

# **NORTHLAKE INVESTMENTS LIMITED**

## **Request for a Change to the Operative Queenstown Lakes District Plan**

**3 February 2022**

**BROWN&COMPANY**  
P L A N N I N G   G R O U P



# Northlake Investments Limited: Request for a Change to the Operative Queenstown Lakes District Plan

## 1. Introduction

### 1.1 Overview

Northlake Investments Limited (**NIL**) requests a change (the **Change**) to the Queenstown Lakes District Council's (**QLDC**) operative Queenstown Lakes District Plan (**ODP**), to enable legal access and infrastructure corridor through the Northlake Special Zone (**NSZ**) to Sticky Forest, west of and adjoining the NSZ, and to expand the area available for urban residential purposes in the western part of the NSZ

The Site subject to the Change is located within the western part of the NSZ where Activity Area E1, C1 and B2 intersect, and adjacent to the Sticky Forest land.

The specific changes proposed to the ODP are:

- (a) Amend Chapter 12.33 of the ODP (the NSZ objectives and policies) as follows (amended text underlined):
- (i) Amend Policy 3.1 to include reference to Sticky Forest as follows:
- 3.1 *To ensure that roading is integrated with existing development, and the existing road network, and with Sticky Forest (to the west).*
- (ii) Consequential amendments to Policies as follows:
- 1.4 *To enable and encourage low density residential activities within Activity Areas B1 – B5-6*
- 2.3 *To require the use of Outline Development Plans in resource consent applications for Activity Areas B1 to B56, C1 to C4 and D1 in order to:*
- *implement the objectives and policies of the Zone and the relevant Activity Area and the Northlake Structure Plan;*
  - *determine the general location of anticipated future activities and built form within the Activity Area;*
  - *achieve any required density range within the relevant Activity Area;*
  - *achieve appropriate integration of anticipated future activities.*
- (b) Amend Chapter 12.34 of the ODP (the NSZ rules) as follows (amended text underlined):
- (i) Amend matter of discretion (k) in Rule 12.34.2.3.i to require consideration of integration with Sticky Forest, as follows:
- (k) *Integration of the Outline Development Plan with other parts of the zone, or with other consents with Outline Development Plans that have been approved or, in the case of Activity Area B6, integration with the Sticky Forest land to the west of the zone.*

(ii) Amend the NSZ Structure Plan to show the required road link to Sticky Forest and Activity Area B6, being a new residential Activity Area in the northwest part of Northlake, to amend the existing configuration of Activity Areas B2, C1 and E1;

(iii) Consequential amendments to various rules to include reference to Activity Area B6:

a. Change Rule 12.34.2.3(i) as follows:

*Residential Activities (excluding buildings) in Activity Areas B1 to B56 and C1 to C4*

b. Change Rule 12.34.2.4(ii) as follows:

*Residential Activities (excluding buildings) in Activity Areas B1 to B56 and C1 to C4 and Residential, Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages (all excluding buildings) in Activity Area D1 where an Outline Development Plan is proposed for only part of Activity Areas B1 to B56, C1 to C4 and D1.*

c. Change Rule 12.34.2.5(viii) as follows:

*The use or development of land within any of Activity Areas B1 to B56, C1 to C4 and D1 that is not in accordance with Rule 12.34.2.3.i or Rule 12.34.2.3.ii in respect of all of that Activity Area or under Rule 12.34.2.4.ii in respect of part of that Activity Area.*

d. Change Rule 12.34.2.5(ix) as follows:

*Visitor Accommodation, Commercial, Retail and Community Activities and Retirement Villages within Activity Areas A, B1 to B56 and C1 to C4.*

e. Change Rule 12.34.4.1(i)(a) as follows:

*Within Activity Areas A, B1 – B56, and C1 – C4 no more than one full time equivalent person who permanently resides elsewhere than on the site may be employed in a non-residential activity.*

f. Change Rule 12.34.4.1(i)(b) as follows:

*Within Activity Areas A, B1 – B56, and C1 – C4 no more than 40m<sup>2</sup> of the gross floor area of the buildings on a site shall be used for non-residential activities.*

g. Change Rule 12.34.4.1(vi) as follows:

