

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan Provisions

Report and Recommendations of Independent Commissioners

Report 20.4: Chapter 19A

Three Parks and Related Variations to Chapters 9, 16, 25, 27 and 30

Commissioners

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TABLE OF CONTENTS

1.	PRELIMINARY.....	3
1.1	Subject Matter of this Report	3
1.2	Terminology in this Report.....	3
1.3	Relevant Background	3
2.	OVERVIEW.	3
3.	ZONING AND MAPPING RECOMMENDATIONS.....	5
3.1	Introduction of a Three Parks Business Zone (Chapter 19B)	5
3.2	The Zoning of the site adjoining the Primary School (Te Kura O Take Kārara)	7
3.3	Building Restriction Areas	8
3.4	Structure Plan and Alternative Rooding Option.....	10
3.5	High Density Residential adjacent to the Golf Course	12
3.6	Susan Robertson/Roger Moseby.....	15
3.7	LDSRZ to MDRZ	16
3.8	Ballantyne Road Properties Limited.....	17
3.9	Cadence Holding Limited	18
4.	PLAN PROVISIONS.	19
4.1	Height of telecommunication poles.....	19
4.2	Aurora Electrical Substation - BRA	23
4.3	Educational Facilities.....	25
4.4	Hazardous Substances	26
4.5	Subdivision Provisions.....	27
4.6	Consultation	27
5.	OVERALL RECOMMENDATION	27

1. PRELIMINARY

1.1 Subject Matter of this Report

1. This report has been prepared by the Stream 17 Hearing Panel to address submissions and further submissions on the Three Parks area in Wānaka. Principally, that involves consideration of notified Chapter 19A, together with variations to Chapters 9 (High Density Residential), 16 (Business Mixed Use), 25 (Earthworks), 27 (Subdivision and Development) and 30 (Energy and Utilities). In addition, as part of our recommendations we consider a new Chapter 19B proposed by the reporting officer, Mr Roberts, and potential consequential amendments to Chapter 7 (Lower Density Suburban Residential).

1.2 Terminology in this Report

2. We have used the terminology and abbreviations as set out in Introduction Report 20.1.

1.3 Relevant Background

3. Submissions on Chapter 19A and the related variations were heard by the Stream 17 Hearing Panel as part of the broader Stage 3 hearings that commenced on 29 June 2020.
4. Report 20.1 provides background detail on:
 - a) The appointment of commissioners to this Hearing Panel;
 - b) Procedural directions made as part of the hearing process;
 - c) Site visits;
 - d) The hearings;
 - e) The statutory considerations bearing on our recommendations;
 - f) General principles applied to rezoning requests;
5. We do not therefore repeat those matters.

2. OVERVIEW.

6. There was a high level of agreement between the Council and Willowridge Developments Limited (Willowridge)¹ the major land owner of the area encompassing the Three Parks Area, in terms of zonings and plan provisions. The Panel agrees with the consensus position reached on those matters as set out in the Council's section 42A report and the evidence (including rebuttal and reply evidence) of Mr Roberts, planner for the Council, and the evidence of Willowridge, in particular Ms Costello, the planner for Willowridge.
7. While we set out in general terms the agreed plan zoning and provisions in this report, we mainly focus on those matters in contention between the Council and Willowridge and the other submitters.
8. As set out in the section 32 Evaluation Report, the notified provisions provide for a mixed-use development within the area known as Three Parks. The area is for the most part undeveloped, but is rapidly being developed, and is anticipated to provide for future population growth and commercial growth in the area.

