

**Queenstown Lakes District Proposed District Plan**  
**Section 32 Evaluation**  
**Stage 3 Components September 2019**

For:  
**100 Ballantyne Road**

1.	EXECUTIVE SUMMARY .....	3
2.	INTRODUCTION .....	3
3.	PURPOSE OF THE REPORT .....	3
4.	CONSULTATION .....	4
5.	STATUTORY POLICY CONTEXT .....	5
	Resource Management Act 1991 .....	5
	Local Government Act 2002 .....	6
	Other National Legislation or Policy Statements.....	7
	NPS on Urban Development Capacity .....	7
	Iwi Management Plans .....	7
	<i>Kāi Tahu ki Otago</i> Natural Resource Management Plan 2005 .....	8
	Regional Policy Statements .....	8
	Strategic Direction Chapter 3 .....	10
	Urban Development Chapter 4: .....	11
	Tangata Whenua Chapter 5:.....	13
	Landscapes and Rural Character Chapter 6.....	13
	Consistency with the PDP .....	13
	Other Stage 3 Proposals .....	14
	Other Council Documents Considered .....	15
6.	Introduction TO EVALUATION.....	15
	Background.....	15
	Issue 1 – Provide for sports fields that meets the current and future needs of Wānaka .....	16
	Issue 2 – Wānaka’s industrial land needs are met .....	18
	Issue 3 – Effects on adjoining sites .....	21
	Issue 4 – The site contains a Building Line Restriction .....	21
7.	SCALE AND SIGNIFICANCE EVALUATION.....	23
8.	EFFICIENCY AND EFFECTIVENESS OF THE PROVISIONS.....	24
9.	THE RISK OF NOT ACTING .....	24

## **1. EXECUTIVE SUMMARY**

- 1.1. This proposal provides for the zoning of the former oxidation pond site at 100 Ballantyne Road to Active Sport and Recreation Zone in the Proposed District Plan (**PDP**)
- 1.2. The Operative District Plan (**ODP**) Section 12: Special Zone (Ballantyne Road Mixed Use Zone) has been used as a baseline for this review and the key changes that are recommended, compared against the operative provisions are as follows:
  - a) Rezone the site to Open Space and Recreation – Active Sport and Recreation Subzone.
  - b) Removal of Building Line Restriction from the site.
- 1.3. The proposal and consequential variations of the PDP will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 (**'the Act'** or **'the RMA'**).

## **2. INTRODUCTION**

- 2.1. Section 32 of the Act requires objectives in proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives. The proposal recommends that 100 Ballantyne Road is zoned Active Sport and Recreation Zone. This is an existing zone within the Proposed District Plan ('PDP').
- 2.2. The evaluation of the appropriateness of the proposal is based upon addressing the following broad resource management issues:
  - a) Issue 1 – Provide for sports fields that meets the current and future needs of Wānaka
  - b) Issue 2 – Wānaka's industrial land needs are met
  - c) Issue 3 – Effects on adjoining sites
  - d) Issue 4 – Need for the Building Line Restriction on the site
- 2.3. The proposal applies to land notified in Stage 3 of the Proposed District Plan review and is shown on the Planning Maps attached to the Stage 3 bundle.

## **3. PURPOSE OF THE REPORT**

- 3.1. Section 32 of the Resource Management Act 1991 (**'the Act'** or **'the RMA'**) requires objectives in proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods

of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives. The analysis set out below (within sections 5 to 12) should be read together with the text of Chapter 38 Open Space and Recreation Zone.

3.2. This report provides an analysis of the key issues, objectives and the policy response for the proposal under the following headings;

- a) The **Consultation** undertaken, including engagement with iwi authorities on the draft plan (Section 4);
- b) An overview of the applicable **Statutory Policy Context** (Section 5);
- c) Description of the **Non-Statutory Context** (strategies, studies and community plans), which have informed the proposed provisions (Section 5.28-5.38);
- d) A description of the **Resource Management Issues**, which provide the driver for the proposed provisions (Section 6.7-6.37);
- e) A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (Section 32(1)(c)) (Section 7);
- f) An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act (Sections 8), that is
  - (a) Whether the objectives are the most appropriate way to achieve the RMA's purpose (Section 32(1)(a)).
  - (b) Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)), including:
    - (i) identifying other reasonably practicable options for achieving the objectives
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives,and
    - (iii) summarising the reasons for deciding on the provisions; and
- g) Consideration of **Risk** (Section 9).

#### 4. CONSULTATION

4.1. Limited public consultation has been undertaken for this proposal. Wānaka has had a number of projects that have considered strategic direction where extensive consultation has been undertaken including Wānaka Town Centre Masterplan 2019, Wānaka Transport Strategic Case 2018, Wānaka 2020 Community Plan, Wānaka Town Centre Strategy 2009, Wānaka Transportation and Parking Strategy 2008, Wānaka Structure Plan 2007 . Where relevant, these projects have been referenced.

