Logical Expansion/Development of Land and the Integrated Development of Adjoining Land**

### Issue:

The following discussion relates to whether the proposed development of the Three Parks site will achieve logical and well-integrated development.

### Submissions received

The following submissions request that more consideration be given to the landuses on adjacent land in order to achieve more integrated and logical development.

- **Ballantyne Investments Limited** (16/8/1 and 16/8/2), (who own the land to the immediate north of Three Parks), supported by ***Ballantyne Investments Limited***

(16/8/1/1, 16/8/2/1) and **Mount Cardrona Station** (16/8/1/2) and opposed by **Willowridge Developments Limited** (16/8/1/3, 16/8/2/2), submit that the Plan Change should focus on the non-residential landuses and that the residential landuse should be the subject of a separate Plan Change which also considers that land between Three Parks and the Town Centre in order to achieve more logical staging and more integrated development.

- **Sir Clifford Skeggs** (16/34/2), supported by **Shotover Park Limited** (16/34/2/2) and opposed by **Orchard Road Holdings Limited** (16/34/2/1) and **Willowridge Developments Limited** (16/34/2/3), submits that a new Plan Change should be prepared for the whole southern Wanaka area or at least for an area determined by topography.
- **Angus and Dale Gordon** (16/14/3) request that the 'ponds' be settled before any Plan Change.
- **Linda Montgomery and Robert Facer** (16/32/1 and 16/32/2), supported by **Shotover Park Limited** (16/32/1/1,16/32/2/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/32/1/2, 16/32/2/2) and **Willowridge Developments Limited** (16/32/1/3, 16/32/2/3), submit that Three Parks would result in disjointed commercial development and greater vehicle use.
- **Marilyn Gordon and Roger Moseby** (16/24/1), supported by **Marilyn Gordon and Roger Moseby** (16/24/1/1) question whether the High Density Residential zoning over their land is appropriate and, in their further submission, request that their land be included in the Plan Change and be rezoned commercial. Whilst they mistakenly think their land is within the Three Parks Plan Change, the submission by Clifford Skeggs (16/34/2) is likely to provide the jurisdiction to include this land, if deemed appropriate to do so.

The following submissions submit that the proposal is well integrated:

- **Nichols Garden Group** (16/28/1) supported by **Wanaka Hardware and Building Supplies Ltd** 16/28/1/2 and opposed by **Shotover Park Limited** (16/28/1/1), submits that the site is the most suitable location for the activities proposed given its linkages with the urban area and roading and servicing network.
- **Orchard Road Holdings Limited** (16/31/1) opposed by **Shotover Park Limited** (16/31/1/1), intends to develop its site in accordance with the Wanaka Structure Plan and encourages the implementation of the Three Parks Plan Change so that a sustainable and efficient roading and servicing network can be established through both sites.

Note: You are also referred to the discussion under Issue 5 (regarding roading) and issue 6e (regarding notification), relating to some of the above submissions.

### Discussion

The key issue here is whether the Plan Change should:

- a) Relate only to that land shown in the Plan Change documentation (which is held in a single ownership);
- b) Be extended to include the adjoining land, the entire Southern Wanaka area, or to an area more clearly defined by topography, or

## Plan Change 16 – Three Parks Special Zone

- c) Exclude the residential land and then consider this in conjunction with the adjoining land and re-notify that as a subsequent Plan Change.

Whilst it is lawful to extend the area being re-zoned via submission, it is not generally considered to be the best process in that the community may not have realised the importance of checking the submissions and lodging further submissions on those which suggest an extension to the area.

Procedural issues relating to extending the geographic scope at this stage in the process include the fact that:

- There would undoubtedly be direct neighbours of the re-zoned land who have not been involved in the process.
- The other areas have not been assessed in the same detail as the Three Parks zone and have not been masterplanned to any extent beyond that shown in the Wanaka Structure Plan
- The additional work which would be required to prepare the Structure Plan for additional parcels of land would delay the processing of the Plan Change considerably; possibly beyond the 2 year timeframe provided in the RMA.

From a more substantive perspective, there is not considered to be any significant benefit from extending the Three Parks zone over other land within Southern Wanaka as part of this Plan Change. The reasons for this are outlined under the reasons for the recommendations, below.

However, it is acknowledged that it is logical to consider re-zoning the land north of the Three Parks zone (being Lot 2 DP 304423), owned by Ballantyne Investments, and potentially also Moseby and Gordon's property located at 124 State Highway 84, in the foreseeable future so that it can be developed in a seamless way in conjunction with the Commercial Core and adjacent residential subzone. To this end, the Council has indicated this project in its LTCCP and 2009/2010 Annual Plan.

In relation to the submission by Angus and Dale Gordon (16/14/3), it is noted that Plan Change 32, relating to the Ballantyne Ponds land, is now operative and, hence, the intent of their submission has been met (as far as it is understood). The Council will need to review the designation status and ownership issues in due course, but this is not considered to be a valid reason to delay the Three Parks Plan Change.

In response to submissions raising concerns that Three Parks would result in disjointed commercial development and greater vehicle use, it is considered that as Three Parks will enable the co-location of large and, in time, smaller retail stores and other commercial uses this will, in fact, encourage less movement between centres and generate less trips. It is noted that the current trend for LFR to locate in the business and industrial areas or in other towns is not conducive to good transport outcomes. The Wanaka Structure Plan and, in turn, the Three Parks Plan Change have been developed around a strong consideration of transport implications with the development pattern intended to facilitate public transport in the future.

It is however considered important to ensure that the arterial connections to adjacent roads and landholdings are constructed in a timely manner and, as such, it is suggested that further assessment matters be added to provide greater certainty that this will occur. This is so as to ensure connectivity of the road network and to ensure that land ownership boundaries do not lead to poor connectivity in the eventual urban form of Wanaka. It is

particularly important that the “mainstreet arterial” and the arterial which connects the mainstreet arterial to the adjoining (Ballantyne Investments) land to the north-west.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- The geographic scope of the Plan Change remain unchanged
- That a separate Plan Change be further investigated for the land to the north of the Three Parks Zone, in recognition of its close proximity to both Three Parks and the Town Centre.
- A note be added to the rule regarding compliance with the Structure Plan and an assessment matter be added in regards to Outline Development Plans in order to ensure that good connectivity is achieved in a timely manner.

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

- The revised provisions require connectivity between the site and adjoining land and, as such, will ensure greater certainty of outcome. You are also referred to the proposed amendments in Appendix 2 which are aimed at improving connectivity (which are discussed further under Issue 6g).
- The Wanaka Structure Plan provides an overall landuse pattern adopted by Council for subsequent Plan Changes within the Southern Wanaka area, which, together, will give effect to the Wanaka Structure Plan over time;
- The background Wanaka Transport and Parking Strategy (and associated modelling) assumes that the wider Southern Wanaka area will be developed in accordance with the Wanaka Structure Plan over time and concludes that there is unlikely to be any unforeseen or insurmountable transport or roading-related issues resulting from incremental development in accordance with the Structure Plan.
- There are inefficiencies (in terms of infrastructure provision, travel distances, etc) associated with ‘opening up’/enabling development on too many fronts as is likely if the zone were to cover the whole southern Wanaka area.
- Extending the scope at this stage raises concerns of procedure, as outlined above.
- Plan Change 32 (relating to the Ballantyne Ponds land) is now operative and the issue regarding the future ownership of the Ponds land is not considered relevant to the merits of the Three Parks Plan Change.

### **Issue 5 - The Appropriateness of the Structure Plan – the Layout, Green Space, and Roading**

#### Submissions received

The following are in **general support** of the Structure Plan:

- **Nichols Garden Group (16/28/1)**, supported by **Wanaka Hardware and Building Supplies Ltd (16/28/1/2)** and opposed by **Shotover Park Limited 16/28/1/1)**, submits that the Structure Plan will enable comprehensive, attractive, and efficient development.

- **Orchard Road Holdings Limited** (16/31/1), opposed by **Shotover Park Limited** (16/31/1/1), submits that the resultant masterplan takes into consideration the principles of sustainable management.
- **Wanaka Hardware and Building Supplies Ltd** (16/39/1), supported by **Willowridge Developments Limited** (16/39/1/2) and opposed by **Shotover Park Limited** (16/39/1/1), submits that the Three Parks masterplan will enable a comprehensive masterplanned approach to development.

The following submissions raise issues relating to the **open/ green space** shown on the Structure Plan:

- **Alistair Madill Architects Ltd** (16/4/1, 16/4/2), supported by **Alistair Madill Architects** (16/4/2/1), **Roger Gardiner** (16/4/1/1, 16/4/2/2) **Mount Cardrona Station** (16/4/1/2, 16/4/2/3), **Shotover Park Limited** (16/4/1/3) and **Sustainable Wanaka** (16/4/1/4) and opposed by **Willowridge Developments Limited** (16/4/1/5, 16/4/2/4), submits that there is little zoned open space and that the green network is non-existent.
- **Chris Norman** (16/29/1, 16/29/2, 16/29/3), supported by **Roger Gardiner** (16/29/1/1, 16/29/2/1, 16/29/3/1), **Mount Cardrona Station** (16/29/1/2), **Shotover Park Limited** (16/29/2/2, 16/29/3/2, 16/29/1/3), **Sustainable Wanaka** (16/29/1/4) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/29/1/5) and **Willowridge Developments Limited** (16/29/1/6, 16/29/2/3), suggests that more green space is required to be shown on the Structure Plan and expresses concern that the greenspace buffer does not extend the full length of the boundary with SH84 and that visitor accommodation and high density residential are able to directly abut SH84. He also notes that there is inconsistency between the various maps in the Plan Changes, one of which suggests that the business mainstreet abuts the SH84.
- **Sustainable Wanaka** (16/36/1 and 16/36/2) supported by **Shotover Park Limited** (16/36/1/1, 16/36/2/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/36/1/2) and **Willowridge Developments Limited** (16/36/1/3, 16/36/2/2), submits there is insufficient, well-designed and well-located green space.

The following request amendments to the **roading** shown on the Structure Plan:

- **Firth Industries** (16/11/1, 16/11/2) supported by **Shotover Park Limited** (16/11/1/2, 16/11/2/2) and opposed by **Orchard Road Holdings Limited** (16/11/1/1, 16/11/2/1) and **Willowridge Developments Limited** (16/11/1/3, 16/11/2/3), request a change to the location of the intersection with Ballantyne Road.
- **NZ Transport Agency** (16/30/3), opposed by **Firth Industries** (16/30/3/1) and **Willowridge Developments Limited** (16/30/3/2), requests that the Council consider the necessity (and staging) of the intersections onto Riverbank Rd and is concerned about the effect of the intersections on the level of service of the road.
- **Wanaka Residents Association** (16/40/1) supports the concept of the Plan Change but requests that the plan is revised so that the Commercial Core is focussed on and served by local and collector streets and the local access function of the arterials is minimised to enable them to operate safely and effectively.