*In Activity Areas B1 – B56 and D1 garages and carports must be setback at least level with the front façade (i.e. the façade facing the street) of the residential unit.*

h. Change Rule 12.34.4.2(i) as follows:

*All activities and developments must be carried out in accordance with the Structure Plan, provided that this rule does not apply to an amendment of boundaries of up to 50m between Activity Areas B1 – B56 and D1.*

i. Change Rule 12.34.4.2(ii) as follows:

*The density of residential units within each Activity Area shall achieve limits set out in Table 1 plus or minus fifteen per cent (15%).*

*Table 1:*

<i>Activity Areas</i>	<i>Density (residential units per hectare)</i>
<i>A &amp; C4</i>	<i>N/A</i>
<i>B1 – B56</i>	<i>10</i>
<i>C1 – C3</i>	<i>4.5</i>
<i>D1</i>	<i>15</i>

- j. Change Rule 12.34.4.2(iv) as follows:

*Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.*

- (a) *Flat sites*

*Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then the maximum height for buildings shall be:*

*8.0m for residential activities within Activity Areas A, B1 – B56, and C2 – C4;*

- k. Change Rule 12.34.4.2(v) as follows:

*The maximum building coverage for all activities on any site shall be:*

- (b) *40% in Activity Areas A, B1 – B56, C1 – C4*

- (c) *65% in Activity Area D1.*

- (iv) Consequential amendment to the western end of a required walkway/cycle link connecting to Sticky Forest, to match the required road link to Sticky Forest.

- (c) Amend Chapter 15 of the ODP (Subdivision and Development) by adding a new Rule 15.2.3.4(xx) that requires the legal establishment of the required road link to Sticky Forest as part of any subdivision in Activity Area B6 as follows:

*In the Northlake Special Zone, any subdivision of Activity Area B6 that does not require, by condition of consent, the legal establishment of legal vehicle access to Sticky Forest (Section 2 of 5 Block XIV Lower Wanaka Survey District).*

The Request documentation is structured as follows:

- DOCUMENT 1:** This document, which contains the Request for the Change – overview, property and existing environment, the background to the Request, the Request, and the statutory framework for the Request under the Resource Management Act 1991 (**RMA**);
- DOCUMENT 2:** The Change – proposed amendments to the ODP;
- DOCUMENT 3:** The assessment of effects on the environment;
- DOCUMENT 4:** The evaluation under section 32 of the RMA; and
- DOCUMENTS 5 – 7:** The technical reports in support of the Change.

## 1.2 The Requestor

The Requestor is Northlake Investments Limited (**NIL**). The address for service of NIL is:

Northlake Investments Limited  
C/- Brown and Company Planning Group  
PO Box 1467  
QUEENSTOWN

Attention: Jeff Brown / Morgan Shepherd

T: 03 409 2258  
E. [jeff@brownandcompany.co.nz](mailto:jeff@brownandcompany.co.nz)  
E. [morgan@brownandcompany.co.nz](mailto:morgan@brownandcompany.co.nz)

## 2. The Site and existing environment

The Site is legally described as Lot 2000 DP 568636 and is contained within Record of Title 1022981.

The Record of Title is attached. The total land area is 58.1522ha.

The Site and environs are described in more detail in the Landscape Assessment (**DOCUMENT 5**).

## 3. Reasons for the Request

The key reasons for the Request are:

- a. To enable road access and a servicing corridor to Sticky Forest as required by Condition 47 of the Northbrook Wanaka Retirement Village decision<sup>1</sup>; and
- b. To expand the land area available for urban residential development in NSZ, in the vicinity of the proposed road access to Sticky Forest.

These reasons are examined and analysed in **DOCUMENT 4**.

## 4. The Change

The amendments proposed to the ODP are detailed above in Part 1 and in **DOCUMENT 4**.

The amended provisions of the NSZ are contained in **DOCUMENT 2**.