## **Consultation with iwi authorities**

4.2. Throughout the development of the Stage 3 PDP proposals, QLDC and Aukaha<sup>1</sup> have worked together in the development of provision relating to wāhi tūpuna. In addition, Aukaha and Te Ao Marama Limited<sup>2</sup> received a draft of the Three Parks proposal on 9th July 2019. No direct response was provided for these draft proposals.

## **5. STATUTORY POLICY CONTEXT**

### **Resource Management Act 1991**

5.1. Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of Part 2 of the Act:

#### ***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.*

5.2. Section 6 of the RMA sets out a number of matters of national importance that are to be recognised and provided for. There are no section 6 matters directly relevant to this proposal.

5.3. Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the proposal include the following:

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

...

*(c) the maintenance and enhancement of amenity values:*

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<sup>1</sup> Aukaha is a stand-alone commercial consultancy facilitating Kai Tahu engagement in resource consent and plan change process in Otago on behalf of Manawhenua

<sup>2</sup> Te Ao Marama is an Environmental Advocacy arm of Ngai Tahu

...

*(f) maintenance and enhancement of the quality of the environment:*

- 5.4 Section 8 requires that Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles as they relate to resource management derive from Te Tiriti o Waitangi itself and from resource management case law and practice.

#### **Local Government Act 2002**

- 5.5. The Local Government (Community Well-being) Amendment Bill (Amendment Bill) received royal assent on 13 May 2019, and came into force the following day as the Local Government (Community Well-being) Amendment Act (Amendment Act). The main objectives of the Amendment Bill were<sup>3</sup> to restore the purpose of local government to “promote the social, economic, environmental, and cultural well-being of communities”; as well as to restore territorial authorities’ power to collect development contributions for any public amenities needed as a consequence of development; and to make minor modifications to the development contributions power. Section 14 of the Local Government Act 2002 is also of relevance in terms of Council policy development and decision making.
- 5.6. The Amendment Act places greater emphasis on local authorities’ functions in providing for people’s well-being. Similar to Part 2 of the RMA, the LGA (including the Amendment Act changes) emphasises a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. It demands a future-focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.
- 5.7. Having regard to these provisions, the approach through this review is to provide a balanced framework in the District Plan to manage resources appropriately. Furthermore, no less important is the need to ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.
- 5.8. Similar to Part 2 of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future-focussed policy approach, balanced with considering current needs and interests. Like the RMA, the

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<sup>3</sup> This description is copied from the following page of the NZ Parliament website: [https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL\\_77941/local-government-community-well-being-amendment-bill](https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_77941/local-government-community-well-being-amendment-bill)

provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

- 5.9. Having regard to these provisions, the approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, no less important is the need to ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

#### **Other National Legislation or Policy Statements**

- 5.10. When preparing district plans, district councils must give effect to any National Policy Statement (NPS) or National Environmental Standard (NES).

- 5.11. The following NPS that are relevant are:

(a) NPS on Urban Development Capacity

- 5.12. The following NES that are relevant are:

(a) NES for Assessing and Managing Contaminants in Soil to Protect Human Health

#### **NPS on Urban Development Capacity**

- 5.13. The NPS-UDC came into force on 1 December 2016. The NPS-UDC has an overall intention to require local authorities to provide sufficient residential and business land capacity over the short (0-3 years), medium (3-10 years) and long term (10-30 years) to enable urban environments to grow and change. This is supported by new sections 30 and 31(aa) RMA 1991 which require as part of councils function in achieving Part 2, Council's to ensure sufficiency of supply of housing and business land.

- 5.14. The site is within an existing urban area but is undeveloped and represents vacant capacity land within Wānaka. The proposal will need to consider the distribution of land use and ensure that any change in use does not result in insufficient land capacity for either residential or business land capacity.

#### **Iwi Management Plans**

- 5.15. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Councils must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

5.16. The following iwi management plans are relevant:

*The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008); and*

*Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)*

**The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008**

5.17. The focus of the policies are predominantly on water and high country areas. Whilst not specifically addressing these policies the regulatory approach proposed would be consistent. Section 3.5.7 addresses subdivision and development and include iwi involvement in zoning provisions<sup>4</sup>, particularly where sites are of cultural significance. The site is not a known area of significance. As noted above, consultation has been undertaken.

***Kāi Tahu ki Otago Natural Resource Management Plan 2005***

5.18. Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5.

5.19. Many of the general objectives and policies relate generally to the use, management and protection of water and biodiversity, and are not directly applicable to the zoning proposed.

**Regional Policy Statements**

5.20. Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The Partially Operative Otago Regional Policy Statement 2019 (**PORPS 19**) and the Partially Operative Otago Regional Policy Statement 1998 (**PORPS 98**) are the relevant regional policy statements to be given effect to within the PDP.