- **Willowridge Developments Limited** (16/41/2), opposed by **Shotover Park Limited** (16/41/2/1), submits that greater flexibility be allowed in the location of the arterial and collector roads;

The following submitters suggest that **amendments to the subzones and other general amendments** shown in the Structure Plan may be appropriate:

- **Angus and Dale Gordon** (16/14/1/ and 16/14/2), supported by **Shotover Park Limited** (16/14/2/1), contend that the mish-mash of uses needs to be refined and more dialogue is needed and, in turn, request that the application be declined.
- **Marilyn Gordon and Roger Moseby** (16/24/1), supported by **Marilyn Gordon and Roger Moseby** (16/24/1/1) question whether the High Density Residential zoning over their land is appropriate and, in their further submission, request that their land be included in the Plan Change and be rezoned commercial. You are also referred to the discussion of this submission under Issue 4.
- **Willowridge Developments Limited** (16/41/7, 16/41/8), opposed by **Shotover Park Limited** (16/41/7/1,16/41/8/1), submit that the order of residential development on the Indicative Staging Map 2 is amended so that '2' becomes Stage 3 and '3' becomes Stage 2; and that the 'Southern Wanaka Structure Plans' contained on pages G10 and G11 of the Plan Change be renamed 'Three Parks Structure Plan'.
- **Mount Cardrona Station** (16/27/7), partly supported by **Shotover Park Limited** (16/27/7/1) request the deletion of the Tourism and Community Facilities subzone.
- Similarly, **Sustainable Wanaka** (16/36/1 and 16/36/2) supported by **Shotover Park Limited** (16/36/1/1, 16/36/2/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/36/1/2) and **Willowridge Developments Limited** (16/36/1/3, 16/36/2/2), submits that the Three Parks Plan Change conflicts with the Wanaka Town Centre Strategy which is to incorporate community facilities and places of assembly in or near the Town Centre and question the need for additional facilities over and above what is planned for in or near the Town Centre.
- **Ballantyne Investments Limited** (16/8/2), supported by **Ballantyne Investments Limited** (16/8/2/1) and opposed by **Willowridge Developments Limited** (16/8/2/2), submit that residential development should be the subject of a subsequent Plan Change citing, as one reason, that there should be a more logical staging of development rather than allowing development to leap frog out from the Town Centre. Whilst Willowridge oppose the relief they seek regarding removing the residential component from the Three Parks Plan Change, they are similarly suggesting that the residential closer to the Town Centre should be developed before some of the outer-lying land

### Discussion

No specific discussion is considered necessary in response to those submissions in general support of the Structure Plan and that which requests a simple change to the title of the Structure Plan (which is accepted). The remaining issues are discussed in turn.

A number of submitters raise issues relating to the lack of **open/ green space** shown on the Structure Plan.

A conscious decision was made at the time of drafting to show only the existing notable landscape features and the strategically important green space adjacent to the State Highway on the Structure Plan, whilst relying on the Outline Development Plan process to identify all other green spaces and the wider green network. This approach is considered preferable to showing all such green spaces on the Structure Plan as the location, size, and function of such spaces and networks will be fundamentally influenced by the specific landuse, densities, and local roading network in the immediate vicinity, which will all be determined at the time of the Outline Development Plan. For example, it is considered unrealistic to plan the exact location of a high density node on the Structure Plan yet when its location is determined it will be important that it is in close proximity to a green space of a suitable size and design. Rather, it is considered more appropriate to retain discretion over open spaces and networks at the Outline Development Plan stage (12.26.4.5(i)(c)) and, in more detail, at the time of building (when matters such as landscaping, the treatment of the public/ private interface, and streetscape design are further considered). This discretion is supported by assessment matters which specifically require roading layouts to be pedestrian and cycle friendly (refer 12.26.4.5(ii)(a)-(d)) and provide clear guidance as to the design, location, size, connectivity, and function of open spaces (refer 12.26.4.5(ii)(l) – (q)).

Chris Norman expresses concerns that the greenspace buffer does not extend the full length of the boundary with SH84 and that visitor accommodation and high density residential are able to directly abut SH84. He also notes that there is inconsistency between the various maps in the Plan Changes, one of which suggests that the business mainstreet abuts the SH84. It is unclear what inconsistencies Mr Norman is referring to, however he is invited to point this out when speaking at the Hearing. He is correct that there is an area of business zoning that abuts SH84. Although not expressly stated in the Plan provisions, this small area of business zoning is specifically to accommodate a service station. The reason for providing for a service station in a high profile location, which is highly visible from the State Highway is to enable either of those that currently exist in the Town Centre to move, should they wish to. This is consistent with the objectives of the Draft Wanaka Town Centre Strategy to increase the active street frontage along Ardmore Street and to generally make it more pedestrian-friendly. It is noted that the reason for not including specific provisions was that it was considered to be more efficient, more defensible, and provide more certainty to limit use through a legal agreement with the developer. This matter was canvassed previously in the Three Parks Discussion Document.

A number of submitters request amendments to the **roading** shown on the Structure Plan.

In response to the request to shift the **intersection of the arterial road and Ballantyne Road**, the Council commissioned a further traffic assessment relating specifically to this intersection. This is included as Appendix 5 of this Planner's report. As a result of this further analysis, it is concluded that the intersection point can remain in its current position (+/- 20m) on the basis that safety issues can be adequately mitigated through careful intersection design. That said, it will be highly beneficial for all landowners within that 40 m stretch of road to work together in order to reach the best possible outcome and, as such, it is recommended that limited notification be enabled in respect of this particular issue.

With regard to whether two **intersections onto Riverbank Road** are necessary and the effects these may have on the service levels of Riverbank Rd, it is considered that two connections is a reasonable compromise between having at least three (as favoured by Urbanism+; urban designers preparing the Structure Plan) and none (as favoured by the NZTA, in the interests of maintaining an efficient arterial road). A report specifically

addressing this issue was attached to the Section 32 Report. Foreseeable issues with limiting the number of accesses onto the arterial include:

- The consequent need for a number of cul de sacs in order to access this part of the site.
- A large number of sites 'backing' onto the arterial road and, as a result, fencing off of their properties visually from the road, resulting in the potential for undesirable visual effect along the road

Whilst such potential issues are considered to be manageable if two accesses are retained (through design control for example), they would be significant if the number of accesses were further reduced. The matter of deferring the staging of this area and, hence, the roading to a later stage is considered in the discussion below regarding residential staging.

In response to the suggestion that the **Commercial Core should be focussed on and served by local and collector streets rather than the arterials** it is considered important that the buildings and public spaces front onto a relatively busy mainstreet in order to contribute to its vitality and vibrancy and to enable the area to evolve into a pleasant Commercial Core over time. Having considered the comments made in the urban design report (Appendix 4) and the Traffic Impact Assessment (November 2008), prepared at the time of drafting the Plan Change), it is considered that even though there will be some congestion within the Commercial Core (and, as a consequence, some diversion of traffic along collector routes), it will function effectively as a vibrant and pleasant mainstreet. Whilst numerous assessment matters relating both to the Outline Development Plan (e.g. (12.26.7.4(ii)(e)(j)) and buildings (e.g. 12.26.7.4(vi)(d)), clarify the expectation that vehicle access points and parking are shared between buildings and that buildings are serviced from the side or rear, a number of additions are recommended in order to further stress the importance of minimising vehicle access onto the mainstreet.

In response to the suggestion that **the location of the arterial and collector roads** be allowed to move up to 50m, it is considered that for specific reasons it may be necessary and/ or highly beneficial to allow such roads to be moved by this amount. It is therefore recommended that the provisions are amended to reflect this.

Regarding the submission of Angus and Dale Gordon, it is not considered that the Plan Change provides for a **mish-mash of uses** but rather that the integration of the various uses has been considered in detail in order to provide high quality urban environments. There has been extensive consultation leading to the Wanaka Structure Plan and the Three Parks Plan Change (as recorded in the Section 32 Report) and it is therefore considered there has been sufficient **dialogue**. Regardless, the process continues and the submitters have the opportunity to express their views directly to the commissioners at the Plan Change hearing.

In response to the submission that the land at **124 SH 84** be included in the Zone and re-zoned commercial, you are referred to the discussion under Issue 4

It is considered appropriate to amend the **residential staging** generally in the manner requested by Willowridge, such that stage 3 becomes stage 1 (able to developed at the same time as the other Stage 1 residential area) and that stage 2 remains unchanged but that the MDR (deferred mixed use) subzone be included in Stage 2. As a consequence, whilst the request by NZ Transport Agency that the residential land adjacent to Riverbank Rd be included in a later stage is rejected, by allowing another area to also be developed as stage 1, this may have the indirect effect of deferring development adjacent to Riverbank Rd, depending on the market. Furthermore, it is not considered necessary to remove the

residential component from the Plan Change entirely as requested by Ballantyne Investments Limited. The reasons for amending the staging are that:

- This will provide a catalyst for the mainstreet arterial to be developed within a reasonable timeframe
- This will provide for a mixture of housing (types and affordability) in early stages, with stage 1 being LDR and stage 2 being both LDR and MDR
- This will be efficient in terms of infrastructure in that commercial will require servicing to be provided in this area regardless and this way, development is not being “opened up” on too many fronts
- This will be more consistent with objective 3, policy 3.3, which is “to ensure development is staged in a manner which results in a logical progression of development, the cost effective provision of infrastructure, an appropriate mix of uses, and a consolidated urban form”.
- This will enable a neighbourhood of reasonable density to be developed in the early stages which is within walking distance of the Commercial Core and relatively close to the Town Centre.
- This will provide for earlier development closer to the existing town and should provide for connectivity with the area proposed to be urbanised to the north of the plan change site.
- Whilst it is acknowledged that it may be a challenge to make medium density housing attractive to the market until some amenities/ services are established in the area (primarily in the Commercial Core) the risk of the area simply being developed as LDR (as the easier option), is protected against through the discretionary nature of the Outline Development Plan and the target densities specified in the assessment matters (12.26.4.5(ii)(k)).
- As non-residential uses are deferred in the mixed use precinct if the residential were to be developed in an earlier stage, then there is a risk it will be developed as entirely residential which may be a lost opportunity (as unlikely to be able to convert effectively later). As such, this area should be retained in Stage 3.

Two submissions question the appropriateness of the **Tourism and Community Facilities subzone**/ enabling community facilities at 3 Parks, citing that the existence of the zone will contribute to undermining the Town Centre. Whilst the submitter’s concerns are understood, it needs to be borne in mind that the Wanaka Town Centre Strategy provides clear direction that the Town Centre will be continue to fulfil the function as the area’s civic heart, which presumably means that, in adopting the document (which has not yet occurred), the Council will be committing to retaining its civic facilities there. Council has a key role with regard to investment in community facilities, and the policy adopted in the Town Centre Strategy would indicate that the Council will look take account of effects on the Town Centre as part of future investments in community facilities.

The plan change is reasonably enabling in that it is not prescribing the exact uses that might make use of the sub zone. It is not beyond possibility that the Council would develop the site for community facilities but it seems more likely that another party (of the private or public sector) would make use of the zoning. That said, strategic decisions relating to, for example, the location of centralised recreational facilities have yet to be determined. The site could also be an appropriate location for educational facilities in the future. Furthermore, there is only one obvious site within the High Density Residential zone which is large enough and has the appropriate zoning to accommodate a hotel and conference facilities and, as such, it is considered appropriate to enable such a facility to be developed within this subzone, in order to provide for this possibility in the future.

It is considered that the type of buildings and the large areas of open space which tend to go with such uses, coupled with the provisions regarding landscaping and design, will provide an appropriate 'soft' transition from the State Highway into the Commercial Core and the other development areas beyond. Indeed, it is the appropriateness of this built form as an entrance to the Commercial Core and wider Zone that was a key determinate in the decision to provide for the area shown. You are also referred to the comments on this matter contained in the urban design report attached as Appendix 4.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- Limited notification be enabled regarding the design of intersection of the main arterial and Ballantyne Road in order to ensure an optimal outcome is achieved.
- The rules are amended to allow movement of the collector and arterial roads up to 50 m, that the intersections of the arterial roads (within the zone) are shown as fixed on the Structure Plan, that additional assessment matters are added providing guidance as to when such movement is likely to be appropriate and to state that movements more than 20m will not normally be expected, and adding a policy to strengthen the fact that movement by more than 50m is considered to significantly affect the integrity of the Structure Plan.
- The Moseby and Gordon land is not included within this Plan Change.
- The residential staging be amended such that 3 becomes 1 (so the timing is the same as for the southern-most residential area) and that stage 2 remains unchanged, other than to be expanded to include the MDR (mixed use) subzone.
- Two accesses are retained onto Riverbank Rd
- The mainstreet arterial is retained through the Commercial Core but with additional assessment matters.
- The Tourism and Community Facilities subzone be retained
- The Structure Plan be reproduced in a clearer format and enlarged for inclusion in the District Plan

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

- To enable a superior outcome in terms of safety and efficiency along Ballantyne Rd.
- To ensure a good urban design outcome, whilst still retaining good efficiency along Riverbank Rd.
- To ensure a good mainstreet condition through the heart of the Commercial Core.
- To enable a practical and efficient development of the main roads within the zone whilst still retaining the integrity of the Structure Plan and as much certainty of outcome as possible
- The amended residential zoning is more efficient and provides greater residential diversity, reduced travel distances and greater walkability.
- Rezoning of the Gordon and Moseby land is more suitably considered for inclusion in any subsequent Plan Change to rezone the land to the north of the Three Parks Zone.

