

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

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER Proposed District Plan
Stage 3

**SECTION 42A REPORT OF KATHRYN RUSSELL
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

WANAKA MEDIUM DENSITY RESIDENTIAL ZONE

18 March 2020

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CONTENTS

	PAGE
1. PROFESSIONAL DETAILS	1
2. INTRODUCTION	1
3. EXECUTIVE SUMMARY	2
4. SUBMISSIONS AND ANALYSIS	3
5. CONCLUSION	5

Appendix 1: Summary of submissions and recommended decisions

1. PROFESSIONAL DETAILS

- 1.1 My full name is Kathryn Lee Russell. I hold the position of Policy Planner at Queenstown Lakes District Council (**the Council or QLDC**). I have been in this position since August 2018.
- 1.2 I hold a Bachelors of Arts in Environmental Studies and Modern Literature from the University of California, Santa Cruz. I am currently enrolled at Massey University seeking a Post Graduate Diploma in Resource and Environmental Planning. I am an Associate member of the New Zealand Planning Institute.
- 1.3 I note that I was not the author of the notified Wānaka Medium Density Residential Zone section 32 report.
- 1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.

2. INTRODUCTION

- 2.1 In this section s42A report, I provide recommendations to the Hearings Panel on the submissions received on the Wānaka Medium Density Residential Zone notified as part of Stage 3 of the Proposed District Plan (**PDP**).
- 2.2 The PDP Stage 1 decisions zoned two parcels of land, 88-94 Brownston Street and 83 Upton Street (operated as the YHA) and 122 Brownston Street, Wānaka (operated as Wānaka View Motel) as Lower Density Suburban Residential (**LDSRZ**), amidst the surrounding urban zoning of Medium Density Residential Zone (**MDRZ**) generally

bounded by Brownston Street, Russel Street, McDougall Street and Tenby Street.

- 2.3** The Council section 32 report explains that the zoning of these two sites under Stage 1 PDP as LDSRZ was not intended; the two sites should have been zoned medium density. The plan change now rezones the two sites from LDSRZ to MDRZ (**plan change**).
- 2.4** There are a total of three submission points, two of which are duplicate rezoning requests, all from one submitter: Brett Giddens (C & J Properties Ltd) (**3253**). There were no further submissions on this variation. Each submission point is addressed in section 4 below.
- 2.5** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:
- (a) Wānaka Medium Density Residential Zone Variation Section 32 evaluation (**s32**);
 - (b) PDP Stage 1 & 2 Decisions Version 7 March 2019;
 - (c) The Stage 3 Strategic s42A Report (**Strategic s42A**);
- 2.6** My recommendations regarding the submission points are included in **Appendix 1** alongside a summary of the relief sought in the submission.

3. EXECUTIVE SUMMARY

- 3.1** This report determines that the relief sought by the submitters should be rejected and the notified MDRZ retained.

4. C & J PROPERTIES LIMITED

4.1 The submitter’s property is a residential dwelling zoned MDRZ through Stage 1 of the PDP. It is located on the corner of Brownston Street and Dungarvon Street and has two street addresses: 86 Brownston; and 33 and 37 Dungarvon; is legally described as Section 1 Block XXIII Town of Wānaka. It is immediately to the east of one of the notified MDR sites, the YHA youth hostel at 88-94 Brownston Street. All three properties are shown in **Figure 1** below.




	<p>88-94 Brownston Street and 83 Upton Street (operated as a YHA)</p>	<p>Section 2-3 and 13 Block XXIII Wanaka Township contained in Computer Freehold Register OT5B/617</p>
	<p>122 Brownston Street (operated as Wanaka View Motel)</p>	<p>Section 2 Block XXII Wanaka Township contained in Computer Freehold Register OT2D/1400</p>
	<p>86 Brownston; and 33 and 37 Dungarvon (submitter residential property)</p>	<p>Section 1 Block XXIII Town of Wānaka</p>

Figure 1
 Snip of PDP Stage 1 and 2 Decisions and Appeals Map ratified 7 March 2019
 Subject sites shown with grey shading, and a red star respectively.
 Snip taken 24/02/2020

4.2 Submission point 3253.1 seeks to reject the notified MDR zones altogether (in essence seeking that they remain LDR). The submitter states that the additional yields anticipated by the proposed MDRZ, in combination with the Visitor Accommodation Sub Zone (**VASZ**) established through Stage 2 of the PDP on the YHA property adjacent to theirs, could have adverse effects on the submitter’s property which were not considered in the s32.

4.3 The s32 seeks to address a mapping anomaly from Stage 1. In addressing the mapping anomaly, the plan change achieves the

strategic intentions in Stage 1 which included up-zoning residential land located in proximity to Town Centres through the provision of higher site yields in proximity to the town centre, and to provide the opportunity for consistent built form. The zoning processes in Stages 1 and 2 of the PDP closely examine the extent to which the medium density residential zoning and the VASZ will impact the fabric of central Wānaka rather than a specific and narrow focus on individual properties¹. Further, any development of the YHA site will be controlled through the MDRZ which is a residential zone with a narrow ambit of activities enabled. In the context of the anticipated base-line effects resulting from the MDRZ density, it is considered that the notified variation would have little impact on the amenity of the submitter's site.

4.4 To retain LDRZ at the two properties would not support the PDP's strategic direction and urban form priorities (Chapters 3 and 4). The relevant policies are below.

(a) Chapter 3, Strategic Direction

Policy 3.2.1.1 The significant socioeconomic benefits of well-designed and appropriately located visitor industry facilities and services are realised across the district

(b) Chapter 4, Urban Development

Policy 4.2.2.22 (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;

4.5 Overall, when considering the costs and benefits of the economic, social, cultural, and environmental effects of rejecting the rezoning, and the risk of acting, it is my opinion that this would not be an efficient or effective way to achieve the Objectives of Chapters 3 and 4 at this point in time, based on the available information. I recommend that the relief sought in 3252.1 be rejected, as shown in **Appendix 1**.

¹ https://www.gldc.govt.nz/your-council/district-plan/proposed-district-plan/notification-and-submissions#s32_reports.

4.6 Submission points 3253.2 and 3253.3 seek to apply a VASZ to the submitter's property as relief for the perceived impacts of the MDRZ on the adjacent lot. The VASZ was addressed through Stage 2 of the PDP process, not the present stage and therefore these submission points are out of scope in my view.

4.7 On this basis, I recommend that submission points 3253.2 and 3253.3 be struck out under section 41D(1)(b) and (c) of the RMA.

5. CONCLUSION

5.1 On the basis of the analysis set out in this report, I recommend that submission point 3253.1 be rejected and that submission points 3253.2 and 3253.3 be struck out by the Hearing Panel on the basis they are out of scope, as set out in **Appendix 1**.

5.2 These recommendations, if accepted, will give effect to the proposed by the plan change, as well as the relevant statutory and non-statutory documents.



KL Russell

18 March 2020

APPENDIX 1

Summary of submissions and recommended decisions

Submission Point	Summary	Recommendation
3253.1	That the Wānaka Medium Density Residential Mapping variation as proposed be rejected.	Reject
3253.2	That if submission point 3253.1 is rejected, a Visitor Accommodation Subzone be applied to 86 Brownston St, Wānaka, with any consequential changes.	Out of scope
3253.3	That if submission point 3253.2 is accepted, a Visitor Accommodation subzone be applied to 33 and 37 Dungarvon Street, Wānaka, with any consequential changes.	Out of scope