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<sup>1</sup> Decision of the Expert Consenting Panel (under cl 37 of Schedule 6 of the Fast Track Consenting Act 2020) for the Northbrook Wanaka Retirement Village, decision dated 4 August 2021

## 5. Statutory framework under the Resource Management Act 1991 (Act)

### 5.1 Part 2 of the Act

The purpose of a district plan is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act (Section 72 of the Act). Part 2 of the Act sets out the Act's purpose and principles.

The purpose and principles of the Act are achieved by the outcomes promoted by this Change, as discussed below.

#### **Section 8**

Section 8 requires that, in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). In providing access to the Sticky Forest land (land that is currently owned by the Crown but will eventually be transferred to identified successors in accordance with the Ngāi Tahu Claims Settlement Act 1998 as a consequence of redress promised under the South Island Landless Natives Act 1906) NIL is taking into account the principles of the Treaty.

#### **Sections 6 and 7**

There are no relevant section 6 matters (matters of national importance). The Change will not result in any effects on the natural or open character of the nearby (150m to the north) Clutha River Outstanding Natural Feature.

The key section 7 matters (other matters to which regard must be given) are:

- (b) ***The efficient use and development of natural and physical resources:***
- (c) ***The maintenance and enhancement of amenity values:***
- (f) ***The maintenance and enhancement of the quality of the environment:***
- (g) ***Any finite characteristics of natural and physical resources:***

Regarding ***efficient use and development*** and ***finite characteristics***:

Land that is located within an Urban Growth Boundary, not subject to natural hazard or Outstanding Natural Landscape overlay and is in single ownership is rare and a finite resource which the ODP should recognise by enabling the inherent opportunities in the Site's natural and physical resources. As such, it is an efficient use of the resource to provide an access and infrastructure route to Sticky Forest and additional residential development within NSZ.

Regarding ***amenity values*** and ***quality of the environment***:

- (a) The Change will not adversely affect the visual amenity and landscape character values of the Site and the surrounding landscape.
- (b) The rolling hills in Activity Area E1 will continue to function as a large open character element within a frame of urban areas and the visual values of the hills will be retained;

- (c) The Change will not result in adverse effects on the amenity values of nearby residential areas within the NSZ and beyond.

The Change therefore achieves the principles in sections 6 and 7 of the Act.

## **Section 5**

The purpose of the Act, in section 5, is:

### **5 Purpose**

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

When a person or community wishes to use resources to enable wellbeing and for their health and safety, they can only do so if the potential of that resource is sustained, its life-supporting capacity is safeguarded, and adverse effects on the environment are avoided, remedied or mitigated.

On the basis of the examination in Part 2.4 of [DOCUMENT 4](#), the objectives of the proposal – to provide formal access to and infrastructure corridor for Sticky Forest and to expand the area available for urban residential use in the northwestern part of the NSZ – achieve the purpose of the Act by enabling a greater land area to contribute to accommodating residential growth, in an appropriate location, while avoiding or mitigating any potential adverse effects on the environment.

## **5.2 Section 73 and Schedule 1 to the Act**

Any person may request a territorial authority to change a district plan (Section 73(2)), and the plan may be changed in the manner set out in Schedule 1. Clause 22 of Schedule 1 (Form of request) requires that the request:

- shall be made in writing and shall explain the purpose of, and reasons for, the change and contain an evaluation report prepared in accordance with section 32 for the change; and
- where environmental effects are anticipated, shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.

The evaluation under section 32 of the Act is in [DOCUMENT 4](#), attached.

The assessment of effects on the environment, addressing Schedule 4's Clause 6 (information required in assessment of environmental effects); and Clause 7 (matters that must be addressed by assessment of environmental effects) is in [DOCUMENT 3](#), attached.

Under Clause 25 of Schedule 1 the Council is to consider the request and may reject the request in whole or in part but only on certain grounds, as follows:

- (a) the request or part of the request is frivolous or vexatious; or**
- (b) within the last 2 years, the substance of the request or part of the request—**
  - (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or**
  - (ii) has been given effect to by regulations made under section 360A; or**
- (c) the request or part of the request is not in accordance with sound resource management practice; or**
- (d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or**
- (e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.**

The Council would not have adequate grounds to reject the request under clauses (a) – (d) above because:

- the request is not frivolous or vexatious;
- within the last 2 years, the substance of the request has not been considered by the Council or the Environment Court;
- the request accords with sound resource management practice;
- the request would not make the ODP inconsistent with Part 5 of the Act.