### **Issue 6 - The Appropriateness of Specific Provisions, Objectives, and Policies**

This discussion is further broken down as follows:

- a) The LDR subzone rules in their entirety
- b) Bulk and location
- c) Urban design
- d) Activity status
- e) Sustainable design and construction
- f) Notification
- g) Transportation issues, including roading, cost sharing and Travel Demand Management (TDM)
- h) Affordable Housing

**a) The Low Density Residential (LDR) subzone rules in their entirety**

Issue:

The issue is whether establishing an entirely new set of provisions for the LDR subzone of the Three Parks subzone is more appropriate than simply applying the existing LDR provisions that exist for the rest of the district.

Submissions received:

The **Wanaka Residents Association** (16/40/2) is opposed to the LDR subzone rules in their entirety as it believes that the existing LDR rules operate satisfactorily and there is little benefit in introducing another set of rule.

Discussion

It is considered that if the LDR zone were functioning effectively and achieving good environmental outcomes, then it would be most appropriate to simply apply those provisions to the Three Parks area. Regrettably, the following problems are evident in the LDR zone:

- Houses being well set back from the street and living areas often not having any relationship to the street which, together, limit the ability for passive surveillance of the street.
- Garages within front yards (and, hence, dominating the streetscape and limiting opportunities for passive surveillance).
- A minimum lot size which inevitably results in a high level of homogeneity
- A large number of cul de sacs in all but the oldest residential areas of Wanaka
- A large number of rear lots created through the initial subdivision and through infill
- High fences being erected on street boundaries, presumably in order to provide privacy and safety to outdoor living areas but compromising the outcomes in the street
- Visitor Accommodation (including large scale visitor accommodation) being allowed to establish in the LDR zone; noting that only one has ever been declined (and that was in Queenstown even that one was eventually granted at a smaller (although still significant) scale). There are considered to be a number of advantages in providing more certainty in the location of visitor accommodation.
- Comprehensive Residential Developments and residential flats in multi unit developments resulting in far greater density than envisaged in the LDR zone and in areas not necessarily well suited to such density.

It is considered that it would be a backward step to apply the current LDR zone provisions, knowing that better urban design can be achieved through better design control.

It is also noted that some newly zoned areas have their own, unique residential provisions (e.g. Jacks Point, Millbrook, Cardrona, the new development areas of Remarkables Park) while others have applied the existing LDR provisions (e.g. Peninsula Bay, Kirimoko, albeit with some site specific modifications in many cases) the older areas of Remarkables Park. The points to highlight from this is that there is no set approach within the district and that there are already a large number of different residential provisions in the District Plan.

The intention of the Three Parks LDR subzone rules is to develop a set of rules that is superior to those which currently exist in the LDR zone. It is noted that if it is felt the outcomes are more appropriate the rules could in time also be applied on a wider basis throughout parts of the LDR zone, by way of a subsequent Plan Change.

**b) The appropriateness of provisions relating to bulk, location, and external appearance**

Issue:

The Plan Change proposes bulk and location rules that are quite different from those in other parts of the Plan, with the sole intention being to create a better urban outcome.

In addition to the below discussion, you are referred to the Urban Design Report prepared by Council's urban designer, attached to this report as Appendix 4.

Submissions received:

A number of Submissions were received relating to the appropriateness of specific bulk and location rules:

- **Wanaka Residents Association** (16/40/3), opposed by **Willowridge Developments Limited** (16/40/3/1), submit that Performance Standard 2 (relating to front setbacks, living areas facing streets, and maximum fence heights in the LDR zone) is unduly restricting the ability to achieve maximum solar gain.
- **Wanaka Residents Association** (16/40/4 and 16/40/6) oppose Performance Standards relating to building height and height in relation to boundary in both the MDR and LDR subzones, considering these standards to be less restrictive than the current rules, which will reduce amenity and result in uncertainty for neighbours.
- **Wanaka Residents Association** (16/40/7, 16/40/8, and 16/40/9), supported by **Pete Bullen** (16/40/9/1) in relation to height in the Commercial Core, oppose the Performance Standards relating to building height in the Business subzone, the Tourism and Community Facility subzone, and the Commercial Core subzone considering that the proposed heights are unjustified and will unduly dominant the landscape and be out of scale with other development in Wanaka.
- **Denis Costello** (16/10/1), supported by **Shotover Park Limited** (16/10/1/1) and **Chris Norman** (16/29/1), supported by **Roger Gardiner** (16/29/1/1), **Mount Cardrona Station** (16/29/1/2), **Shotover Park Limited** (16/29/1/3), **Sustainable Wanaka** (16/29/1/4) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/29/1/5) and **Willowridge Developments Limited** (16/29/1/6), are opposed to the Commercial Core and both comment that the 15m height, coupled with the 100%

coverage in Commercial Core is more liberal than in the Town Centre and will further erode the Town Centre's ability to compete.

- **Allenby Farms Limited** (16/5/1) supported by **Willowridge Developments Limited** (16/5/1/2) and opposed by **Mount Cardrona Station** (16/5/1/1), supports aspects relating to outdoor living sections and provisions requiring houses to be designed to optimise energy efficiency, and creation of pedestrian links.
- **RW Carrick** (16/9/2) supports the Plan Change but requests that the Council ensure that colours such as bright orange and blue are avoided on the 'big sheds' that will no doubt be needed.
- **Willowridge Developments Limited** (16/41/15), opposed by **Shotover Park Limited** (16/41/15/1), request that the 3 m setback for non-residential buildings be removed and replaced with an assessment matter.

### Discussion

In response to Wanaka Residents Association's submission opposing the provisions regarding **front setbacks, living areas and front fence height**, it is considered that these rules will produce a quality urban outcome, whereby there is a strong connection between the street and the dwellings. That said, it is agreed that, collectively, the provisions restrict the ability for some houses (particularly those which are located on the south side of streets) to maximise solar gain and that even with a good street layout, such properties can not be entirely avoided. The attached urban design report therefore concludes that the provisions are fundamentally appropriate but that a compromise that enables a portion of the house to be further set back with a higher fence along that portion of frontage should be enabled for houses located on the south side of streets. It is also recommended that the rule refer to "living area" rather than living room so that it is consistent with the existing definitions of the District Plan. These matters are discussed in detail in the urban design report attached as Appendix 4.

Regarding Wanaka Residents Association's submission relating to **building height and height in relation to boundary in both the MDR and LDR subzones** it is considered prudent to add a maximum height (albeit generous) in order to enable ample variation in design yet providing added protection against abuse of the rule. This matter is discussed in detail in the urban design report attached as Appendix 4.

Regarding concerns relating to the **15m height restriction in the Commercial Core Subzone**, it is considered appropriate to reduce this to 12m and to impose an additional rule limiting buildings to 3 storeys, for the majority of the Commercial Core. However, in order to encourage a greater intensity around the mainstreet (and to make buildings which require lift access more viable) it is also recommended that a proportion of buildings that face the mainstreet and that are within 200m of the intersection with the eastern arterial may extend to 15 m provided they are not greater than 4 stories. It is considered that the amended provisions will result in a scale of the built form is not out of scale with the Wanaka Town Centre whilst encouraging a diversity of roof forms. Adding the limitation on the number of storeys raises the concern that underground carparking may inadvertently be discouraged as such carparks would be considered to be a "storey" under the notified definition. This is seen to have unintended adverse consequences from an urban design perspective and, as such, it is recommended that the definition be amended to exclude underground carparks from the definition of "storey". It is also important to clarify, through assessment matters, that height is not intended to be used simply to create overly high

surrounding parapet walls in order to create a visual presence well in excess of what is required to contain their internal volumes. This matter is discussed in detail in the urban design report attached as Appendix 4.

Regarding concerns relating to the **10m height restriction in the Business Subzone** (and 8m maximum within 3 m of a road boundary within the subzone outside of the mainstreet precinct), it is considered that the height is an appropriate maximum but that greater certainty will be gained by adding a maximum number of storeys to the rule (being 3 and 2, respectively). This matter is discussed in detail in the urban design report attached as Appendix 4.

Regarding concerns relating to the **12m height restriction in the Tourism and Community facilities subzone** it is considered that the type of buildings that are intended to locate there (such as schools, recreational buildings, conference facilities and visitor accommodation) may require this sort of height and that the effect of such height will be mitigated by the very low building coverage (40%) and the requirement at the ODP stage to show how the building platforms and proposed landscaping will provide an open landscaped entrance into the 3 parks zone. That said, it is considered appropriate to specify a maximum height and maximum number of storeys for all buildings (whereas, as notified, residential buildings were not subject to a maximum height). This matter is discussed in detail in the urban design report attached as Appendix 4.

Furthermore, in regard to all the height rules, it is recommended that an additional zone-wide policy be added to ensure against applicants successfully arguing that 4 storeys within the maximum height limit will have no greater effect than 3, for example.

With respect to the concerns raised relating to the **100% coverage rule in the Commercial Core**, it is considered appropriate to retain this in order to enable a consolidated urban form to develop. It is also noted that an appropriate amount of usable and well-located open space and streetscape treatment/ landscaping is required to be identified at the ODP stage. It is considered more appropriate to identify such spaces at a macro level rather than on a site by site basis, which can often result in spaces which are not required, are poorly located, and raise safety concerns (and, hence, end up being under-used and often unkempt). This matter is discussed in detail in the urban design report attached as Appendix 4.

The concern about **the use of bright, presumably often corporate, colours** on buildings is most relevant in the business and Commercial Core subzones and, to a lesser extent, in the tourism and community facilities and residential subzones. In the Commercial Core and tourism and community facilities subzones buildings can either be approved as part of a Comprehensive Development Plan or subsequent to an Outline Development Plan and, either way, the design of the building, including its colour, is subject to a restricted discretionary resource consent. In the Business subzone, where such use of colour is perhaps most likely, buildings are subject to restricted discretionary resource consent along the mainstreet and require a controlled resource consent elsewhere. Whilst matters of control/ discretion in all subzones include “external appearance” and, in most, specify “signage” as part of that, neither the matters of control/ discretion or the assessment matters expressly state that the colour of the building may be a concern. As such, it is considered appropriate to clarify that building colour may be considered as part of assessing external appearance.