5.21. The following objectives and policies of PORPS 19 are relevant to the proposal.

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<sup>4</sup> Policy 3.5.7.1



<p>Policy 4.5.1</p>	<p>Providing for urban growth and development Provide for urban growth and development in a strategic and co-ordinated way, including by:</p> <ul style="list-style-type: none"> <li>c) Ensuring that there is sufficient housing and business land development capacity available in Otago;</li> <li>...</li> <li>f) Having particular regard to:</li> <li>...</li> <li>ii. Minimising competing demands for natural resources;</li> <li>g) Ensuring efficient use of land;</li> <li>h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;</li> </ul>
<p>Policy 4.5.3 Urban design</p>	<p>Design new urban development with regard to:</p> <ul style="list-style-type: none"> <li>a) A resilient, safe and healthy community;</li> <li>b) A built form that relates well to its surrounding environment;</li> <li>c) Reducing risk from natural hazards;</li> <li>d) Good access and connectivity within and between communities;</li> <li>e) A sense of cohesion and recognition of community values;</li> <li>f) Recognition and celebration of physical and cultural identity, and the historic heritage values of a place;</li> <li>g) Areas where people can live, work and play;</li> <li>h) A diverse range of housing, commercial, industrial and service activities; i) A diverse range of social and cultural opportunities.</li> </ul>
<p>Policy 5.3.3</p>	<p><b>Industrial land</b> Manage the finite nature of land suitable and available for industrial activities, by all of the following:</p> <ul style="list-style-type: none"> <li>a) Providing specific areas to accommodate the effects of industrial activities;</li> <li>b) Providing a range of land suitable for different industrial activities, including land-extensive activities;</li> <li>c) Restricting the establishment of activities in industrial areas that are likely to result in: <ul style="list-style-type: none"> <li>i. Reverse sensitivity effects; or</li> <li>ii. Inefficient use of industrial land or infrastructure.</li> </ul> </li> </ul>
<p>Policy 5.3.5 Tourism and outdoor recreation</p>	<p>Recognise the social and economic value of some forms of outdoor recreation and tourism having access to, and being located within, outstanding natural features and landscapes.</p>

5.22. There are no objectives or policies directly relevant to the proposal within the PORPS 98 or the equivalent provisions within the Proposed Regional Policy Statement.

**Proposed District Plan - Notified 26 August 2015**

5.23. The following objectives and policies (or parts thereof) of the PDP (Part 2 Strategic) are relevant to the review of the Ballantyne Road Mixed Use Zone, and the proposal set out within the report should take into account and give effect to these provisions:

### Strategic Direction Chapter 3

Reference	Detail
Strategic Objective 3.2.1	The development of a prosperous, resilient and equitable economy in the District (addresses Issue 1)
Strategic Objective 3.2.1.5	Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wānaka town centres, Frankton and Three Parks, are sustained.
Strategic Objective 3.2.1.9	Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)
Strategic Objective 3.2.2	Urban growth is managed in a strategic and integrated manner. (addresses Issue 2)
Strategic Objective 3.2.2.1	Urban development occurs in a logical manner so as to: <ul style="list-style-type: none"> <li>a. promote a compact, well designed and integrated urban form;</li> <li>b. build on historical urban settlement patterns;</li> <li>c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;</li> <li>d. minimise the natural hazard risk, taking into account the predicted effects of climate change;</li> <li>e. protect the District’s rural landscapes from sporadic and sprawling development;</li> <li>f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;</li> <li>g. contain a high quality network of open spaces and community facilities; and</li> <li>h. be integrated with existing, and planned future, infrastructure. (also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following).</li> </ul>
Strategic Objective 3.2.3	A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5)
Strategic Objective 3.2.5	The retention of the District’s distinctive landscapes. (addresses Issues 2 and 4)
Strategic Objective 3.2.5.2	The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.
Strategic Objective 3.2.6	The District’s residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)
Strategic Policy 3.3.3	Avoid commercial zoning that could undermine the role of the Queenstown and Wānaka town centres as the primary focus for the District’s economic activity. (relevant to S.O. 3.2.1.2)
Strategic Policy 3.3.8	Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (relevant to S.O. 3.2.1.3 and 3.2.1.5)
Strategic Policy 3.3.10	Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wānaka town centres, Frankton and Three Parks fulfil. (relevant to S.O. 3.2.1.5)

Strategic Policy 3.3.11	Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification. (relevant to S.O. 3.2.1.1, 3.2.1.2, 3.2.1.5, 3.2.1.6 and 3.2.1.9)
Strategic Policy 3.3.13	Apply Urban growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wānaka and Lake Hāwea Township. (relevant to S.O. 3.2.2.1)
Strategic Policy 3.3.14	Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)
Strategic Policy 3.3.32	Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (relevant to S.O. 3.2.19 and 3.2.5.2)

5.24. The Strategic Directions seek to enable development while protecting the valued natural and physical resources of the District. This proposal is required to give effect to these obligations.