¹ Submission #3220

9. The focus of the notified plan provisions has been to integrate as much as possible the current objectives, policies and provisions as set out in Section 12.25 Three Parks Special Zone and 12.26 Three Parks Special Zone – Rules in the Operative District Plan (ODP) into the Proposed District Plan's (PDP) style and structure. The general mix of land uses as set out in the ODP have generally been carried over using the nearest approximate zone and other plan method in the PDP. This includes residential development at a range of densities (Lower Density Suburban, Medium and High) and commercial and business zones.
10. The following is a summary of the key recommendations we have made in relation to the Three Parks provisions as notified. As mentioned above, many of these recommendations are not in contention² and the report identifies these, but focuses on those recommendations where the matter remains in contention between the Submitters and Council:
- The introduction of a Three Parks Commercial Zone (Chapter 19A) that enables large format retail to establish, and defining the spatial extent of the zone as agreed between Willowridge and the Council;
 - The introduction of a Three Parks Business Zone (Chapter 19B) that provides for a range of industrial, service and trade related activities not necessarily suited to either the Three Parks Commercial or General Industrial and Service (GIS) zones;
 - Replacing the GIZ zoning within the Three Parks area with a combination of BMUZ at the southern end of Sir Tim Wallis Drive and at its intersection with Ballantyne Road, and Three Parks Business over the rest;
 - In relation to the spatial extent of the Three Parks Business zone, defining it as agreed between Willowridge and the Council, but also including the site adjoining the Primary School (Te Kura O Take Kārara) to the southwest and adjoining the Business Mixed Use Zone (BMUZ) on Sir Tim Wallis Drive (from Low Density Suburban Zone (LDSRZ)).
 - Introduction of the BMUZ along Sir Tim Wallis Drive and part of Ballantyne Road to enable a wide range of activities with a strong urban design focus;
 - Provision for High Density Residential (HDR) including that area that was HDR in the ODP, as well as the land immediately to the east of the golf course, as requested by Willowridge (from Medium Density Residential (MDR));
 - Retaining the LDSRZ on the northern side of Riverbank Road, as opposed to rezoning part of it MDRZ as requested by Willowridge;
 - Amending the Structure Plan to enable an alternative roading route with the intersection at Ballantyne and Golf Course Road (as an option – ie two roading option are now shown on the Structure Plan);
 - The retention of the BRA between the golf course and the Willowridge land to the east of the Golf Course;
 - Amending the BRA that adjoins the State Highway as requested by Willowridge;
 - Accepting the 10 m BRA restriction around the Aurora Electrical Substation on Ballantyne Road as proposed by Aurora Energy; but only for a five year period;
 - Retaining the LDSRZ over the Ballantyne Properties Limited site on Ballantyne Road other than the southern portion which is to be zoned Three Parks Business;
 - Allowing taller telecommunication poles as a permitted activity; and
 - Providing for Educational Facilities as a Discretionary Activity in the TPCZ.

² Particularly between the Council Officers and Willowridge

3. ZONING AND MAPPING RECOMMENDATIONS.

11. As set out in the Summary we have recommended the following zonings for the Three Parks Area, as shown on the planning maps:
 - The Three Parks Commercial zone (Chapter 19A) that enables large format retail to establish;
 - The Three Parks Business zone (Chapter 19B) that provides for a range of industrial, service and trade related activities not necessarily suited to either the Three Parks Commercial Zone or GISZ;
 - The BMUZ along Sir Tim Wallis Drive and a part of Ballantyne Road to enable a wide range of activities with a strong urban design focus; and
 - Replacing the GIZ zoning within the Three Parks area with a combination of BMUZ and Three Parks Business.
12. Other than set out below, there was no contention between the submitters and the Council on these rezonings and those zonings were supported by the evidence of Willowridge (mainly Ms Costello – planning and Mr Cosgrave – economics) the Council officers (in their evidence and the section 42A report – mainly Mr Roberts – planning and Ms Hampson – economics). We have no evidence to the contrary that the nature and scale of the zone and their spatial extent was inappropriate. Notwithstanding this, we agree that the zonings are appropriate.

3.1 Introduction of a Three Parks Business Zone (Chapter 19B)

Rezoning General Industrial Zone at Three Parks to Three Parks Business Zone

13. Willowridge requested that the GIZ land at Three Parks be rezoned to 'Three Parks Business Zone' (TPBZ), a new PDP zoned proposed by the submitter. This zone would apply to land at the south-western end of the Three Parks area, over the notified GIZ land and extending further to the north, south, and east.
14. A number of submitters (Tussock Rise Limited³, Danielle Murdoch⁴, Ardmore Property Trust⁵, Southern Ventures/Cadence Holdings Ltd⁶,



Aerial photo of subject site showing approximate area of re-zoning request as it relates to Three Parks (red border).