In response to the request from Willowridge Developments Limited it is considered appropriate to remove the **3 m setback for non-residential buildings** in residential zones (and replace it with an assessment matter) as such buildings are a restricted discretionary

activity, regardless of the site standard and assessment matter 12.26.4.5(viii)(c) provides sufficient guidance as to the sort of buildings that might be suitable close to the road edge (such as a corner dairy) and those that would not.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that amendments be made to:

- Amend the performance standard regarding front setbacks in the LDR subzone to enable a portion of houses on the south side of roads to be further set back with a higher fence within the road setback along that portion of frontage and to also add an explanatory diagram if necessary.
- Amend the performance standard regarding glazing in the LDR and MDR subzones to refer to “living area” rather than “living room” so that it is consistent with the existing definitions of the District Plan.
- Reduce the height for the majority of the Commercial Core, add a maximum number of storeys (exempting underground carparks), and retaining the notified maximum height for a small portion of buildings in the core of the mainstreet.
- Include both a maximum number of storeys and a maximum height in the Business and Tourism and community facilities subzones.
- Add a maximum height to the LDR and MDR height rule
- Add a zone-wide policy relating to height and ensuring against the abuse of the rule relating to a maximum number of storeys
- Clarify that building colour is a consideration when assessing external appearance.
- Remove the performance standard relating to setbacks for non-residential buildings in the residential subzones.
- In all other instances, it is recommended that the notified provisions are retained

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

- To improve the urban design outcomes and certainty by strengthening the provisions
- To ensure that the scale (especially in the Commercial Core) is more consistent with scale of built form in Wanaka whilst still encouraging an intensity of development (as opposed to sprawl) and allowing for variation and cost efficient design and construction
- To provide greater certainty of outcome in regards to height and avoid abuse of the rules.

#### **c) The appropriateness of the provisions relating to ‘big picture’ Urban design matters**

##### Issue:

At a macro level, various submitters question whether the Plan Change will result in a good urban design outcome and, more specifically, some raise concern about the sort of layout that the Plan Change will enable.

In addition to the below discussion, you are referred to the Urban Design Report prepared by Council’s urban designer, attached to this report as Appendix 4.

Submissions received

Two submissions were received relating to whether the Plan Change, as a whole, will result in good Urban Design:

- **Infinity Investment Group Holdings Ltd** (16/21/2), supported by **Shotover Park Limited** (16/21/2/1) and opposed by **Willowridge Developments Limited** (16/21/2/2), submits that the proposal ignores the principles of good urban design and there is no specialised Urban Design report.
- **Shotover Park Limited** (16/33/1, 16/33/5), supported by **Mount Cardrona Station** (16/33/1/1, 16/33/5/1) and opposed by **Willowridge Developments Limited** (16/33/1/2, 16/33/5/2), submits that the Plan Change enables a poorly designed and poorly landscaped 2<sup>nd</sup> Town Centre and that there is no Urban Design report and, in turn, requests that new objectives, policies, and rules that require good urban design be introduced.
- **Willowridge Developments Limited** (16/41/4), opposed by **Mount Cardrona Station** (16/41/4/1) and **Shotover Park Limited** (16/41/4/2), seek to retain various policies and objectives that enable 12,000m<sup>2</sup> of retail space to be established in stage 1 of the Commercial Core and which acknowledge that the quality of the urban design will improve over time as smaller retail etc are established.

A number of submissions were received relating to rules aimed at ensuring an appropriate subdivision layout and street network:

- **Wanaka Residents Association** (16/40/5), opposed by **Willowridge Developments Limited** (16/40/5/1), are opposed to restrictions on cul de sacs, considering that connectivity is important primarily for non-vehicular movement and that excessive connectivity in the roading can lead to grid layouts and associated problems.
- The **Wanaka Residents Association** (16/40/14) request that a minimum lot size of 500m<sup>2</sup> be applied in the LDR subzone.
- **Willowridge Developments Limited** (16/41/10, 16/41/11, 16/41/12, and 16/41/13), opposed by **Shotover Park Limited** (16/41/10/1, 16/41/11/1, 16/41/12/1, 16/41/13/1), are opposed to the total restriction on rear lots in the MDR subzone, requesting that up to 10% of lots to be rear lots in the MDR subzone, in order to maximize development efficiency.
- **Willowridge Developments Limited** (16/41/2), opposed by **Shotover Park Limited** (16/41/2/1), request that the rules be amended to enable greater variation of arterial and collector roads. This matter is discussed and recommendations made under Issue 5.
- **Allenby Farms Ltd** (16/5/1) supported by **Willowridge Developments Limited** (16/5/1/2) and opposed by **Mount Cardrona Station** (16/5/1/1), supports the requirement for a) houses and lots to be designed in order to optimise energy efficiency and b) for the creation of pedestrian links.

You are also referred to discussion under Issue 5, which addresses submissions relating to the appropriateness of the roading layout etc shown in the Structure Plan itself.

## Discussion

In response to those submissions from Infinity and Shotover Park, as summarised above, **achieving good urban design** was a fundamental concern in the preparation of the Plan Change. In addition to the following discussion, you are referred to the urban design report, included as Attachment 4. The resultant Plan Change incorporates a mix of both prescriptive rules and discretionary activities which, together with objectives and policies and extensive assessment matters and diagrams, attempt to provide significantly more urban design guidance than exists in any other part of the District Plan. The lengths to which the Plan Change goes in terms of design control, travel demand management, and discretion at the Outline Development Plan stage is unprecedented in this district. That said, this report recommends a number of changes in response to various issues which, collectively, will provide added certainty that a good urban design outcome will be achieved. One matter that is addressed here rather than under a specific issue (i.e. Issues 6b – 6g) is a concern regarding the strength of the site standards relating to the LDR and MDR subzones. The concern is that applicants may think that if the affected parties sign off on a breach of the standards relating to road setbacks, fences, outdoor living, and glazing for example then that is the effects dealt with. This is not considered to be the case as the effect of such breaches is seen to have a significant impact on the overall outcome and character that is intended for the residential area. As such, it is considered prudent to add a specific policy stating what the Council is aiming to achieve through these various rules, in order to ensure that it is understood that the potential or actual effects of breaching such rules goes well beyond the immediate neighbourhood but, rather, threatens the ability to achieve the desired outcome for the residential area, as a whole.

Specifically in respect of comments that the Plan Change enables a **poorly designed and poorly landscaped second Town Centre**, it is considered that the restricted discretionary resource consent required for the Outline Development Plan and for all subsequent buildings are appropriate methods of ensuring good design and landscaping. Such matters are included in the matters of discretion and clear direction as to what is expected is provided through the assessment matters, which include an expectation that views are preserved; that buildings and landscape dominate the streetscape; that carparks themselves should be landscaped; and that the amount and type of open space proposed is appropriate. The Council will not normally approve an Outline Development Plan unless open space is provided in appropriate forms and locations and that crime prevention be considered in landscaping plans. That said, a number of improvements are recommended to the policies and assessment matters in order to provide more guidance regarding LFR in the early stages of development (including removing the suggestion that it is appropriate to locate carparking in the setback between the road and the building).

It is also noted that Shotover Park Limited, along with other submitters, may have misinterpreted the provision that enables the first 12,000m<sup>2</sup> of retail as a permitted activity to mean that the built form and layout etc would also be permitted. This is not the case; with restricted discretionary resource consents required for the Outline Development Plan and subsequent buildings. It is considered prudent to clarify this by way of a note in the rules.

The discussion relating to the fact there is no specialist **Urban Design report attached to the S 32 report** is discussed under Issue 8.

In response to concerns regarding **restrictions on cul de sacs**, it is considered that the strict limitations on cul de sacs should be retained in order to minimise travel distances, minimise congestion at key intersections (by spreading the traffic across a grid system),

improving pedestrian and resident safety. This matter is discussed in detail in the urban design report attached as Appendix 4.

In response to concerns regarding the **lack of minimum lot sizes**, it is worth first noting how the notified provisions deal with the issue of residential density. There is a policy (6.11) which clarifies that some variation in densities is encouraged, there is a rule specifying that no more than 1 unit per site is allowed, residential density is a matter of discretion at the ODP stage, and the assessment matters for ODP's direct one to assess whether Council's target densities are achieved. The Assessment Matter lists the target densities as being 10 units per hectare in LDR plus 15 residential units per hectare on any identified multi-unit developments sites within the LDR subzone (+/- 5%) with a target that 15-20% of all units in the LDR subzone being within multi-unit-developments. The result of the above targets is generally less dense than would be enabled by having a 500m<sup>2</sup> minimum lot size, albeit that it would be interspersed with nodes of higher density. In order to improve the certainty that these target densities will be achieved, some minor amendments are recommended to the Policy (6.11) and the Assessment Matter.

As detailed in the attached Urban Design Report (Appendix 4), the **issues associated with rear lots** (such as reduced privacy, lost opportunities in terms of buildings addressing streets and the public realm, and reduced levels of safety) become more problematic with increases in density and are far more difficult to avoid or mitigate. In addition, the nature of greenfields medium density development, which will presumably involve whole blocks being comprehensively designed, is such that it should not be necessary to create rear lots. As such, the reduction in achievable density (resulting from preventing rear lots from being established) is considered justified by the improvements in the final outcome. It is therefore considered appropriate to retain rear lots in the MDR subzone as a non-complying activity.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- The policies and assessment matters be amended in order to provide more guidance regarding LFR in the early stages of development.
- A note is added in the rules to clarify that all stages of development in the Commercial Core are subject to restricted discretionary consent for both the Outline Development Plan and the building.
- A policy be added to clarify that simply because neighbours sign off on matters such as an inadequate amount of glazing, fence heights, or the location of the outdoor living area, the effect of breaching such provisions extends well beyond just those who live in the vicinity.
- Amendments be made to the Policy relating to achieving a mix of densities (6.12) and the Assessment Matter relating to target residential densities
- In regard to all other matters raised above, the provisions remain as notified.

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

- It is of utmost importance that the Commercial Core delivers a quality urban outcome and, as such, the provisions should be improved where possible.
- It is important to clarify the provisions where possible.

- It is considered that the provisions relating to cul de sacs, and rear lots will result in a quality urban outcome
- Achieving the target densities through varied lot sizes and typologies is important and the rules would benefit from being strengthened. That said, the notified target densities for the LDR subzone are considered to be appropriate, as they will result in the majority of the LDR subzone being similar density to other LDR areas in Wanaka

**d) The appropriateness of the activity status of various activities**

Issue:

Various submitters have specifically addressed the activity status afforded to various landuses and activities within the Zone, some requesting that the rules be more enabling and others, that they be more restrictive.

Submissions received

- **Infinity Investment Group Holdings** (16/21/4 and 16/21/5) **Shotover Park Limited** (16/21/4/1, 16/21/5/1) and opposed by **Willowridge Developments Limited** (16/21/4/2, 16/21/5/2) and **Shotover Park Limited** (16/33/2), supported by **Mount Cardrona Station** (16/33/2/1) and opposed by **Willowridge Developments Limited** (16/33/2/2), both suggest that enabling 12,000m<sup>2</sup> of commercial/ retail as a permitted activity is too permissive.
- **Shotover Park Limited** (16/33/3), opposed by **Willowridge Developments Limited** (16/33/3/1), request that the provision enabling buildings as permitted should be deleted.
- **Mount Cardrona Station** (16/27/6), partly supported by **Shotover Park Limited** (16/27/6/1) and opposed by **Willowridge Developments Limited** (16/27/6/2), submits that visitor accommodation should be non complying in the MDR and mixed use subzone and that retail less than 400m<sup>2</sup> should be non complying in all zones.
- **Mount Cardrona Station** (16/27/8), partly supported by **Shotover Park Limited** (16/27/8/1) and opposed by **Willowridge Developments Limited** (16/27/8/2), submits that residential sites should not be allowed residential flats.
- **Mount Cardrona Station** (16/27/9), partly supported by **Shotover Park Limited** (16/27/9/1), submits that other relief (amendments presumably) be provided to address their concerns, as necessary.
- **Willowridge Developments Limited** (16/41/14, 16/41/18, 16/41/20), opposed by **Shotover Park Limited** (16/41/14/1, 16/41/18/1, 16/41/20/1), request that the sale of liquor in the MDR (mixed use) subzone be changed from non complying to controlled and some assessment matters added; that rules in the Tourism and Community Facilities Subzone and Commercial Core be amended to enable the sale of liquor to midnight as controlled.
- **Willowridge Developments Limited** (16/41/19, 16/41/23), opposed by **Shotover Park Limited** (16/41/19/1, 16/41/23/1), request that the status of offices in the Business subzone (12.26.6.2 Ref 23) be changed from non-complying to controlled in that area outside the mainstreet precinct (and that the mainstreet precinct

assessment matters be applied throughout the subzone) and that offices in the mainstreet precinct remain controlled.