#### Urban Development Chapter 4

Reference	Detail
<b>Objective 4.2.1</b>	<b>Objective - Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. (from Policies 3.3.12 and 3.3.13)</b>
Policy 4.2.1.1	Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.
Policy 4.2.1.2	Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements.
Policy 4.2.1.3	Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.
Policy 4.2.1.4	Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to: <ul style="list-style-type: none"> <li>a. its topography;</li> <li>b. its ecological, heritage, cultural or landscape significance if any;</li> <li>c. any risk of natural hazards, taking into account the effects of climate change;</li> <li>d. connectivity and integration with existing urban development;</li> <li>e. convenient linkage with public transport;</li> <li>f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;</li> <li>g. the need to make provision for the location and efficient operation of regionally significant infrastructure;</li> <li>h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;</li> <li>i. the function and role of the town centre and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2-3.2.1.5 and associated policies; and</li> <li>j. the need to locate emergency services at strategic locations.</li> </ul>

Policy 4.2.1.5	When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes.
Policy 4.2.1.6	Review and amend Urban Growth Boundaries over time, as required to address changing community needs.
<b>Objective 4.2.2A</b>	<b>A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.</b>
<b>Objective 4.2.2B</b>	<b>Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)</b>
Policy 4.2.2.2	Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to: <ul style="list-style-type: none"> <li>a. its topography;</li> <li>b. its ecological, heritage, cultural or landscape significance if any;</li> <li>c. any risk of natural hazards, taking into account the effects of climate change;</li> <li>d. connectivity and integration with existing urban development;</li> <li>e. convenient linkages with public transport;</li> <li>f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;</li> <li>g. the need to make provision for the location and efficient operation of regionally significant infrastructure;</li> <li>h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;</li> <li>i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and</li> <li>j. the need to locate emergency services at strategic locations.</li> </ul>
Policy 4.2.2.4	Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.
Policy 4.2.2.9	Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design”.
Policy 4.2.2.22	Define the Urban Growth Boundaries for Wānaka and Lake Hāwea Township, as shown on the District Plan Maps that: <ul style="list-style-type: none"> <li>a. are based on existing urbanised areas;</li> <li>b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;</li> <li>c. have community support as expressed through strategic community planning processes;</li> <li>d. utilise the Clutha and Cardrona Rivers and the lower slopes of Mt. Alpha as natural boundaries to the growth of Wānaka; and</li> <li>e. avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.</li> </ul>
Policy 4.2.2.23	Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

5.25. The Urban Development objectives and policies encourage consolidation of urban growth within the urban growth boundaries and existing settlements. Enhancing connections to public recreation facilities, reserves, open space and active transport networks (Policy 4.2.2.4) raises the issue of good access to open space.;

#### **Tangata Whenua Chapter 5**

<b>Objective or provision</b>	<b>Detail</b>
Objective 5.3.1	<b>Consultation with tangata whenua occurs through the implementation of the Queenstown Lakes District Plan.</b>
Policy 5.4.1.3	Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decision-making and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.

5.26. The objectives and policies within Chapter 5 that are relevant to this proposal are those that recognise the special role of tangata whenua and ensures decision making includes consultation and engagement with Ngāi Tahu. As outlined in section 5 of this report, consultation has been undertaken.

#### **Landscapes and Rural Character Chapter 6**

5.27. The objectives and policies set out in Chapter 6 give effect to Sections 6(b) and 7(c) of the Act by managing the actual and potential adverse effects where these could affect the District’s landscape values and character. The area that this proposal relates to is contained within the Wānaka UGB. The adjacent land to the south is a ‘Rural Character Landscape’. The policies contained within Chapter 6 relating to rural character landscapes are not directly relevant to this proposal.

#### **Consistency with the PDP**

5.28. The Ballantyne Road Mixed Use area that is the subject of the proposal is contained within the Urban Growth Boundary for Wānaka and therefore the Urban Environment Chapters are relevant. These will be considered in the evaluation below.

5.29. Other parts of PDP that the proposal will need to consider in terms of integration and consistency are Part 3 Urban Environment and Part 5 District Wide Matters.

#### **District Wide Provisions**

- 5.30. The PDP include chapters that apply district wide. These chapters are contained within Part 5. The inclusion of the area within the PDP (Volume A), will result in these provisions applying to the land.
- 5.31. Where the provisions set out in a district wide chapter are not the most appropriate for the proposal, any exclusion to the district wide rules will need to be clearly stated and implemented through variations to these chapters.
- 5.32. The proposal will need to consider integration and consistency with the Part 5 chapters as follows:
- Chapter 25 Earthworks
  - Chapter 26 Historic Heritage
  - Chapter 27 Subdivision and Development
  - Chapter 28 Natural Hazards
  - Chapter 29 Transport
  - Chapter 30 Energy and Utilities
  - Chapter 31 Signs
  - Chapter 34 Wilding Exotic Trees.
  - Chapter 35 Temporary Activities and Relocated Buildings
  - Chapter 36 Noise
  - Chapter 37 Designations
  - Chapter 38 Open Space and Recreation Zone ('OSRZ')
- 5.33. Chapter 38 is a zone chapter and is relevant to consider in terms of zoning to enable active sports and recreation. Chapter 38 applies to Council owned or administered land and relates to a number of zones that provide for a range of open space and recreation.
- 5.34. There are no identified protected trees (Chapter 32 Protected Trees), or areas of indigenous vegetation (Chapter 33) within the area affected by these proposals.