³ Submission #3128

⁴ Submission #3381

⁵ Submission #3167

⁶ Submission #3231

Telfer Family Trust⁷, Ardmore Property Trust⁸, Alpine Estates Ltd⁹, Bright Sky Land Ltd¹⁰, Adventure Consultants Ltd¹¹) all sought the deletion of the GIZ zone and its replacement with either the BMUZ and/or a zone that provided for the activities provided for in the TPBZ. Our recommendations in terms of Willowridge's submission (set out below) apply to the submissions identified above.

15. Willowridge sought this zoning as they contended that the GIZ did not provide for activities such as trade related retail which the submitter considered well suited to this part of the Three Parks area. Willowridge also noted that a significant number of office, commercial activities and in particular retail activities were already established and would be prohibited under the notified GIZ provisions¹².
16. In the section 42 Report Mr Roberts was not supportive of the rezoning request and supported the notified zoning and provisions. He set out his reasons for this in the Section 42A report¹³. However, after reviewing Willowridge's planning evidence (from Ms Costello) Mr Roberts changed his earlier recommendation to reject the request to one of supporting it. His reasons were set out in his Rebuttal Evidence.
17. Mr Roberts set out in his rebuttal evidence that his original assessment of the appropriateness of this proposed new zone was "*based on the relatively brief primary submission (so a lack of information in support) and the desire not to introduce another bespoke zone into the Proposed District Plan (PDP) if possible*"¹⁴. He then explained that having read the detailed evidence of Ms Costello on the proposed TPBZ, he now considered the TPBZ as to the most appropriate zone for this part of Three Parks.
18. At paragraph 5.3 of his rebuttal evidence he stated:

In forming this revised opinion I have taken into account the economic evidence of Ms Hampson for the Council and Mr Colegrave for Willowridge, who both support the proposed TPBZ. I have also further considered the relatively restrictive approach of the proposed General Industrial Zone (GIZ) with respect to some of the more commercial/business activities existing and/or consented at Three Parks, such as trade suppliers and showrooms. I acknowledge that the existing environment has been informed by the unique Three Parks business sub-zone, which doesn't occur anywhere else in the District. I agree with Ms Costello's paragraph 17 that the new zone will enable an outcome that is unable to be met by the GIZ and that it can provide a middle ground between GIZ and other PDP commercial zones. I also agree with Ms Costello that there

⁷ Submission #3228

⁸ Submission #3167

⁹ Submission #3161

¹⁰ Submission #3130

¹¹ Submission #3079

¹² We have extensively discussed the issue of the GISZ and prohibited activity status in Report 20.3

¹³ Paragraph 12.9 to 12.11 of the section 42A report

¹⁴ Paragraph 5.2 of Mr Roberts rebuttal evidence

are activities that the proposed TPBZ seeks to provide for that are not actively facilitated by the suite of existing PDP zones (ie. the GIZ, the TPCZ, and BMUZ).

19. We agree with Mr Roberts' and Ms Costello's evidence, as well as those of the economic experts Ms Hampson and Mr Colegrave, for the rezoning. We have, accordingly, recommended it. Given this rezoning was not in contention among the various experts, and that we agree, we see little point in elaborating further on the reasons for accepting the zoning, other than to say the reasoning is set out in the evidence of Council's and the Submitters expert witnesses.
20. We note that we have made one amendment to the provisions recommended to us- to qualify the extent of discretion in relation to carparking, in line with the requirements of the NPSUD discussed in Report 20.1.
21. In terms of the 'loss' of land zoned GISZ due to this rezoning, and if there is still sufficient land to meet the industrial needs of Wānaka, we note that:
 - This issue is addressed in detail in Report 20.3 – The General and Service Industrial Zone; and
 - The TPBZ still enables many of the activities enabled in the GISZ.