### Discussion

Infinity Investment Group Holdings and Shotover Park Limited both raise concerns regarding the **permitted status of stage 1 of the retail development** (i.e. up to 12,000m<sup>2</sup> GFA). For clarification it is noted that it is only the retail/ commercial activity itself that is permitted and that the first stage of development would still be subject to restricted discretionary resource consent(s) for the overall layout and the buildings themselves. The purpose of the Plan Change is to provide an element of certainty as to where a limited amount and type of retail/ commercial development is able to be located and, therefore, it is considered to be inefficient if this were not delivered by the Plan Change. It is further considered that requiring a further resource consent process to be undertaken before any retail could proceed would be duplication of the assessment and public input that has occurred as part of the Plan Change.

You are also referred to the related submission by Infinity in regard to the fact that this first stage of development shall be non-notified (unless special circumstances exist), which is discussed under Issue 6e below.

In relation to the submission that **buildings as permitted activities** should be deleted, it needs to be clarified that the only buildings that are permitted are fully complying dwellings (excluding multi unit developments) in the LDR subzone and any buildings that have already been approved as part of a Comprehensive Development Plan (which is a restricted discretionary activity). Other than such dwellings in the LDR subzone and buildings in the Business subzone beyond the mainstreet (which are controlled), all other buildings require a restricted discretionary resource consent.

The activity status of **visitor accommodation in the residential subzones** (and indeed, also in the Commercial Core subzone) was considered at length in the drafting of the Plan Change. As notified, visitor accommodation is non-complying in the MDR and MDR (mixed use) subzones unless the location has been approved as part of an ODP, in which case it is controlled. The reasoning for this is that enabling some visitor accommodation in appropriate locations which have been masterplanned from the outset will achieve a balanced visitor/ resident mix whilst avoiding adverse effects on residential coherence and residential amenity. As outlined in the objectives and policies and assessment matters, the Council expects to see a limited number of visitor accommodation precincts identified in ODP's; for these to be located at the interface of the commercial zones and in locations that are quite separate from the residential parts of the MDR subzone; and that residential use will remain the dominant use within the subzone; with visitor accommodation not adversely effecting residential amenity. It is considered that these various methods will result in an appropriate outcome for the MDR subzone.

Mt Cardrona Station submit that **retail less than 400m<sup>2</sup> should be non-complying in all zones**. As notified, the Plan Change enables:

- Up to 5 specialty retail (as opposed to large format) tenancies as permitted in the Commercial Core (and over and above that would be restricted discretionary (and very probably notified). For reasons outlined previously in this report, this is considered an appropriate outcome.
- In the Tourism and Community facilities subzone, only retail activities ancillary to permitted or controlled activities are allowed, with the remainder being non complying.

It is considered unreasonable not to allow visitor accommodation or conference facilities to sell food, drink, or souvenirs, for example.

- In the Business subzone, only certain very specific types of retail, the retailing of goods produced, processed, or stored on the site (limited in scale), and food and beverage outlets are permitted (in parts or all of the subzone), with others being non-complying. The types of retail allowed have been selected as it is not considered that they will significantly affect the health of the Town Centre or the Three Parks Commercial Core. Furthermore, no research suggests that these permitted retail types need to be further controlled by size.
- Whilst all non-residential uses are discretionary in the LDR and MDR subzones, the assessment matters specify that the Council will not normally approve retailing other than retailing which provides for a demonstrated local demand (e.g. neighbourhood dairy); or which is an integral and necessary part of other activities being undertaken on the site; or of handicrafts or goods grown, or produced on the site. The objectives and policies are intended to support the strict application of the rules relating to non residential activities.
- Whilst non residential uses (including speciality retail) are anticipated in the MDR (Mixed use) subzone (and provided for as controlled activities), such development is deferred until the Commercial Core is well established.

In order to enable the Commercial Core to develop over time into an attractive shopping area (as opposed to enabling only unattractive large format retail) it is considered important to enable a limited number of specialty retail stores in the Commercial Core and for the number to increase over time provided the health of the Town Centre is not degraded.

It is not considered appropriate or necessary to make all retail less than 400m<sup>2</sup> non-complying in the residential, business, and tourism and community facilities subzones as it is considered that some small retail in these areas will be required in the future and that other controls relating to the type and location of retail allowed (as outlined above) provide sufficient protection. That said, there is considered to be a risk of specialty retail establishing to a greater extent than is anticipated in the residential zones. As such, it is appropriate to a) add a note further clarifying what, if any, retail is expected in the LDR subzone and b) to further control retail in the MDR (mixed use) subzone.

Mount Cardrona Station submits that the rules allowing all residential sites to have a **residential flat should be deleted**. The district-wide definition of “residential flat” applies in the Three Parks Zone and has been significantly improved in recent years to ensure, amongst other things, that the residential flat is clearly subsidiary to the main dwelling in terms of its size. In addition, the Council is currently preparing a Plan Change which is likely to propose amending the residential flat definition in order to prevent its use within multi-unit developments. Given the significant improvements already made to the residential flats definition and the proposed additional change, it is considered appropriate to retain the provision allowing residential flats in the LDR subzone, as an effective way of enabling a greater mix in density, affordability, and typology, which may otherwise not occur. It is also considered that residential flats support the provision of affordable housing as advocated by proposed Plan Change 24 – Affordable and Community Housing.

Willowridge Developments Limited request that **the sale of liquor** in the MDR (mixed use) subzone be changed from non-complying to controlled and some assessment matters added and that rules in the Tourism and Community Facilities Subzone and Commercial Core subzone be amended to enable the sale of liquor to midnight as controlled.

In considering the submissions, the Queenstown Lakes District Council Liquor Licensing Policy (May 2007) also needs to be acknowledged as it provides further control over and

above the District Plan. The Policy enables on-licences (other than trading for house guests in hotels and for restaurant style on-licences) in Wanaka to trade until 2.30 am, restaurant style on-licence premises until 2.00 am, and on off-licences (other than caterers' off-licences) until 12.00 midnight. It is also worth noting that the Sale of Liquor Act is undergoing review with the indication being that trading hours for on-licences are likely to be reduced further.

In considering the relief sought (i.e. for a relaxation of the provisions) it is useful to first summarise the purpose and key provisions of the relevant subzones.

In summary, the purpose of the MDR (deferred mixed use) subzone is to enable small scale commercial which are compatible with residential activity (which, given the rules, will be on the same site and immediately above and/ or beside the non-residential use). The area is meant to retain a primarily residential character and, as such, compatibility is of key consideration in order to avoid any reverse sensitivity issues. In the MDR (deferred mixed use) subzone visitor accommodation is controlled provided it is approved as part of an ODP and, hence, in accordance with the definition, bars ancillary to that visitor accommodation is controlled. Other than this, both on and off-licenses are non-complying and all non-residential activities are controlled by hours of operation (being 10pm for food and beverage outlets) and noise standards (being 40dBA and 70dBa after 8 pm, which is the same as the Town Centre Transitional Zone). As such, if some sale of liquor is allowed (as a controlled activity) then it may be appropriate to enable it until 8 pm or 10 pm in line with the above and to add a proviso that on-licenses are allowed only in conjunction with dining. It would also be necessary to add matters of control for such sale of liquor. Futhermore, the Visitor Accommodation rule should be clarified by a) adding further assessment matters for any visitor accommodation which includes bar facilities.

In summary, the purpose of the Tourism and community facilities subzone is to provide for these uses (and for medium density housing) in a park-like setting whereby relatively dense built form is interspersed with areas of landscaped open space. On-licences from visitor accommodation or places of assembly are permitted from 7 am – 6 pm, controlled from 6 pm– 11 pm and restricted discretionary outside those hours. Off-licences and on-licenses that are not associated with visitor accommodation or places of assembly are considered 'retail' and, hence, are non-complying. Whilst the purpose of the zone states that only residential activity of a medium density nature will be allowed in order to minimise reverse sensitivity issues between residential uses and the predominant uses of the subzone, the rules do not adequately address this matter. Given the relatively permissive sale of liquor provisions (amongst others) it is recommended that this over-sight be rectified. However, even with that amendment, it is still considered prudent to retain the 11 pm trigger in order to be consistent with the rest of the district and to ensure that noise and social issues are mitigated after this time. It is noted that the rule does not apply to the serving of liquor to those staying/ living on the site but does apply even if liquor is being served to diners. It is considered that the exemption should also extend to diners, so as to be consistent with the rest of the District Plan.

The purpose of the Commercial Core is to provide for a mixture of large format retail, speciality stores, office space, visitor accommodation, residential, community facilities, and public open space. As such, the rules are relatively permissive in regards to the sale of liquor; permitting off licenses and the sale of liquor for on-site consumption to residents and diners around the clock (albeit that the hours of operation are restricted by the Council's Liquor Licensing Policy) and permitting all other on-licences between 7 am – 11 pm. A restricted discretionary consent is required for on licenses operating after 11 pm. Whilst various provisions are aimed at protecting against reverse sensitivity and anti-social behaviour (e.g. requiring the location of Visitor Accommodation and residential uses and

methods of dealing with interface issues to be shown at the Outline Development Plan stage and requiring CPTED principles to be followed at all stages of design), it is still considered prudent to retain the 11 pm trigger (at which point a resource consent is needed) in order to be consistent with the rest of the district and to ensure that noise and social issues are mitigated after this time.

Willowridge Developments Limited (16/41/19) request that **offices in the Business subzone** (12.26.6.2 Ref 23) be changed from non-complying to controlled in that area outside the mainstreet precinct. Given the ample capacity provided for offices in the Commercial Core and within the Business (mainstreet precinct), the benefits of consolidating such activity within the core and along the mainstreet in order to create a sense of place over time, and the potential reverse sensitivity issues that may arise from mixing office space and business, this is considered both unnecessary and inappropriate.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- A note is added to the relevant standards to clarify that the first 12,000m<sup>2</sup> of retail still requires (at least) restricted discretionary resource consent in respect of Outline Development Plan and building.
- Further guidance and control is added regarding specialty retail establishing in the residential subzones.
- The sale of liquor in the MDR (mixed use) subzone is enabled within certain hours provided the person is dining and various minor amendments are made to the sale of liquor rules in the Tourism and Community facilities and Commercial Core subzones.
- The rules in the Tourism and Community Facilities subzone are amended to prevent low density residential housing from establishing there in order to minimise reverse sensitivity, including those associated with the sale and consumption of liquor.
- The sale of liquor rules in the Tourism and Community Facilities Subzone are amended to exempt the sale of liquor to diners from the rules.
- The Council consider a review of all sale of liquor rules in the District Plan (which would also include a further review of those in the Three parks Zone)
- All other provisions are retained as per the notified Plan Change

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

- To require additional processes (e.g. health check and needs analysis) to be undertaken for the first stage of retail is considered inefficient and provides no certainty
- Buildings are not currently permitted other than dwellings in the LDR subzone and, as such, it is queried whether the submitter has misunderstood this.
- It is important to restrict retail to only genuine local shops and home occupations in the residential subzones (excluding the deferred mixed use) and to ensure that specialty retail does not establish in the MDR (mixed use) subzone at the expense of the viability and vibrancy of the Wanaka Town Centre and the Three Parks Commercial Core.
- Some restricted sale of liquor is appropriate in the MDR (mixed use) subzone.