Under clause (e), the ODP has been operative for more than 2 years.

### 5.3 Sections 75(3) and (4) and section 74(2)(a) of the Act

Under Section 75(3) a district plan must give effect to any national policy statement, any New Zealand coastal policy statement, and any regional policy statement.

The only relevant National Policy Statements are the NPS-UD and NPS-FM which are addressed in Part 9 of the section 32 evaluation ([DOCUMENT 4](#)).

Under Section 74(2)(a) of the Act the *Partially Operative Otago Regional Policy Statement 2019* and the *Proposed Otago Regional Policy Statement 2021* are relevant. These are addressed in Part 8 of the s32 evaluation ([DOCUMENT 4](#)). In summary, the Change is consistent with and achieves the relevant objectives and policies of the relevant RPS's.

Under section 75(4) a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1). The relevant regional plan, the *Otago Regional Plan (Water and Air)* is addressed in Part 8 of the s32 evaluation. In summary, to the extent that the regional plans are relevant, the Change is not inconsistent with them because the amended provisions of the District Plan will continue to give effect to the regional plans.



In relation to s74 (in addition to the matters in s74(2)(a)), the following have been given regard:

- Growth Projections to 2051
- Queenstown Lakes Spatial Plan 2021
- Planning for Affordable Housing Consultation 2021
- The Change does not give rise to any potential for trade competition (other than additional competition in the residential land and housing markets).

Section 75 sets out the contents of district plans. All of the contents required to be included in a District Plan are included as it relates to this Change, as follows:

- the existing, settled objectives; and
- the policies to implement the objectives; and
- the rules to implement the policies.

Under s75(4), there are no relevant water conservation orders. Any consents required under the regional plan to give effect to the development enabled by the NIL will be applied for at the time of subdivision and development.

The changes to the rules promoted in this Change are consistent with s76.

#### 5.4 Any other relevant provision of an enactment

There are no other provisions of any enactments that are relevant to the Change.

## 6. Documents for the plan change

The following documents provide detail on specialist subjects to support the Change:

Document No.	Assessment / Discipline	Document name, author, company,	Date
<b>DOCUMENT 1</b>	Request for the Change	<i>Northlake Investments Limited: Request for a Change to the Operative Queenstown Lakes District Plan</i> Brown & Company Planning Group (Jeff Brown, Morgan Shepherd)	3 February 2022
<b>DOCUMENT 2</b>	The Change – Structure Plan changes and the provisions	<i>Northlake Investments Limited: Changes proposed to the Operative Queenstown Lakes District Plan</i> Brown & Company Planning Group / Northlake Investments Limited / Patch Landscape Architecture	3 February 2022
<b>DOCUMENT 3</b>	Assessment of Effects on the Environment	<i>Northlake Investments Limited: Assessment of Effects on the Environment</i> Brown & Company Planning Group	3 February 2022

Document No.	Assessment / Discipline	Document name, author, company,	Date
		(Jeff Brown, Morgan Shepherd)	
<b>DOCUMENT 4</b>	Section 32 evaluation	<i>Northlake Investments Limited: Evaluation under Section 32 of the Resource Management Act 1991</i> Brown & Company Planning Group (Jeff Brown, Morgan Shepherd)	3 February 2022
<b>DOCUMENT 5</b>	Landscape Assessment	<i>Landscape Assessment Report</i> Patch Landscape Architects (Steve Skelton)	20 January 2022
<b>DOCUMENT 6</b>	Transport Assessment	<i>Transportation Assessment</i> Carriageway Consulting (Andy Carr)	2 February 2022
<b>DOCUMENT 7</b>	Infrastructure Assessment	<i>Infrastructure Report</i> Paterson Pitts Group (Alex Todd),	3 February 2022