3.2 The Zoning of the site adjoining the Primary School (Te Kura O Take Kārara)

Please refer to the figure in Section 3.5 of this Report

22. The rezoning request that was in contention related to the site adjoining the Primary School (Te Kura O Take Kārara) to the southwest and adjoining the BMUZ on Sir Tim Wallis Drive. The notified zoning was LDSR and Willowridge sought that it be zoned Three Parks Business. Mr Roberts' opinion was that the zoning should remain LDSR.
23. Ms Costello agreed with most of the rezoning recommended by Mr Roberts, but sought that the site identified in the preceding paragraph also be zoned Three Parks Business. She stated¹⁵:

"The evidence of both Mr Colegrave and Ms Hampson addresses the economic impacts in terms of this proposed extension including benefits of increased business zoning and the limited effect in terms of loss of residential land. Both experts support the proposed extension of zoning ..., "

24. Ms Costello went on to state¹⁶:

I consider the proposed extension areas to be logical in terms of urban design considerations and will retain the overall structure of Three Parks with a commercial core located centrally in the northern are of the zone, and business uses transitioning down the length of Sir Tim Wallis Drive to the Ballantyne Road area. I consider that it is beneficial that this area of additional zoning is an extension of and builds upon existing land use (ODP Business) rather than being a secondary or discrete new area of zoning. The proposed business extension will continue to sit 'behind' the BMUZ sleeve on Sir Tim

¹⁵ Paragraph 35 of Ms Costello's evidence-in-chief

¹⁶ Paragraph 36 of Ms Costello's evidence-in-chief

Wallis Drive and this is appropriate in terms of its anticipated land uses being less public facing.

25. Mr Roberts largely agreed with Ms Costello with regard to the extent of the new TPBZ over the land sought by Willowridge with the exception of the land on the western side of Sir Tim Wallis Drive, where it is proposed to extend to the boundary with the primary school. Mr Roberts' reasons for this were¹⁷:

I consider this adjoining land is more appropriate to be retained as LDRSZ, and not TPBZ, given the mix of activities enabled by the TPBZ, and potential for reverse sensitivity effects on the school site.

26. However, we note that in Mr Roberts' section 42A report, he recommended that the submission of GEMs Educational Childcare to rezone the land between the school and Sir Tim Wallis Drive from LDSRZ to BMUZ be accepted. The reasons for this were set out at paragraphs 12.19 - 12.21 of his section 42A report. The same reverse sensitivity issues arise in the relation to the school for this site as they do for the site Willowridge seeks be rezoned.
27. Our view is that it is more appropriate to zone this site as TPBZ for the reasons set out by Willowridge. We consider that any reverse sensitivity effects can be appropriately managed in relation to the school. This is in terms of the yard requirements (7m where it adjoins a different zone¹⁸) and 3m where there is a road in between¹⁹, as well as the layout of the school which has an access road and parking area adjacent to this site and the GEM site.
28. The submitter sought associated relief relating to parking requirements. However, this has been overtaken by the NPSUD, as discussed in section 2.2 of Report 20.1, and so we do not consider it further.

3.3 Building Restriction Areas

BRA adjacent to the golf course

¹⁷ Paragraph 5.20 of Roberts' rebuttal evidence

¹⁸ The Te Kura O Take Kārara site is zoned LDRSZ

¹⁹ A road between the two sites was under construction at the time the hearings were being held

29. We questioned the justification of the BRA alongside the golf course, specifically referencing the 'square area' of the BRA, observing that it did not seem to have any fundamental effects based rationale.

30. We understand that the square area of BRA alongside the golf course is the Kame and Kettle mound. This area was identified a



Left: Willowridge Open Space Overlay along golf course (green); Right: PDP BRA along golf course (blue stripe)

“neighbourhood reserve around Kame and Kettle Mound” in the ODP. Under the notified PDP structure plan it was zoned Medium Density Residential (MDRZ)²⁰ with a BRA. Willowridge sought this be rezoned to “Public Open Space Overlay”, together with a narrow strip of land adjoining each side of the square section, effectively following the existing BRA position in this location, but shortening it so it did not cover the land to the north-east (which is under different ownership) and to the south-west (where Willowridge have sought to relocate the collector road).

31. At the hearing Mr Roberts agreed that there was limited justification for a BRA between the MDRZ and the golf course if a consistent approach to this frontage were to be applied. While the Willowridge submission seeks the removal of the BRA along this boundary, it also seeks that part of it be retained as ‘Public Open Space Overlay’ on the structure plan.