#### **Other Stage 3 Proposals**

- 5.35. The Three Parks area sits directly adjacent and generally surrounds the site of this proposal. The integration of land uses on the site with Three Parks will be important to the wider function of development within this part of Wānaka. The site to the south form part of the Industrial proposal, is proposed to be a 'General Industrial Zone'.

5.36. Three Parks area in Wānaka, including the site of this proposal, does not include an area that has an identified Wāhi Tūpuna as set out in proposed Chapter 39 Wāhi Tūpuna.

5.37. The other proposals of Stage 3 are not directly relevant to this proposal.

#### **Other Council Documents Considered**

5.38. The following Council documents and projects have informed this Section 32 evaluation.

- (a) [Long Term Plan](#) – Volume A
- (b) [Long Term Plan](#) – Volume B
- (c) [Growth Projections to 2058](#)
- (d) [Queenstown Lakes Economic Development Strategy](#)
- (e) [QLDC Parks Strategy](#)
- (f) [QLDC Supply and Demand – Winter Sports Fields](#)
- (g) Business Development Capacity Assessment 2017 (as amended through Environment Court Evidence on 8 November 2018)
- (h) Housing Development Capacity Assessment 2017

## **6. INTRODUCTION TO EVALUATION**

### **Background**

6.1. The zoning of the wider Wānaka area under the ODP comprises the existing Ballantyne Road Mixed Use Zone the existing Three Parks Special Zone, an Industrial, and Industrial B zone all of which are affected by Stage 3 of the review.

6.2. The existing operative zone covers a single 20.4 ha site legally described as Section 1 Survey Office Plan 17808 contained in Computer Freehold Register 150395. The site is gazetted for sewage treatment purposes with Queenstown Lakes District Council holding the computer freehold register. The sewage treatment on-site was decommissioned in 2009 and there is no longer a designation for this purpose in the district plan.

6.3. Plan Change 32 Ballantyne road Mixed Use Zone (PC32) pre-dated the Plan Change that created the Three Parks Special Zone that surrounds the site to the east and south. The south-western portion of the site is where the old sewage ponds are located. The site is a Hazardous Activities and Industries List (HAIL) site under the National Environmental Standards for Assessing and managing Contaminants in Soil to Protect Human Health 2011 (NESCS).

- 6.4. The site is generally flat. The area is currently covered in scrub. There are sludge windrows awaiting disposal within the old pond areas. The site is currently used as an informal civil works yard and over the summer months was used as temporary parking for campers.
- 6.5. PC32 implemented the Ballantyne Road Mixed Use Zone, an industrial and business zone. PC32 was intended to provide for yard based service and industrial activities, with mixed business uses at the periphery of the zone as a transition from the yard based service activities to the more amenity driven residential activities which were then anticipated on adjacent land by the Wanaka Structure Plan adopted in 2004. The inclusion and location of this zone was generally consistent with the Wānaka 2020 and Wānaka Structure Plan 2007.
- 6.6. The existing zoning has not resulted in any development using the provisions in the ODP which. With none of the land use having been established which was anticipated under the zone, this provides an opportunity to consider a change in the intended use of the area.
- 6.7. The following key issues have been identified as the central themes associated with the proposal.
- **Issue 1 – Provide for sports fields that meets the current and future needs of Wānaka**
  - **Issue 2 – Wānaka’s industrial land needs are met**
  - **Issue 3 – Effects on adjoining sites**
  - **Issue 4 – Need for the Building Line Restriction on the site**
- 6.8. The following sections outlines the issues and evaluates the response that this proposal provides to these issues.

**Issue 1 – Provide for sports fields that meets the current and future needs of Wānaka**

- 6.9. Council completed an analysis of Supply and Demand for Winter Sports Fields in October 2018. This identified the current and future needs of sports fields within the district and identified that Wānaka has a calculated shortfall of 78.1 Full Field Equivalent (FFE) hours for winter field codes (both rugby and soccer) within Wānaka. In addition, a need for 40.2 Full Field Equivalent (FFE) hours for Football and 66.2 FFE for Rugby was identified in Wānaka by 2028 based on population projections and a break-down of future age demographics.