- As there are issues with all the sale of liquor rules in the District Plan it is appropriate that a further review be undertaken district wide and, if necessary, a district wide Plan Change be undertaken.
  - Offices need to be encouraged in the Wanaka Town Centre, the Business (mainstreet precinct) and the Commercial Core for those areas to function well and, as such, allowing dispersal of such uses throughout the entire business zone is considered inappropriate.
- e) **The appropriateness of the provisions relating to Sustainable design and construction**

Issue:

The issue relates to whether the Plan Change provisions will be effective at achieving sustainably designed subdivisions, infrastructure, and building

Original and further submissions

- **Sustainable Wanaka** (16/36/1, 16/36/4, 16/36/5), supported by **Shotover Park Limited** (16/36/1/1, 16/36/4/1, 16/36/5/1) and opposed by **Willowridge Developments Limited** (16/36/1/2, 16/36/4/2), and **Wanaka Hardware and Building Supplies Ltd** (16/36/1/3), submit that minimum best practice performance criteria relating to sustainable design, construction and infrastructure servicing should be included in the rules of the Plan Change.
- **Architects Plus Ltd** (16/7/1), supported by **Willowridge Developments Limited** (16/7/1/2) and opposed by **Shotover Park Limited** (16/7/1/1) supports the Plan Change for various reasons including the fact that it provides considerable opportunities to integrate design principles such as NZ Green Building Council tools.
- **Allenby Farms Limited** (16/5/1) supported by **Willowridge Developments Limited** (16/5/1/2) and opposed by **Mount Cardrona Station** (16/5/1/1), state in their reasons for supporting the Plan Change that the rules ensure that sections and houses are designed to optimise energy efficiency.

Discussion

- Whilst the Plan Change does prescribe minimum standards in respect of certain aspects of sustainability, it does not prescribe minimum construction standards (such as double glazing), or that certain water, stormwater, and wastewater systems be used, for example. Rather, policies (policies 1.1 - 1.4) were carefully developed to reflect the level of control over the various aspects as was considered appropriate (e.g. To ensure good solar access through well-planned layouts, etc, to encourage energy efficiency, to require best practice in regard to managing stormwater runoff and to encourage the creation or restoration of wetlands where opportunities exist). These policies are achieved through the discretion reserved by Council at the ODP stage (regarding subdivision layouts, density, open space and links, alternative modes of transport and public transport, stormwater disposal and the restoration/creation of wetland habitats) and through some specific rules relating to outdoor living areas; internal amenity standards (which, amongst other things, reduced artificial lighting); controls on hard surfacing in order to achieve a minimum amount of onsite stormwater disposal in residential areas, and minimum standards relating to encouraging alternative modes of transport.

## Plan Change 16 – Three Parks Special Zone

- Furthermore, the Building Act is considered to be more effective and efficient than the RMA at addressing the energy efficiency of buildings. Given the level of analysis that goes into establishing the requirements under the Building Act, it is difficult to support a case that higher standards would be appropriate in this Plan Change.
- The methods in the Plan Change relating to sustainable infrastructure and design are considerably more detailed and onerous than elsewhere in the District Plan and are considered to be an effective basis on which to encourage a much greater consideration of these matters. It is also considered that if the Council were to prescribe more detailed sustainable subdivision and construction standards in the District Plan then this would be more appropriately done as a district-wide Plan Change.

### Relief Sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that no changes are necessary in respect of sustainable design.

### Reasons for the recommendations

The Plan Change together with the Building Act deals with these matters appropriately

#### **f) The appropriateness of provisions relating to the non-notification of various resource consent applications**

##### Issue:

The Plan Change includes non-notification clauses which have the effect of saying that unless special circumstances exist, then certain activities will not be notified and/or notice will not be served on potentially affected parties. This has the advantage of giving the applicant more certainty in terms of the time and cost of the resource consent process but it does reduce the likelihood of public involvement in that process.

##### Original Submissions on this issue have been received from:

- **Firth Industries** (16/11/4) supported by **Shotover Park Limited** (16/11/4/1), whilst not requesting specific relief in relation to non-notification, raise concern that Outline Development Plans and Comprehensive Development Plans do not require public input or service on affected parties (provided they are in accordance with the Structure Plan). Presumably, as a result, the submitter feels that this is the last opportunity to have input into the location and design of the intersection onto Ballantyne Road.
- **Ballantyne Investments Limited** (16/8/3) supported by **Ballantyne Investments Limited** (16/8/3/1) and opposed by **Willowridge Developments Limited** (16/8/3/2), submit that the written approval of adjoining landowners should be required with regard to restricted discretionary Outline and Comprehensive Development Plans, with regard to the layout of roading, services and utilities.
- **Infinity Investment Group Holdings Ltd** (16/21/5), supported by **Shotover Park Limited** (16/21/5/1) and opposed by **Willowridge Developments Limited** (16/21/5/2) submit that the establishment of up to 12,000m<sup>2</sup> of commercial/retail should not be provided for as a permitted, non notified consent.

- **Shotover Park Limited** (16/33/2, 16/33/4, 16/33/8) supported by **Mount Cardrona Station** (16/33/2/1, 16/33/4/1, 16/33/8/1) and opposed by **Willowridge Developments Limited** (16/33/2/2, 16/33/4/2, 16/33/8/2), request that the Plan Change be rejected or that it be amended to address a number of matters, including i) deleting the provision of 12,000m<sup>2</sup> of commercial/retail activities as a permitted activity; (iii) enabling public input into all “retail needs assessments” and “Wanaka Town Centre health checks” and (iv) requiring all Outline/ Comprehensive Development Plans to include a “retail needs assessments” (including the 1<sup>st</sup> stage of the Commercial Core). The combined effect of these submissions is that all Outline Development Plans in the Commercial Core could be notified whereas currently stage 1 would be non-notified unless special circumstances exist.
- **Willowridge Developments Limited** (16/41/21), opposed by **Shotover Park Limited** (16/41/21/1), requests that the statement relating to non-notification should apply to all Outline Development Plans and Comprehensive Development Plans, including where a Retail Needs Assessment is required to be lodged as part of the application.
- **Sustainable Wanaka** (16/36/3), supported by **Mount Cardrona Station** 16/36/3/1) and **Shotover Park Limited** (16/36/3/2) and opposed by **Willowridge Developments Limited** (16/36/3/3), request that if the Plan Change is to proceed, then consents for the staging of Three Parks should be notified at each stage to ensure there is adequate evidence of real growth needs.

#### Discussion

Both Firth Industries and Ballantyne Investments Ltd raise concerns that, as adjoining or **nearby landowners** they will not have involvement in issues that potentially affect them. As outlined in the previous discussion on this submission point, it appears from the further traffic assessment undertaken, that a safe and efficient intersection onto Ballantyne Road is likely to be able to established within 20 m of the intersection shown in the Structure Plan. That said, it appears that the input of those affected parties at the resource consent stage will be important to achieving the best possible outcome. Furthermore, it is noted that if the intersection is moved more than 20 metres then the Outline Development Plan would become a non-complying activity and the non notification clause would no longer apply. Further detail is contained in the attached report entitled “Appendix 5 - Three Parks Plan Change – Ballantyne Rd Access Assessment – Response to Firth Industries Submission” and dated August 2009.

Similarly, regarding Ballantyne Investment’s concern, whilst it is considered that, provided the arterial and collector roads are in accordance with the Structure Plan then the issues of connectivity can be dealt with adequately without their involvement, it is considered that better outcomes and greater efficiencies are possible (in terms of servicing and infrastructure) if the landowners work together or at least have their views formally considered by the Consent Authority. Again, it is noted that if the roads are not in accordance with the Structure Plan then the Outline Development Plan will become non-complying and will not be captured by the non notification clause.

Both Infinity Investment Group Holdings Ltd and Shotover Park Limited request that **all applications for commercial/ retail activities should be able to be notified**, including the first stage of 12,000m<sup>2</sup>. To the contrary, Willowridge Developments Ltd request that all Outline Development Plans and Comprehensive Development Plans be subject to the non-notification clause, including those where a Retail Needs Assessment is required. In response, it is considered that the matters of discretion in relation to Outline Development

Plans for the first stage of development can all be adequately assessed without the need for public notification. Whilst there are real concerns that enabling Outline Development Plans relating to retail development beyond stage 1 of the Commercial Core will result in trade competition delaying and even stifling development it is considered prudent to enable notification to be considered on a case by case basis. This is because of the level of concern evident in this Plan Change regarding the effect that the Commercial Core could have on the Town Centre. Whilst we are confident that the Commercial Core will complement the development of the Town Centre (and be beneficial to Wanaka) provided it is undertaken in a timely manner, many of the conclusions resulting from a 'Town Centre Health Check' are necessarily subjective. Given the importance of this issue to many people in Wanaka, it is considered that future consents in this area may benefit from public input and, hence, the District Plan should not preclude this from occurring. Simply for comparison, it is noted that with the exception of the Frankton Flats Zone, for which a decision is still pending, Outline Development Plans in other zones within the District Plan are non-notified controlled activities. As such, the regulation proposed for Three Parks Commercial Core is relatively onerous. Lastly, it should be noted that the decision as to whether to notify an Outline Development Plan for further retail development within the Commercial Core (beyond the first stage) will rest with the Consenting Authority when an application is lodged. If the Consenting Authority determines that the issues are relatively straightforward and un-contentious it can decide not to notify the Consent. However, we are not convinced that it would be appropriate that the Plan Change should state an expectation that such Outline Development Plans not be notified in the future.

In response to the submission that **all Outline Development Plans should have to submit a retail needs assessment**, it is considered that it would be unduly onerous and uncertain for the developer to have to replicate the analysis that has been undertaken in the preparation of this Plan Change in regard to retail supply and demand.

#### Relief Sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that the following improvements be made to the relevant provisions:

- The 'baseline' reports relating to the effects of the 1st stage of retail at Three Parks should be more clearly identified in the Plan by stating that they are attached to the Decision on the Plan Change. This will mean that further work done by Council in the preparation for this hearing should form part of the baseline work and where it revisits work done in the preparation of the Plan Change, this more recent work should take precedence.
- Amend the non notification clause a) to enable limited notification of those Outline Development Plans where adjoining landowners are potentially affected and b) to clarify that it is only restricted discretionary (not non-complying) ODP's that are subject to the non-notification clause.
- Clarify the nature of the discretion reserved regarding applications for retail and improve the wording
- Clarify the exception from the non-notification clause regarding subsequent stages of retail in the Commercial Core
- 

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

The recommended amendments strike a good balance between certainty and efficiency for the developer and wider community, on the one hand, and enabling input from wider public and potentially affected parties, on the other hand.

**g) The appropriateness of provisions relating to transportation issues, including roading, cost sharing and Travel Demand Management**

Original and further submissions:

- **NZ Transport Agency** (16/30/1) requests that the proposed Plan Change be accepted in its entirety subject to considering the points raised in its submission and any consequential changes that may arise.
- **J K Milne** (16/26/1) considers it to be a well planned development but questions whether there is enough parking.
- **Wanaka Residents Association** (16/40/10 and 16/40/11), opposed by **Willowridge Developments Limited** (16/40/10/1) in respect of LFR parking, request that the LFR carparking and employee parking requirements be increased.
- **Wanaka Residents Association** (16/40/12) request that the provision in the rule to reduce parking where public transport exists be replaced with a policy that such reduction will be considered where public transport is proposed.
- **New Zealand Transport Agency** (16/30/2), supported by **Willowridge Developments Limited** (16/30/2/3), partly supported by **Orchard Road Holdings Limited** (16/30/2/2), and opposed by **Firth Industries** (16/30/2/1), support the objectives, policies and rules that affirm and fix the location of major intersections, establish connectivity, and establish obligations on developers relating to Travel Demand Management (TDM), good urban design outcomes, and preparing ITA's.
- **New Zealand Transport Agency** (16/30/4), opposed by **Willowridge Developments Limited** (16/30/4/1), requests that a cost sharing arrangement be considered resulting in the developer contributing to upgrading local roading and the state highway.
- **Wanaka Residents Association** (16/40/13), opposed by **Willowridge Developments Limited** (16/40/13/1), request that the phrase 'unsustainable car trips' be defined or removed.
- **Willowridge Developments Limited** (16/41/9), opposed by **Shotover Park Limited** (16/41/9/1), submits that the requirement to provide showers (i.e. Standard 12.26.3.1(5)(ii) only relates to workplaces with over 20 employees).
- **Willowridge Developments Limited** (16/41/17), opposed by **Shotover Park Limited** (16/41/17/1), request that the standards (12.26.4.2 Ref 22 and 23), which require that carparking for non-residential uses not be visible from the street, be deleted as they consider this impractical; that it should be prominent so as to easily identify the activity and ensure traffic safety, and that the scale of such activities would mean that the parking would not be expansive. It is currently non-complying if this standard is beached.