32. We accept Mr Roberts’ opinion that²¹:

While it would be preferable to remove the BRA along the entire golf course boundary, the scope of the Willowridge submission is limited to only removing it at each end. In my mind it would not be appropriate, or result in an integrated resource management outcome to have buildings setback from the golf course in only some areas. It is more appropriate to have consistent built form outcomes at the interface of the golf course. Given there is no scope to remove all of the BRA, it is my preference that it be retained along the full length—that is, I do not recommend any further changes to the BRA alongside the golf course, maintaining the position in my s42A.

I also note that if a road is located in the BRA at the Ballantyne Road end, as proposed by Willowridge, for the fixed road to the west of Sir Tim Wallis Drive in the future, that its construction and use as a road will not be impacted by the BRA

²⁰ We have recommended much of this area be rezoned HDRZ as sought by Willowridge – and addressed later in this report

²¹ Paragraphs 6.4 and 6.5 of Mr Roberts reply evidence

BRA adjacent to the State Highway

33. Ms Costello discussed in her evidence-in-chief adjusting the shape of the BRA adjacent to SH84 to remove the area which extended in the Commercial zone. Ms Costello told us²²:

This change [to the BRA] is not considered to undermine the ability for the BRA to provide for its intended purpose being in general terms a buffer to SH84. The proposed alignment of the BRA incorporates the sloping land adjacent the highway (within which the pedestrian link underpass is located) and removes the portion of the BRA which extends over the flat land. The change will more accurately reflect the character of the land in this location and allow for the efficient use of flatland which does not have the same role as the sloping land closer to the highway.

34. Mr Roberts agreed with Ms Costello as part of his overall recommendations of the spatial identification of the zones in this area. We also agree.

3.4 Structure Plan and Alternative Roading Option

35. Currently the Three Parks Structure Plan shows a road alignment from the centre of the Three Parks Area to a T intersection with Ballantyne Road a little to the north of the Aurora Substation. Willowridge sought an alternative road alignment be shown on the Three Parks Structure Plan; with the intersection being at Ballantyne and Golf Course Roads.

36. Ms Costello relied on the evidence of Mr Facey (Willowridge's traffic expert) to support the realignment of this 'western fixed road' and the new intersection location, particularly with regard to technical and safety aspects; including that it can achieve appropriate sight distances. However, initially Mr Rossiter, the Council's traffic expert, raised a number of concerns with Mr Facey's evidence, and concluded that there was insufficient information to demonstrate that a compliant roundabout option could be formed at the proposed junction.

37. We were advised that after the hearing Mr Rossiter and Mr Facey met several times to discuss this matter. Mr Rossiter, in his reply evidence set out the nature and outcome of those meetings stating:²³

Overall, I am not opposed to the principle of updating the Collector Road network within the Three Parks structure plan to enable a direct connection with Golf Course Road. However, I consider that the alignment of any new connection should be designed to Council standards and constrained so that it meets Ballantyne Road generally at ninety degrees and opposite Golf Course Road so that an intersection that complies with best practice design standards can be formed.

38. Mr Roberts addressed this matter from a planning perspective stating:²⁴

Land ownership issue aside, Mr Rossiter is now satisfied that a safe intersection can be created at Ballantyne and Golf Course Roads. As a result, I am comfortable recommending that the alternative route be included on the Structure Plan. This is

²² Paragraph 107 of Ms Costello's evidence-in-chief

²³ Paragraph 5.7 of Mr Rossiter's reply evidence

²⁴ Paragraphs 10.2 and 10.3 of Mr Roberts' reply evidence

reflected in the structure plan included with the mapping at Appendix B. I have also included a recommended amendment to rules 27.7.17.1 and 27.7.17.3 to reflect that there are two options for the western fixed road, but that only one is required to be constructed.

As this option requires land that is not owned by Willowridge, I consider the scenario discussed at the hearing, being the identification of both road options on the structure plan, to be appropriate, but with a note on the Structure Plan that only one road option shall be constructed.

39. We agree this is an appropriate outcome and have recommended it accordingly.

3.5 High Density Residential adjacent to the Golf Course



Approximate locations of re-zonings sought by Willowridge.

