

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

UNDER the Resource Management Act 1991

IN THE MATTER of a submission on the Queenstown
Lakes Proposed District Plan

BY **WILLOWRIDGE DEVELOPMENTS
LIMITED**

Submitter

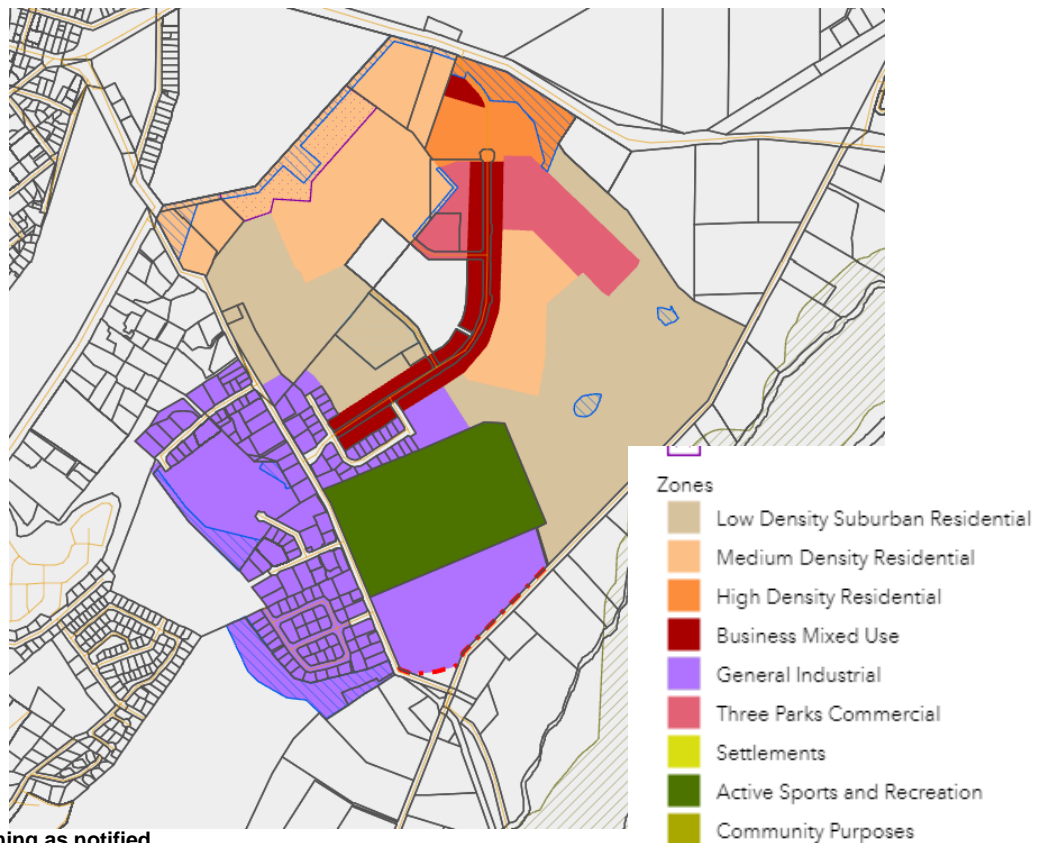
LEGAL SUBMISSIONS ON BEHALF OF THE SUBMITTER

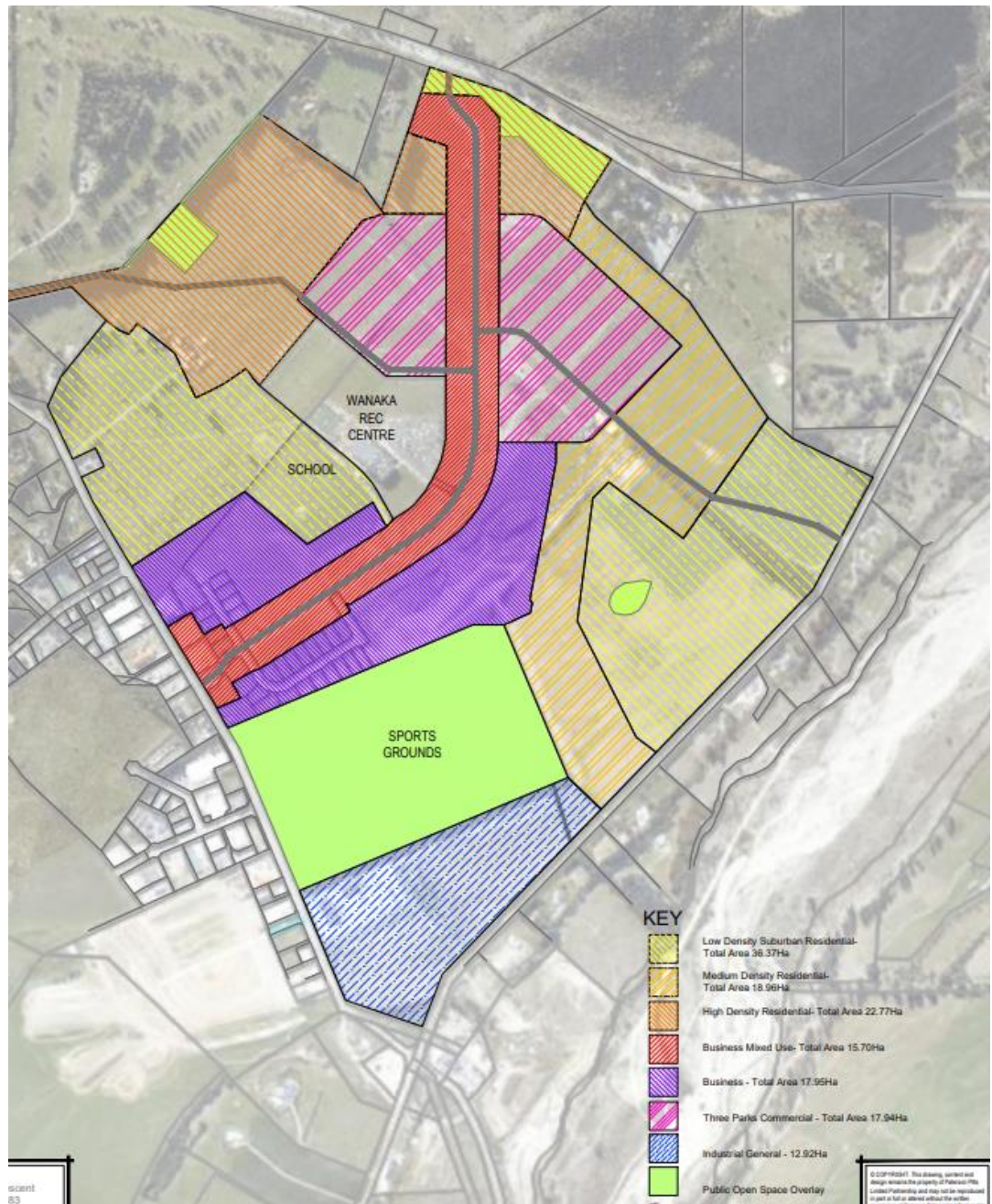
Dated: 10 August 2020

MAY IT PLEASE THE PANEL:

Introduction

- [1] These legal submissions are on behalf of Willowridge Developments Limited (**Willowridge**) in respect of its submission on Stage 3 of the Queenstown Lakes Proposed District Plan (**PDP**).
- [2] Willowridge's submission seeks the rezoning of land at Three Parks, Wanaka, together with amendments to the provisions of various Chapters in the PDP as they relate to the land.
- [3] The rezoning sought includes:
 - (a) The introduction of a new Three Parks Business Zone (**TPBZ**);
 - (b) The removal of the General Industrial Zone (**GIZ**) from the south-western end of Three Parks, adjacent to Ballantyne Road; and
 - (c) Amendments to the layout and extent of the Business Mixed Use Zone (**BMUZ**), the High, Medium and Low Density Residential Zones, and the Three Parks Commercial Zone (**TPCZ**).