- 6.10. The high level of usage that fields are subject to when the supply is insufficient can negatively affect the quality of sports fields, reducing the availability of fields for use. The shortage affects multiple winter codes most acutely, such as rugby and soccer. These each require different field markings and set-up which can make sharing of facilities challenging.
- 6.11. There is a clear need for sports fields in Wānaka. The Ballantyne Road site is located within an urban area that will contain a mix of business and residential land uses. With a clear need for sports fields set out, and the obvious qualities of the site as a large flat undeveloped site in public ownership, the appropriateness of the site for the use is relevant to consider.
- 6.12. The Independent Hearings Panel (**IHP**) adopted rezoning principles through Stage 1 and 2 of the PDP<sup>5</sup>. This is consistent with Policy 4.2.2.2 of the PDP which directly sets out relevant matters for considering land use distribution with an UGB.
- 6.13. Any zoning imparts objectives, policies, rules and standards that set out anticipated development within a zone. For the purposes of evaluation, the key differences in terms of provisions for the zones considered is analysed in terms of their appropriateness for the zoning of this specific site. Detailed evaluation of existing zones within the PDP such as the ODZ – ASR per se has not been undertaken however, given the extent that these zones have already undergone assessment in the preparation of the PDP and through the consideration of submissions.
- 6.14. The site is located within the urban area. The topography makes it suitable for a range of land uses, being generally flat. The prior use of the site, and status as a HAIL site would make its use for residential purposes potentially problematic. Options for disposal of the pond dredgings include application to land onsite or offsite (which could entail use of the material for commercial cut-and-carry grass (haylage) or lucerne crop to reduce the potential for nitrogen leaching) as well as disposal of the material to landfill<sup>6</sup>.
- 6.15. The site is contained within the Wānaka Urban Growth boundary and is located adjacent to Three Parks, an area that will provide for a mix of business and residential opportunities. Te Kura o Take Kārara<sup>7</sup> is located approximately 300m from the northern boundary of the site. The Wānaka Recreation Centre and Swimming Pool is directly adjacent to the School. The location would therefore be well connected to both

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<sup>5</sup> Appendix A: Independant Hearing Panel – Rezoning Principles

<sup>6</sup> Disposal of Wanaka Biosolids – recommendations based on new data, Report to Queenstown Lakes District Council, Tom Speir, ESR, 9 December 2010.

<sup>7</sup> The new Wānaka South School, located in Three Parks and set to open 2020.

recreational and education facilities. In addition, future public transport is likely to operate through Three Parks given the scale of development anticipated.

6.16. Policy 4.2.2.4 directly encourages urban development to be connected to public recreation facilities. The location within the wider Three Parks area, proximity to existing facilities and the general character of the site would make this ideal for provision of sports fields. It is acknowledged that remediation of the site would be required under the NES-Soil. When compared to the likely cost if Council were to try and obtain an equally accessible flat area of land within the urban area at the scale available within this site, any remediation cost would likely be much less.

6.17. There would be a number of broad options available to enable sports fields within this site. This would be through designation or rezoning. Through Stage 2 of the PDP Open Space and Recreation zones have been applied to Council administered or Council owned open space and recreation areas. To remain consistent, it is considered that continuing the framework set up under Stage 2 is appropriate. The use of zoning does not limit any future designation process.

6.18. Chapter 38 relates to five separate zones and four subzones. The five main zones are;

- a. Nature Conservation Zone
- b. Informal Recreation Zone
- c. Active Sports and Recreation Zone
- d. Civic Spaces Zone; and
- e. Community Purposes Zone.

6.19. All the Open Space Recreation zones provide for informal recreation. The only zones that provide for organised sports and recreation are the Active Sports and Recreation Zone and Community Purposes Zone. The focus of the Community Purpose Zone is on community functions like halls, libraries and recreation centres. For example, the Wānaka Recreation Centre is zoned OSRZ Community Purpose. Given these facilities within proximity to the site, and the development planned this is not considered the most appropriate zone to enable sports fields. The primary purpose of the Active Sport and Recreation Zone is for organised sports and recreation and it contains the following objective:

*Active sport and recreation activities are provided for in appropriate locations, while managing adverse effects on surrounding areas and communities.*

6.20. Given the recognised demand is for sports fields for organised sport and the suitability of this land for this purpose, this zone and its incumbent objective would best address this resource management issue.

## **Issue 2 – Wānaka’s industrial land needs are met**

- 6.21. The change of use of the site, as proposed, would result in a reduction of industrial land use in the Wānaka urban environment. To ensure the most appropriate proposal is recommended it is relevant to consider what are the industrial land needs for Wānaka with any change resulting in a reduction in capacity for this purpose.
- 6.22. The existing BRMUZ provides for a mix of yard based industrial land and business type uses. This site represented a large area of vacant capacity for this type of activity within Wānaka.
- 6.23. The site sits adjacent to the existing Three Parks Special Zone – Business Subzone that primarily provides for industrial and service activities. On the opposite side of Ballantyne Road is Industrial and Industrial B zoned land under the ODP. All these areas are subject to Stage 3 proposals that recommends these areas be zoned ‘General Industrial Zone’ (GIZ) under the PDP along with the site to the south.
- 6.24. The 2017 Business Development Capacity Assessment by Market Economics (the BDCA) shows sufficient capacity for all business land uses in the short, medium and long-term in the Wānaka Ward. The BDCA estimates that the developable area of the BRMUZ would be 14.9ha. The 2048 land demand for business purposes in Wānaka is estimated at 19.9ha<sup>8</sup> and the total urban business enabled zones for Wānaka was estimated at 72ha<sup>9</sup>, therefore the loss of 14.9ha would not adversely impact business capacity for Wānaka.
- 6.25. The land area of the adjoining site is 12.29ha and sits generally south-east of the site for this proposal (see Figure 1 below).