- **Willowridge Developments Limited** (16/41/22), opposed by **Shotover Park Limited** (16/41/22/1) request that bicycle parking requirements be deleted and replaced with an assessment matter.
- **Wanaka Golf Club** (16/38/1) submit that care be given to ensure the safety of members crossing Ballantyne Rd, given the increase in traffic that will eventuate from development.

### Discussion

In respect of those submissions that request that more **parking** be required, the proposed parking is in accordance with the recommendations of the Three Parks Parking Evaluation Report undertaken for the Council in September 2008 as part of preparing the Plan Change. As such, it is not considered appropriate or necessary to increase car parking requirements, particularly when considering the strong emphasis on travel demand management, which runs throughout the Plan Change.

In respect of the request that an arrangement be made with the developer which requires the developer to **share the cost** of upgrading the state highway is not considered appropriate. Whilst the Council has collected roading contributions since 2006 to assist with the provision of its own network, it is considered that the NZTA has numerous other more appropriate funding sources for the upgrading and maintenance of the state highways.

The term '**unsustainable car trips**' is used in the following policy within the District Plan (which is duplicated sections 14.1.3 (9.2) and 12.25.4 (2.2)):

*To require an appropriate number of on-site car parks in order to help limit the number of localised unsustainable car trips (within the zone), whilst providing for users from the wider community in most parts of the zone (compared with the rest of Wanaka).*

It is agreed that the term is unhelpful and, indeed, the entire policy adds little to the administration of the rules.

It is considered that the **requirement for showers** should be deleted for very small non-residential buildings as it is agreed that it may be overly onerous. It is also recommended that it be clarified that the building occupancy is to be calculated on the entire building or building complex that the Resource Consent applies to, rather than on the basis of small individual tenancies that may exist within a large building.

It is recommended that the provisions relating to **bicycle parks** be retained as they are based on sound best practice, which is beginning to be applied elsewhere in New Zealand. Furthermore, the relatively high bicycle usage and bike-friendly culture, the lack of Public Transport and the relatively flat topography that exists in Wanaka, together, indicate that encouraging further bicycle use may be highly effective at reducing car trips.

It is considered appropriate and practically achievable for **carparking associated with any non-residential uses** in the residential subzones to not be visible from the street, for the same reasons as it is considered appropriate for residential garaging to be setback from the front façade of the dwelling and for the dwellings themselves to be located relatively close to the road boundary. In short, the emphasis of the rules in all the subzones is to ensure that buildings front the streets in order to achieve an active public/ private interface and to

enable passive surveillance and increased safety. Preventing carparking from locating in this space is fundamental to achieving this outcome.

With regard to improving the safety of golf **club members crossing Ballantyne Rd**, it is not considered appropriate to try and address this through the District Plan. That said, it is accepted that there are currently safety concerns at this crossing point and it is recommended that this continue to be monitored as development in the wider southern Wanaka area progresses over the long term and that techniques aimed at improving safety (be it signage, redesign of the carriageway, etc) be investigated, where necessary.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- The policy (14.1.3 (9.2) and 12.25.4 (2.2) which uses the terminology 'unsustainable car trips' be removed, an alternative policy be added into the transport section (Part 14), and a reference be added to another existing policy (in parts 12 and 14) in order to discourage the provision of excessive amounts of parking
- The requirements for showers are amended such that non residential buildings with a design occupancy for less than 10 on-site workers shall be exempt from having to provide a shower.
- Safety issues relating to the members crossing Ballantyne Rd as development in the wider southern Wanaka area progresses be monitored and, where necessary, investigate possible improvements
- All other provisions referred to in the above submissions be retained as per the notified Plan Change

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

- The policy (14.1.3 (9.2) and 12.25.4 (2.2) which uses the terminology 'unsustainable car trips' is unhelpful.
- The requirements for showers are too onerous for smaller workplaces.
- Safety issues relating to the members crossing Ballantyne Rd is not able to be addressed by the Plan Change and is unlikely to ever be able to be attributed to any particular development but, rather, may worsen as a result of the cumulative development within the area.
- Retain all other provisions as per the notified Plan Change, for reasons provided in the discussion above.

#### **h) The appropriateness of methods relating to affordable housing**

##### Issue:

Since the Plan Change was drafted Willowridge Developments have reached an agreement outside of the Plan, through which to provide Affordable and Community Housing. They therefore wish to avoid having to provide affordable and community housing again due to the application of planning provisions and wish to see the Plan clearly state that this will not occur.

Original and further submissions:

- **Allenby Farms Limited** (16/5/1) supported by **Willowridge Developments Limited** (16/5/1/2) and opposed by **Mount Cardrona Station** (16/5/1/1), state in their reasons for supporting the Plan Change that the additional residential land can only be a benefit to the affordability of land.
- **Willowridge Developments Limited** (16/41/5 and 16/41/6) opposed by **Shotover Park Limited** (16/41/5/1 and 16/41/6/1) request that policies, matters of discretion, and assessment matters relating to affordable housing be deleted and replaced with a policy reflecting that the matter has been dealt with through a separate legal agreement.

Discussion

Whilst providing more residential zoned land is not considered to offer the only or sole solution to a lack of affordable housing, it is considered important to provide a sufficient amount of residential land, offering a range of price points and housing types in order to address the issue. The 3 Parks zone is expected to provide modestly priced housing, relative to other recently zoned land at Peninsula Bay and Kirimoko (due to both its lack of lake views and inclusion of higher density housing), and hence will meet an important part of market demand.

Given that a stakeholder agreement has been reached with the owner of 3 parks (and any subsequent owners) in relation to the provision of affordable housing, it is not considered necessary to include provisions within the District Plan. It is however accepted that a note to avoid confusion would be helpful. Proposed Appendix 11 as proposed by Plan Change 24 provides for Affordable and Community Housing agreements made outside of the Plan prior to the Plan Change becoming operative to meet a development's requirements to provide Affordable and Community Housing.

In summary, the stakeholder agreement reached between Willowridge Developments Ltd and Queenstown Lakes District Council sets out the following:

- The Developer shall contribute land sufficient for the construction of 40 Community Housing units. This land shall consist of ten sections that enable at least two houses of at least two bedrooms each. The balance shall be contributed via five sections that enable at least four houses of at least two bedrooms each. It is anticipated that these units will be managed by the Queenstown lakes Community Housing Trust.
- In addition to the community housing, land capable of accommodating 100 Affordable Housing Units shall be set aside on the site. Of this, a minimum of 50 units shall be delivered via the "kiwi first" scheme (as has been provided by Willowridge Developments Ltd in other areas such as Timsfield in Hawea).
- The balance of the Affordable Housing Contribution (those units not delivered via the 'Kiwi First Scheme') shall be delivered by a range of methods chosen by the developer including rental accommodation. The land will be within the Low or Medium Density Sub-zone or other medium or high density area identified as part of an Outline Development Plan. It is agreed that the developer will register covenants against the relevant land titles of this land preventing the use of the land for rental or for sale as visitor accommodation (as defined in the District Plan).

## Plan Change 16 – Three Parks Special Zone

- The community housing contribution will be delivered on a basis of land for at least 50% of the housing transferred to Council by the time 25% of the site has been subdivided and land for 100% of the housing transferred to Council by the time 50% of the site has been subdivided. The affordable housing shall, at a minimum, be delivered at a rate comparable to rate at which development proceeds (in terms of land area developed).

It is recommended that a note be included after the matters for discretion for an outline development plan in all subzones:

‘Note: Any Affordable and Community Housing contributions that may otherwise be applied in this zone are instead dictated by the Stakeholder Agreement reached between Council and Landowner insofar as the development is consistent and in scale with that envisaged by the Plan. The agreement binds subsequent landowners.’

### Relief Sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that the provisions relating to affordable and community housing be deleted from the Plan Change and replaced with a note stating that requirements for affordable and community housing requirements have been reached by an agreement outside the Plan.

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

### Reasons for the recommendations

The provisions are unnecessary.

## **Issue 7 - Consistency with Various Documents**

### Issue:

Various submissions are concerned that the Plan Change is inconsistent with the RMA, the Otago Regional Policy Statement (RPS)/ Regional Plans, the Wanaka Structure Plan, Growth Management Strategy, Wanaka 2020, and the Town Centre Strategy and, hence, should be rejected in its current form. Others submit that the Plan Change is consistent with the various high level documents

### Original and further submissions:

#### The RMA

- Both **Orchard Road Holdings Limited** (16/31/1) and **Willowridge Developments Limited** (16/41/1), opposed by **Shotover Park Limited** (16/31/1/1, 16/41/1/1), submit that the Plan Change be adopted and that it is consistent with the purpose (Part 2) of the RMA.
- **Mount Cardrona Station** (16/27/1, 16/27/9) partly supported by **Shotover Park Limited** (16/27/1/1, 16/27/9/1) and opposed by **Willowridge Developments Limited** (16/27/1/2), and **Shotover Park Limited** (16/33/1), supported by **Mount Cardrona Station** (16/33/1/1) and opposed by **Willowridge Developments Limited** (16/33/1/2), consider that the Plan Change does not achieve the purpose of the RMA.

- **Sir Clifford Skeggs** (16/34/1 and 16/34/2), supported by **Shotover Park Limited** (16/34/1/2, 16/34/2/2) and opposed by **Orchard Road Holdings Limited** (16/34/1/1, 16/34/2/1) and **Willowridge Developments Limited** (16/34/1/3, 16/34/2/3), considers the Plan Change to be contrary to the purpose of the RMA.
- As discussed under Issue 8 below, **Shotover Park Limited** question the appropriateness of the Plan Change having relied on/ been informed by a number of non-statutory documents which themselves were not subject to the public participatory process required under the RMA.

#### The Otago Regional Policy Statement/ Regional Plans

- **Mount Cardrona Station** (16/27/1, 16/27/9) partly supported by **Shotover Park Limited** (16/27/1/1, 16/27/9/1) and opposed by **Willowridge Developments Limited** (16/27/1/2), state, in their submission, that the Plan Change does not sufficiently give effect to the RPS or Regional Plans.

#### The Wanaka Structure Plan

- **Allenby Farms Limited** (16/5/1) supported by **Willowridge Developments Limited** (16/5/1/2) and opposed by **Mount Cardrona Station** (16/5/1/1) supports various aspects of the Plan Change, including that it is implementing recommendations of the Wanaka Structure Plan.
- **Ballantyne Investments Limited** (16/8/1 and 16/8/2), supported by **Ballantyne Investments Limited** (16/8/1/1, 16/8/2/1) and **Mount Cardrona Station** (16/8/1/2) and opposed by **Willowridge Developments Limited** (16/8/1/3, 16/8/2/2), express a number of concerns, including the fact that in order to maximise the potential benefits of the Wanaka Structure Plan the various parcels identified for re-zoning in the Wanaka Structure Plan should be considered together rather than on a piecemeal basis.
- **Deborah Humphrey** (16/19/1), supported by **Shotover Park Limited** (16/19/1/1) and opposed by **Willowridge Developments Limited** (16/19/1/2), considers it to be contrary to the Wanaka Structure Plan, with particular concern that the Wanaka Structure Plan was intended to ensuring competition in the property market, with zoned land being in various ownerships.
- **Orchard Road Holdings Limited** (16/31/1) opposed by **Shotover Park Limited** (16/31/1/1), submit that the Plan Change be adopted and that it is consistent with the Wanaka Structure Plan.
- **Willowridge Developments Limited** (16/41/1), opposed by **Shotover Park Limited** (16/41/1/1), make the comment in their submission that the land is within the inner growth boundary of the Wanaka Structure Plan.
- **Chris Norman** (16/29/1), supported by **Roger Gardiner** (16/29/1/1), **Mount Cardrona Station** (16/29/1/2), **Shotover Park Limited** (16/29/1/3), **Sustainable Wanaka** (16/29/1/4) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/29/1/5) and **Willowridge Developments Limited** (16/29/1/6), comments that the proposal to meet all future retail demands contravenes the Wanaka Structure Plan Objective that there should be a degree of competition within the market.