40. Ms Costello discussed Willowridge's submission to extend the High Density Residential Zone (HDRZ) to the west towards the golf course in her evidence-in-chief. It was her opinion that extending the HDRZ was²⁵:

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.

"In terms of connectivity, Figure 13 illustrates the Willowridge relief so shows the alternative alignment of the collector road link into Three Parks. This is discussed further below however in any case a collector road link will traverse this HDR area. The boundary with the golf course land offers an opportunity to locate higher density in proximity to open space amenity,..."

41. We find that the extension of the HDRZ is appropriate in terms of the national policy directives in the NPSUD. This matter has been addressed in some detail in Report 20.1; but in summary it would give effect to Objective 1 (well-functioning urban environments) and Objective 3

²⁵ Paragraphs 92 and 93 of Ms Costello's evidence-in-chief

(enabling more people to live in, and more businesses and community services to be located in or near, centres zones or other area of employment).

42. We also find that the extension of the HDRZ is appropriate in terms of the Strategy Chapters – including Chapter 3 – Strategic Direction, but in particular Chapter 4 Urban Development (noting that the purpose of Chapter 4 is to elaborate on the strategic direction in Chapter 3 and set out the objectives and policies for managing the spatial location and layout of urban development within the District). In terms of Chapter 3 - the zoning is, in our view, consistent with the provisions of:

3.2.2 Urban growth is managed in a strategic and integrated manner.

3.2.2.1 Urban development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;*
- c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;*
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*

43. We find that the HDRZ as recommended would enable growth to be managed in a strategic and integrated manner within the Three Parks area. It would promote a compact, well designed and integrated urban form, achieve a built environment that provides desirable, healthy and safe places to live, work and play, and importantly ensure a mix of housing opportunities within the Three Parks and wider area.

44. In terms of Chapter 4, we note objective 4.2.2 A²⁶ as providing important direction:

A compact, integrated and well designed urban form within the Urban Growth Boundaries that:

- (i) is coordinated with the efficient provision, use and operation of infrastructure and services*

45. Policy 4.2.2.2 supports that objective, seeking to guide the allocation of land into zones reflective of appropriate land use having regard to a series of matters including topography, connectivity and integration, convenient linkages with public transport, the need to provide a mix of housing densities and forms within a compact and integrated urban environment, provision of open spaces and community facilities.

46. Policy 4.2.2.3 is also directly relevant –

Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

47. Ms Costello filed supplementary evidence in relation to the NPSUD, including in relation to the proposal by Willowridge to include more high density residential zoned land. Mr Roberts also

²⁶ As amended by Environment Court Consent Order dated 20 August 2020

addressed this in his reply evidence noting that the NPSUD directs councils to enable more people to live in areas near a centre zone or other areas with employment opportunities, where those areas are well serviced by public transport or where there is high demand for housing in the area relative to other areas within the urban environment.²⁷

48. However, Mr Roberts did not support the rezoning to HDZ; his opinion being²⁸:

With regard to zoning additional HDR land, when looking at spatial extent of proposed and recommend zones as whole, the MDR zone will enable a significant amount of new housing at Three Parks. It also has a similar height control to the HDR in this location (7m compared to the HDR's 8m for flat sites and 7m for sloping sites). The BMU also provides for housing on the first floor and above. I consider that the recommended zoning pattern, when considered together with the Three Parks locality, enables housing at a height and density that is commensurate with the level of accessibility (existing and planned), and future demand,..."

49. While we understand Mr Roberts' concerns, and that the area we have recommended to be zoned HDRZ is significant including when combined with the area already zoned HDRZ, it will enable more of the Three Parks area to be utilised for higher density living. It is our view however, that the 'weight' of policy direction in the NPSUD and the PDP Strategic Chapters (as amended by the Environment Court) supports the higher density zoning.
50. Given the above, combined with the locational characteristics of the land - adjoining open space to west (the golf course), to the east adjoin the Wānaka Recreation Centre, as well as Three Parks Commercial Zone, and its proximity to the existing Wānaka town centre, we have preferred Ms Costello's evidence on this matter. However, good design of any residential development will be important to ensure a high quality urban outcome is achieved, and this reinforces the need for, and to consider, the Residential Zone Design Guidelines to assist in achieving good urban design outcomes²⁹.
51. For all of the reasons set out above, it is our view that this is the appropriate place to locate higher density zoned land.