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<sup>8</sup> Page 7 BDCA 2018

<sup>9</sup> Page 22 BDCA 2018



Figure 1 Subject site shown in blue outline.

6.26. If a similar ratio of site area to developable land area is applied to this piece of land as the BRMUZ this is likely to provide approximately 9ha of vacant capacity. While it is acknowledged that this adjoining site contains an existing land use for a yard based industrial activity, the adjoining site was not included as part of the previous BDCA assessment. Therefore, Stage 3 proposals still provide a net vacant capacity of 8.86 ha which is 5 ha greater than the estimated demand in the BDCA report. The net loss of approximately 5.9ha of industrial land as a result of this rezoning is not considered problematic for the Wānaka economy and in terms of obligations to meet the requirements of the NPS UDC 2016.

6.27. It is important to note that ensuring appropriate industrial land needs to consider broader implications than simple capacity analysis. Sufficient capacity does not guarantee supply. Capacity can inform zone consideration, but cannot replace a broader strategic evaluation. The inclusion of the existing BRMUZ land into the GIZ would represent a large consolidated industrial area for Wānaka. The exclusion of 100 Ballantyne Road still provides for this area to grow as an important industrial area, albeit at a somewhat reduced scale. The proposal would meet the direction set by the NPS-UDC, in particular PA1 and PA2.

6.28. The reasons that make the site suitable for sports fields are also those that make it suitable for industrial zoning. The retention of the land for industrial use could be an appropriate use of the site and will help provide a wide range of commercial benefits and including employment and jobs. However, the immediate and short-term shortage of sports fields that will provide benefit to the community is considered to make this a more appropriate land use particularly as sufficient capacity for industrial land use is identified in Wānaka.

6.29. Overall, the use of the site subject to this proposal for sports fields would reduce the extent of land with vacant capacity for industrial needs, however, given there is some surplus within vacant capacity, the loss is at a level that sufficient capacity remains.

### **Issue 3 – Effects on adjoining sites**

6.30. Chapter 3 and 4 of the PDP set a clear direction for integrated urban development. Given the location of this site adjacent to industrial zoning, the requirement in Policy 4.2.2.2i that land use within urban areas is to consider the role and function of industrial areas is relevant.

6.31. Edge effects between sports fields and industrial areas are generally lesser than between either of those types of land uses and residential areas. Potential adverse effects on neighbouring land uses could arise from floodlights, PA systems, influxes of cars into the area on weekends, children travelling to and from the site by bike in an area where there are likely to be frequent movements of commercial and trade related vehicles and trucks. The site sits adjacent to an area proposed to be GIZ to the north and south boundaries, and Lower Density Suburban Residential to the east.

6.32. Given the limited area of interface between the site and zones where residential activities are anticipated and overall land area available, any potential adverse effects at the interface of these zones is likely to be minimal and more importantly would be subject to reserve management processes and Council license to occupy arrangements which can manage any significant safety risks and adverse effects. The provisions within Chapter 38, along with other district wide provisions such as the Transport and Noise chapters would ensure that any reverse sensitivity effects are appropriately dealt with.

### **Issue 4 – The site contains a Building Line Restriction**

6.33. The ODP maps the site contain a building line restriction (BLR) that extends approximately 60m-120m metres beyond the site onto surrounding land. The surrounding land is zoned Industrial, Rural and Three Parks Special Zone under the ODP.

6.34. There were no conditions associated with the previous designation for the site relating to this building restriction however the intention is understood to be a means of addressing potential reverse sensitivity effects associated with the operation of sewage treatment on the site. Zone Standard 11.2.5.2i of the ODP requires that no building should be located within a BLR where shown on the District Plan Maps. Non-compliance would be a non-complying activity. There are no rules within the existing Three Parks Special Zone or Rural Zone under the ODP that relate to this BLR.

6.35. Given the BRMUZ site is no longer actively used for sewage disposal it is considered that the BLR is no longer required. The designation has not been continued. For this reason, these proposals remove the BLR from the planning maps. There is no reason or requirement for continuation of the BLR given the sensitive activity no longer occurs on site. The removal is considered the most appropriate way to achieve the relevant objectives.

**Reasonably practicable options**

6.36. The following table identifies other reasonably practicable options.

Option	
1. Status quo – retain the Ballantyne Road Mixed Use Zone.	Does not integrate well with the PDP style and structure.
2. Use the General Industrial Zone proposed under Stage 3 for the entire site.	Would be a consistent approach to industrial zoning.  Removes the opportunity for the site to be used for sports fields where a clear need for these has been identified.
3. Provide for General Industrial Zone and Open Space Zone within the site.	Would meet short-term needs for sports fields but no additional capacity as population growth continues into the long-term.  Provides for retention of capacity for industrial land in an area located adjacent to other industrial areas. However, the retention is not required to meet vacant supply needs for Wānaka in either the short, medium or long term.
4. Zone the entire site Active Sports and Recreation.	Provides for sports fields to meet the needs of the community.  Additional sports fields in Wānaka would provide opportunities for hosting regional and/or national tournaments.  Provides facilities within an urban area, with good connections to other recreational facilities.