The Growth Options Study and resultant Growth Management Strategy

- **Mount Cardrona Station** (16/27/1, 16/27/6, 16/27/7), partly supported by **Shotover Park Limited** (16/27/1/1, 16/27/6/1, 16/27/7/1) and opposed by **Willowridge Developments Limited** (16/27/1/2, 16/27/6/2), comment that the layout and objectives of the Plan Change (e.g. by providing for small retail and a tourism and community facilities subzone) are contrary to the objectives of the Growth Options Study relating to developing alternative retail while enabling the Town Centre to continue to be the hub of the community. They also submit that releasing land so far in advance of demand is contrary to the objectives of the Growth Plan to promote the growth of the small communities.

Wanaka 2020

- **Mount Cardrona Station** (16/27/1), partly supported by **Shotover Park Limited** (16/27/1/1) and opposed by **Willowridge Developments Limited** (16/27/1/2), submits that what is provided for by the Plan Change goes far beyond the key matters that were identified in the Wanaka 2020 Report. It is noted that some of Mount Cardrona Station's other submission points are likely to be relevant to this issue.
- **Sustainable Wanaka** (16/36/1), supported by **Shotover Park Limited** (16/36/1/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/36/1/2) and **Willowridge Developments Limited** (16/36/1/3), does not believe that the proposal addresses the values expressed as important in the 2020 vision documents.

Wanaka Town Centre Strategy

- **Chris Norman** (16/29/1), supported by **Roger Gardiner** (16/29/1/1), **Mount Cardrona Station** (16/29/1/2), **Shotover Park Limited** (16/29/1/3), **Sustainable Wanaka** (16/29/1/4) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/29/1/5) and **Willowridge Developments Limited** (16/29/1/6), comments that whilst the Town Centre Strategy is looking at options for intensification the Three Parks Plan Change proposes changes to the Town Centre zone provisions, which could be used to restrict further growth of the Town Centre.
- **Alistair Madill Architects** (16/4/1), supported by **Roger Gardiner** (16/4/1/1) **Mount Cardrona Station** (16/4/1/2) **Shotover Park Limited** (16/4/1/3) **Sustainable Wanaka** (16/4/1/4) and opposed by **Willowridge Developments Limited** (16/4/1/5), submits that the Plan Change has been done precipitately and should be rejected and completely reviewed following other studies, particularly the Wanaka Town Centre Strategy.
- **Sustainable Wanaka** (16/36/1), supported by **Shotover Park Limited** (16/36/1/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/36/1/2) and **Willowridge Developments Limited** (16/36/1/3), considers that the proposal would have a serious and negative impact on the desired outcomes of the Wanaka Town Centre Strategy.

The objectives and policies of the District Plan

- **Chris Norman** (16/29/1), supported by **Roger Gardiner** (16/29/1/1), **Mount Cardrona Station** (16/29/1/2), **Shotover Park Limited** (16/29/1/3), **Sustainable Wanaka** (16/29/1/4) and opposed by **Wanaka Hardware and Building Supplies Ltd**

(16/29/1/5) and **Willowridge Developments Limited** (16/29/1/6), comments that the Plan Change is inconsistent with the objectives and policies of the District Plan which aim to consolidate the Town Centre.

- **Shotover Park Limited** (16/33/1-8), supported by **Mount Cardrona Station** (16/33/1/1, 16/33/2/1, 16/33/4/1, 16/33/5/1, 16/33/6/1, 16/33/7/1, 16/33/8/1) and opposed by **Willowridge Developments Limited** (16/33/1/2, 16/33/2/2, 16/33/3/1, 16/33/4/2, 16/33/5/2, 16/33/6/2, 16/33/7/2, 16/33/8/2) considers the Plan Change to be inconsistent with the District Plan.
- **Sustainable Wanaka** (16/36/1), supported by **Shotover Park Limited** (16/36/1/1) and opposed by **Wanaka Hardware and Building Supplies Ltd** (16/36/1/2) and **Willowridge Developments Limited** (16/36/1/3), believes that the Plan Change is in direct conflict with the issues, objectives and policies of Section 10 of the District Plan, relating to Town Centres.

### Discussion

In summary, it is the authors' view that the Plan Change (in the amended form attached to this report, or similar) is consistent with the purpose of the RMA, the Otago RPS and Regional Plans, the existing objectives of the District Plan (particularly those relating to Town Centre), the Wanaka Structure Plan, the Growth Options Study and Growth management Study, and the Wanaka 2020 process (2002) and resulting document. We therefore invite the submitters to further explain the inconsistencies that they consider exist at the hearing.

### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that:

- An addition is made to the policies of the Town Centre Zone so as to not preclude the option that there may also be some minor expansion of the Town Centre zone boundary in the future.
- Various amendments are made as outlined previously in this report in order to better align the various documents
- No other specific changes are required

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

## **Issue 8 - The Adequacy of the Section 32 Report and Associated Reports**

### Issue:

The adequacy of the section 32 report and associated reports (including the request for independent review and further analysis on growth, needs, urban design, and landscape) has been raised by a number of submitters. A number of them go onto request that further work needs to be done before the Plan Change can be further progressed.

### Original Submissions

The following submitters suggest that the S 32 documentation is deficient (and hence, that the Plan Change should be rejected or amended):

- **Infinity Investment Group Holdings Ltd** (16/21/3), supported by **Shotover Park Limited** (16/21/3/1) and **Shotover Park Limited** (16/33/1-8), supported by **Mount Cardrona Station** (16/33/1/1, 16/33/2/1, 16/33/4/1, 16/33/5/1, 16/33/6/1, 16/33/7/1, 16/33/8/1) and opposed by **Willowridge Developments Limited** (16/33/1/2, 16/33/2/2, 16/33/3/1, 16/33/4/2, 16/33/5/2, 16/33/6/2, 16/33/7/2, 16/33/8/2) submit that the Plan Change is predicated on non-statutory documents, many of which were not included with the application and that the application/ S 32 report is incomplete/ deficient in that there is no specialist urban design or landscape assessment.
- **Mount Cardrona Station** (16/27/9), partly supported by **Shotover Park Limited** (16/27/9/1) comments that the S 32 report does not contain an assessment of landscape effects.
- **Mount Cardrona Station** (16/27/1, 16/27/2, 16/27/3, 16/27/4, 16/27/9), Partly Supported by **Shotover Park Limited** (16/27/1/1, 16/27/2/1, 16/27/3/1, 16/27/4/1, 16/27/9/1) and opposed by **Willowridge Developments Limited** (16/27/1/2, 16/27/2/2, 16/27/3/2, 16/27/4/2), submits that the S 32 documents under-represents the existing capacity.
- **Chris Norman** (16/29/4), supported by **Roger Gardiner** (16/29/4/1), **Mount Cardrona Station** (16/29/4/2), **Shotover Park Limited** (16/29/4/3), and **Sustainable Wanaka** (16/29/4/4) and opposed by **Willowridge Developments Limited** (16/29/4/5), makes various comments that the capacity assessments in the S 32 documentation are inaccurate.
- **Shotover Park Limited** (16/33/1-8), supported by **Mount Cardrona Station** (16/33/1/1, 16/33/2/1, 16/33/4/1, 16/33/5/1, 16/33/6/1, 16/33/7/1, 16/33/8/1) and opposed by **Willowridge Developments Limited** (16/33/1/2, 16/33/2/2, 16/33/3/1, 16/33/4/2, 16/33/5/2, 16/33/6/2, 16/33/7/2, 16/33/8/2) submits that the S 32 report does not assess the establishment of another 'centre' when considering the existing Town Centre provisions.

The following submitters suggest that the S 32 documentation is adequate:

- **Willowridge Developments Limited** (16/41/1), opposed by **Shotover Park Limited** (16/41/1/1), supports the Section 32 reporting in regard to a) its finding that the objectives, policies, and rules are the most appropriate and b) its evaluation of the costs and benefits.

### Discussion

In general terms, it is considered that the process and documentation produced is fully compliant with Section 32 of the RMA. The following additional specific comments are made in response to the submissions received:

- Whilst an assessment of landscape effects was not included in the S 32 documentation, considerable landscape analysis was undertaken as part of the masterplanning for this site, at both a macro and micro level. This work was undertaken on behalf of the Council by landscape architects from Boffa Miskell. It is also noted that landscape architects were on the team of specialists who undertook the Wanaka 2020 process, which first 'flagged' the potential of the site for future urban growth.

- Whilst there is no specialist Urban Design report attached to the S 32 documentation, experienced urban designers were a fundamental part of the team responsible for preparing the Plan Change, leading the masterplanning exercise and having significant input into the specific rule drafting. Notably, both the Wanaka 2020 charette and the finalisation of the Wanaka Structure Plan (which were precursors to this Plan Change) were both led by experienced urban designers. It is also noted that further specialist Urban Design input obtained in response to various submissions is attached to this report and, as such, forms part of the S 32 documentation. You are also referred to the comments made by Council's Urban Designer in the report attached as Appendix 4.
- The criticism that S 32 documents under-represents the existing capacity has been addressed by the Council undertaking further work on capacity and commissioning further retail demand assessment work as part of preparing this report. Mount Cardrona Station suggests that the Plan Change's provision of residential land is inappropriate given the existing **capacity** for residential development in the Wanaka area. You are referred to the full discussion of this matter under Issue 2(b), in this report.

#### Relief sought and recommendations

You are referred to Appendix 1 for recommendations on the specific relief sought.

In summary, it is recommended that other than the further work undertaken in regard to capacity and the urban design advice received in respect of specific submissions, no further work is considered necessary.

You are referred to Appendix 2 for the recommended changes to the Plan provisions.

#### Reasons for the recommendations

The Section 32 documentation is considered sufficient. It is also noted that this Planners Report and the Council's decision will both form part of the continuing Section 32 process and that, where significant changes are made as part of the decision, the analysis of the options will be documented in the decision.

**APPENDIX 1**

**RECOMMENDATIONS ON SPECIFIC SUBMISSIONS & FURTHER SUBMISSIONS  
RECEIVED ON PLAN CHANGE 16 -THREE PARKS**

## Plan Change 16 – Three Parks Special Zone

**APPENDIX 2**  
**RECOMMENDED REVISED PLAN CHANGE PROVISIONS AS A RESULT OF**  
**SUBMISSIONS**



**APPENDIX 3**

**REVIEW OF PROPOSED RETAIL FLOOR SPACE AT THREE PARKS WANAKA**



**APPENDIX 4**  
**QLDC URBAN DESIGNER'S REPORT**



**APPENDIX 5**

**TRANSPORT IMPACT REPORT IN RESPONSE TO SPECIFIC ISSUES RAISED  
IN SUBMISSIONS 2009**



## **APPENDIX 6**

### **CAPACITY ANALYSIS FOR LARGE FORMAT RETAIL IN WANAKA**



**APPENDIX 7**

**BASELINE INFORMATION ON THE HEALTH OF THE WANAKA TOWN  
CENTRE (SEPTEMBER 2009)**