²⁷ Objective 3 and Policy 5 of the NPSUD.

²⁸ Paragraph 11.3 of Mr Roberts' reply evidence

²⁹ See Report 20.6 – Business Mixed Use and Resident Zone Design Guidelines

3.6 Susan Robertson/Roger Moseby

52. The submission site consists of two parcels of land (Lot 1 DP12726 and Lot 1, DP12296) at the State Highway entrance to Three Parks, both of which the submitter sought to be rezoned from MDRZ to a zone which allows for future business and retail activity. The specific relief of Ms Robertson was:

“This area should allow for future business and retail activity as it is so easily accessible to the general public”.

53. Mr Moseby sought:

Consult with all land owners in 3 parks to gain fair representation for the future development for all of 3 parks to allow all landowners within 3 parks equal and unbiased opportunities to develop, in a balanced and coordinated way for the benefit of the whole community

54. Mr Curley submitted planning evidence in relation to the submission. He set out in his evidence that³⁰:



My evidence relates only to the Council’s obligation under Section 31(1)(a) of the Resource Management Act 1991 to provide for the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

Given the specific location of the Submitter’s land is in close proximity to the intersection of State Highway and Sir Tim Wallis Drive, and shares a boundary with the State Highway, the Submitter’s land is more suited to accommodate the Business Mixed Use Zone through its northern extent, moving south into High Density Residential Zoning or Medium Residential Zoning, which is then able to seamlessly integrate with greater extents of the current Three Parks Zone.

Such zoning will provide a logical transition from business activities that will benefit by road side visibility and access, while in turn providing for an establishment of land use activities that are less sensitive to noise effects (stemming from traffic movements associated with the site’s proximity to roading corridors) to high or medium density residential land use in and further south of the Submitter’s land.

55. No specific zone was suggested by the submitters or Mr Curley. While Mr Curley’s evidence suggested various zonings he considered appropriate, he did not provide any spatial

³⁰ Paragraphs 5,7 and 8 of Mr Curley’s evidence-in-chief

identification of the zones. Mr Curley did not appear to enable us to explore these issues further with him.

56. The suite of PDP zones that could incorporate “*business and retail*” activities at Three Parks, and meet the relief sought by the submitter, are BMU, TPCZ or TPBZ. It is our view, and that of Mr Roberts, that zoning these properties to BMU, TPCZ or TPBZ would not facilitate an efficient or effective zoning pattern. It is also noted that the site is adjacent to the two areas that we have recommended be zoned HDRZ. Zoning the sites BMU, TPCZ or TPBZ when the adjoining sites are HDRZ will detract from the coherency of the zoning pattern we have recommended.
57. Given the submission and evidence, we have recommended that the zoning be retained as notified.

3.7 LDSRZ to MDRZ

Please refer to the figure in Section 3.5 of this Report

58. Willowridge sought that the LDSRZ east of Three Parks commercial and business zones be retained adjacent to much of Riverbank Road, but reduced in extent and replaced with MDRZ “*as a transition between LDSRZ and Commercial and Business zones*”³¹. It was Ms Costello’s opinion that “*this is an adequate spatial zoning pattern which reflects the urban design principle of denser land use being located closer to the core*”³².
59. Mr Roberts did not agree with Ms Costello and addressed this very briefly in his section 42A report. He stated³³: “*In my opinion the residential zones at Three Parks should be retained as notified (with the exception of the partial rezoning from HDR to BMU along Sir Tim Wallis Drive), with high density development located adjacent to the commercial areas, transitioning to MDR and LDSR further from commercial area*”³⁴.
60. We do not agree with the rezoning as requested by Willowridge, including the proposed relief of extending sleeve of MDRZ all the way to Riverbank Road. We did not understand, nor did we receive any specific evidence, to support the extent and shape of the proposed rezoning. We may have agreed a more limited relief, applying the principle that density reduces radiating out from the local centre, if we had had evidence as to how a revised Three Parks zoning pattern better addresses the Strategic Direction provisions (notably Chapter 4 – Urban Development) in terms of residential development. However, as already noted, we had no evidence from Willowridge to define the ambit of a more limited rezoning.
61. We recommend that the LDSRZ not be reduced in size to increase the size of the MDRZ.