6.37. Having considered these options, Option 4 is the preferred option.

## 7. SCALE AND SIGNIFICANCE EVALUATION

7.1. The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the proposed objectives and provisions:

- Result in a significant variance from the existing baseline in Operative District Plan Chapter 12.23 and 12.24 *Ballantyne Road Mixed Use Zone*.
- Have effects on matters of national importance.
- Adversely affect those with specific interests.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.
- Are more appropriate than the existing.

7.2. The proposal results in a significant change of intended land use for the area. The existing industrial and business use would not be continued. This reduces the vacant land capacity for these activities within Wānaka. This will come at a cost in terms of opportunities for economic growth and reduction in anticipated employment. However, industrial vacant land capacity is considered sufficient in Wānaka and the effect on capacity as a result of the Stage 3 proposals is considered minimal.

7.3. The proposal is adopting an existing zone within the PDP. The Open Space and Recreation zone and as such the evaluation and statutory consideration that the objectives and provisions have been relied upon and are not repeated here.

7.4. There are no matters of national importance addressed by the proposal.

7.5. The land is owned by QLDC and with the exception of adjoining land owners there are limited other parties with specific interests. The proposal is considered to offer positive effects to the community through providing an area for recreational purposes.

7.6. This proposal would provide for the Wānaka community to meet its needs in terms of a known demand for sports fields as well as other recreational opportunities. The strategic direction within the PDP recognises the importance of recreational opportunities for the community.

7.7. An analysis of alternatives has been undertaken, including consideration of the option of retaining the existing industrial land use.

## **8. EFFICIENCY AND EFFECTIVENESS OF THE PROVISIONS**

- 8.1. The proposed Active Sport and Recreation zoning (**ASRZ**) provides for the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district . On this basis, the proposed zoning is more appropriate than the alternatives considered.
- 8.2. The objectives and provisions of OSRZ have been implemented relatively recently through Stage 2 of the Plan review. As such the provisions have been recently assessed against s32(1)(a) and 32(1)(b)<sup>10</sup>, with further amendments through the hearing and the IHP decisions assessed against s32aa<sup>11</sup> and it is not considered necessary to repeat this analysis in this report. The focus in this report is location specific and the ASRZ

## **9. THE RISK OF NOT ACTING**

- 9.1. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.
- 9.2. The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

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<sup>10</sup> <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/PDP-Stage-2/Section-32-Stage-2/Section-32-Chapter-38-Open-Space-and-Recreation.pdf>

<sup>11</sup> <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Proposed-District-Plan/PDP-Stage-2-Decisions/Independent-Hearing-Panel-Recommendation-Reports/Report-19.6-Chapter-38-Open-Space.pdf>



## Appendix A

## **APPENDIX A**

### **QLDC PDP INDEPENDENT HEARINGS PANEL REZONING PRINCIPLES**

Decisions on Stage 1 and 2 of the PDP have included the development of a suite of recommended rezoning principles and factors. These have guided decision making for rezoning of the PDP to date and are considered an appropriate consideration for any proposal for rezoning.

They principles are as follows<sup>1</sup>:

- a. Whether the change implements the purpose of the PDP Strategic Direction, Urban Development and Landscape Chapters;
- b. The overall impact of the rezoning gives effect to the ORPS and the PRPS;
- c. Whether the objectives and policies of the proposed zone can be implemented on land;
- d. Economic costs and benefits are considered;
- e. Changes to the zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g., Airport Obstacle Limitation Surfaces, SNA's, Building Restriction Areas, ONL/ONF);
- f. Changes should take into account the location and environmental features of the site (e.g., the existing and consented environment, existing buildings, significant features and infrastructure);
- g. Zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity;
- h. Zone changes take into account effects on the environment of providing infrastructure onsite;
- i. There is adequate separation between incompatible land uses;
- j. Rezoning in lieu of resource consent approvals, where a portion of the site has capacity to absorb development does not necessarily mean another zone is more appropriate; and
- k. Zoning is not determined by existing use rights, but these will be taken into account.

#### Other Factors:

Context of a site or geographic area.

Relevant local context factors include:

- a. The layout of streets and location of public open space and community facilities;
- b. Land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards;
- c. Accessibility to centres and the multiple benefits of providing for intensification on locations with each access to centres; and
- d. The ability of the environment to absorb development.

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<sup>1</sup> Para 134 Report 17.1 Report and Recommendations of Independent Commissioners Regarding Queenstown (other than Wakatipu Basin) Planning Maps