Zoning as sought in submission

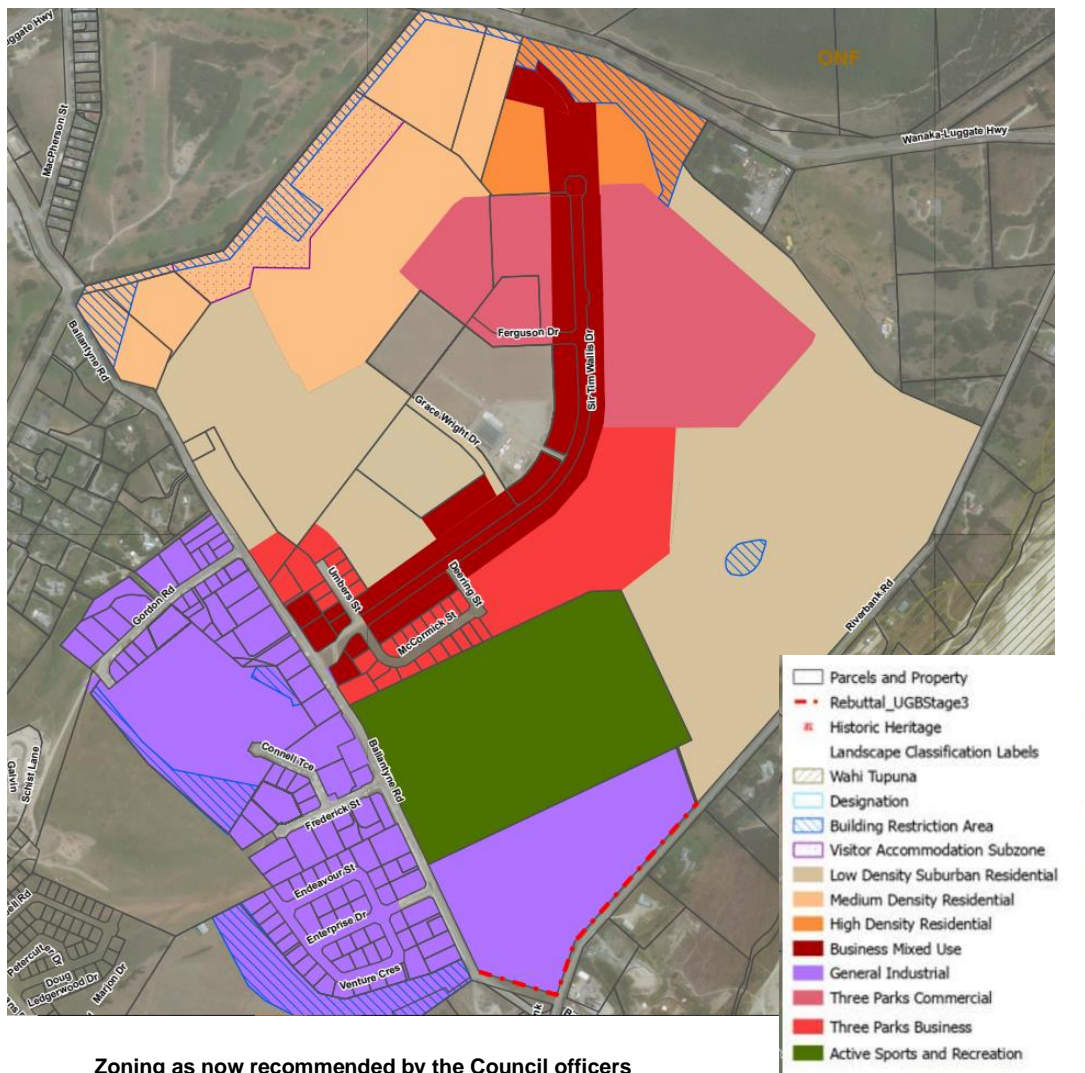
Evidence

[4] The following expert evidence has been filed in support of Willowridge's submission:

- (a) Antoni Facey (traffic);
- (b) Fraser Colegrave (economics); and
- (c) Paula Costello (planning/urban design).

Council Planning Recommendation

- [5] The Section 42A Report prepared by Nicholas Roberts on behalf of the Council accepted in part the Willowridge submission but did not accept the introduction of the TPBZ nor some of the changes sought to the layout of the residential zones, the TPCZ or the BMUZ. Mr Roberts also opposed the changes sought to the structure plan in relation to the fixed road connections and Building Restriction Areas (**BRA**).
- [6] Following the filing of expert evidence in support of the submission, Mr Roberts has reconsidered his opinion and now recommends the adoption of the relief sought to introduce the TPBZ and apply it over land notified as GIZ, as well as further changes to the zone layout.



- [7] The remaining areas of disagreement between Willowridge and the Council officers are in relation to:
- (a) The zoning of land to the west of the Wanaka Rec Centre, notified as Medium Density Residential Zone (**MDRZ**) and sought by Willowridge to be rezoned High Density Residential Zone (**HDRZ**);
 - (b) The zoning in part of land to the east of Sir Tim Wallis Drive, notified as Low Density Suburban Residential Zone (**LDSRZ**), with Willowridge seeking it be rezoned MDRZ to act as a transition between the BMUZ and TPCZ and the LDSRZ;
 - (c) The location of the access road shown on the structure plan, notified as being off Ballantyne Road and sought by Willowridge to be further northwest, at the intersection of Ballantyne and Golf Course Roads;
 - (d) The extent and layout of the BRA north of Sir Tim Wallis Drive;
 - (e) The extent of the TPBZ between Sir Tim Wallis Drive and the Te Kura O Take Kārara Primary School; and
 - (f) The provisions of the TPBZ chapter.

MDRZ Land to the West

- [8] Willowridge adopts the evidence of Ms Costello who supports the rezoning from MDRZ to HDRZ and considers this land to be “a logical spatial location for HDR zoning given its position in proximity to commercial, recreational, education and open space land uses, and serviced by transport connections”.¹
- [9] Mr Roberts in his rebuttal evidence maintains his opposition to the HDRZ on the basis the zone is not sufficiently close to the Wanaka Town Centre.²
- [10] It is submitted such a basis for opposition is not in accordance with Objective 3 of the National Policy Statement on Urban Development

¹ Statement of evidence of Paula Costello, 29 May 2020 at [92].

² Rebuttal evidence of Nicholas Roberts, 12 June 2020 at 5.25.

(NPS-UD) 2020, which is for District Plans to enable people to live in areas where the area is in or near a centre zone or other area with many employment opportunities (not necessarily a town centre). Ms Costello in her supplementary evidence points out the proposed HDRZ will be directly adjacent to land which will provide employment opportunities, being the TBCZ and BMUZ.³

Road Connection from Ballantyne Road

[11] The evidence of Mr Facey assesses the effects of the amendment to the road link from Ballantyne Road to the Ballantyne/Golf Course Road intersection and considers this location to be superior to the location of the road connection as notified.⁴

[12] It is submitted it is more desirable to have the road connection in this location so as to ensure more cohesion between Three Parks and the Wanaka Town Centre to the west, and as noted by Ms Costello such relocation is consistent with the Council's August 2018 Wanaka Network Operating Report.⁵

[13] Willowridge also adopts Ms Costello's view that the proposed location for the road connection is not adversely impacted by the BRA also being shown in this location on the notified structure plan.⁶

Building Restriction Area

[14] The reason for the change in extent of the BRA being sought is to avoid the BRA overlapping with the BMUZ at the northern end of Sir Tim Wallis Drive, and to better reflect the topography of the land in this location. The land sought to remain subject to the BRA slopes down from the State Highway, with the point at which the BRA terminates being flat land.⁷

³ Supplementary statement of evidence of Paula Costello, 7 August 2020 at [6].

⁴ Statement of evidence of Antoni Facey, 28 May 2020 at [32].

⁵ Statement of evidence of Paula Costello, 29 May 2020 at [111].

⁶ At [113].

⁷ At [108].

TPBZ West of Sir Tim Wallis Drive

[15] Willowridge maintains it is appropriate to rezone the land between Sir Tim Wallis Drive and the primary school site as TPBZ and submits it is inconsistent for the Council officers to recommend refusal of this zoning based on a mix of activities enabled by the TPBZ whilst recommending the rezoning of land to the north, also adjacent to the school site, as BMUZ.⁸

TPBZ Provisions

[16] Mr Roberts in his rebuttal evidence provides an amended draft Chapter 19B and states he will “continue to work on this prior to the hearing and intend to table a revised version of the chapter that I support at the hearing”.⁹

[17] We are unsure if Mr Roberts has carried out this work and note no such amended chapter has been circulated to Willowridge.

[18] Willowridge supports the version of Chapter 19B as included in its submission, subject to the typographical corrections identified by Mr Roberts.

Section 32AA Resource Management Act 1991

[19] The rezoning and amended provisions as sought by Willowridge must be evaluated pursuant to s 32AA of the Act.

[20] An evaluation under s 32AA must be undertaken in accordance with s 32(1) to (4) and must:

- (a) Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
- (b) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

⁸ Rebuttal evidence of Nicholas Roberts, 12 June 2020 at 5.20 to 5.21.

⁹ At 5.4.

- (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
- (c) Contain 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; and
- (d) Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

[21] Ms Costello's evidence on behalf of Willowridge undertakes the required analysis pursuant to s 32AA.

[22] It is submitted this analysis demonstrates the benefits of the proposed zoning will outweigh that of the zoning of the properties as notified.

National Policy Statement on Urban Development 2020

[23] As identified above, Ms Costello in her supplementary statement of evidence has addressed the differences between the NPS-UD 2016 and the NPS-UD 2020.

[24] It is submitted the proposed zoning sought by Willowridge accords with the NPD-UD 2020 for the reasons identified by Ms Costello.

Part 2 Resource Management Act 1991

[25] It is submitted the rezoning and amendments to provisions sought by Willowridge will:

- (a) Achieve the purpose of the Act (s 5) as it will promote the sustainable management of natural and physical resources. The zoning and associated provisions sought by Willowridge is the

most efficient use of the Three Parks land and best allows for the range of activities anticipated on the property;

- (b) Not be contrary to the matters of national importance (s 6); and
- (c) Achieve the matters in s 7, in particular the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, the maintenance and enhancement of the quality of the environment, and the finite characteristics of natural and physical resources.

Conclusion

[26] Based on the evidence filed in support of the submission and the analysis under s 32AA of the Act carried out by Ms Costello, the rezoning and amended provisions sought by Willowridge are more appropriate than those notified.

[27] The zoning and provisions are now in large part agreed between Willowridge and the Council officers, with outstanding issues of disagreement having been addressed in the supplementary evidence filed in support of the submission.

[28] Accordingly, it is submitted the relief sought by Willowridge in its submission should be granted.

Dated: 10 August 2020



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G M Todd / B B Gresson
Counsel for Willowridge Developments Limited