³¹ Paragraph 96 of Ms Costello’s evidence-in-chief

³² *ibid*

³³ Paragraph 12.12 of Mr Roberts’ evidence-in-chief

³⁴ Noting we did not agree with Mr Roberts in relation to the HDRZ as already addressed

3.8 Ballantyne Road Properties Limited

62. Mr Patterson³⁵ provided evidence in relation to the rezoning of land owned by the submitter fronting Ballantyne Road, and located south west of the Aurora substation. Mr Patterson sought that land be zoned BMU. His reasons for considering the land best suited to BMU were set out in his evidence and the statement he submitted at the hearing. This included that given the location of the land, “..to be consistent with surrounding landuses should ideally be a buffer between industrial on three sides and the residential land to the east and I believe flexibility and variable landuses allowed by the BMU would allow that”³⁶.



63. Our recommendation is to retain the northern portion of the site as LDSRZ, with the southern portion of the site that was notified as GIZ, be rezoned as Three Parks Business. In terms of the Three Parks Business, this reflects the recommendation made by Mr Roberts in relation to the Three Park Commercial and Business zone (which we have addressed earlier) and reflecting the existing development on the site.

64. It is not, in our view, appropriate to zone this land as BMU as it would be an isolated/island of BMU zoning and would not ‘relate’ to or connect to the land zoned BMU which is mostly along Sir Tim Wallis Drive. Due to this, the BMUZ would not give effect to the Strategic Directions and Urban Development provisions of Chapters 3 and 4 set out above – in particular, Objective 4.2.2 A:

A compact, integrated and well designed urban form within the Urban Growth Boundaries.

65. Having considered the overall zoning pattern for Three Parks and adjacent GISZ in this area, we consider that the most appropriate zoning is the LDSRZ as notified for this land, noting that much of the adjoining land is similarly zoned LDSRZ.

³⁵ A Registered Professional Surveyor and Licensed Cadastral Surveyor

³⁶ Page 1 of Mr Patterson’s Statement presented at the hearing

3.9 Cadence Holding Limited

66. Mr Edgar provided planning evidence for Cadence Holdings Limited in support of the submission to rezone the southern end of Three Parks (notified as GIZ) to BMUZ. However, for the reasons discussed above in relation to the evidence of Ms Costello for Willowridge we have accepted that a modified form of the requested TPBZ is the most appropriate zone for this end of Three Parks.
67. Mr Edgar, on behalf of his clients, accepted this proposed zoning. We have recommended this accordingly.



Aerial photo of subject site showing approximate area of re-zoning request as it relates to Three Parks (red border).

4. PLAN PROVISIONS.

68. Mr Roberts made a number of recommendations for changes to the notified plan provisions, some suggested in submissions and some which he found to be desirable minor changes which might be made within the ambit of Clause 16(2) of the First Schedule to the RMA. Unless stated otherwise, we agree with those recommendations for the reasons set out in the Section 42A Report.

4.1 Height of telecommunication poles

69. Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) presented joint evidence in relation to the height of poles (and attached antennas) to the GISZ, Three Parks Commercial and the Settlement Zones³⁷. Mr McCarrison and Mr Clune gave evidence on behalf Spark and Vodafone respectively, while Mr Horne presented independent expert planning evidence on behalf of both Spark and Vodafone³⁸. Mr Holding, Lead Radio Frequency Engineer at Spark provided engineering evidence. Mr Bray provided independent expert landscape evidence.

70. Spark and Vodafone sought a permitted height of 18 metres for a single operator and 21 metres for multiple operators in the Three Parks Commercial Zone, with a height in relation to boundary control from residential zone boundaries, while the notified plan provided for 11 metre poles (as a default rule).

71. Mr Roberts, Council's planner, said in his section 42A report³⁹:

Reviewing Rule 30.5.6.6 in relation to the nearest adjoining zone for guidance and consistency, I note the BMU for Wanaka specifies a pole height of 13 metres, one metre more than the maximum building height. Given the maximum building height for the TPCZ is 15 metres, I consider a 16 metre pole height is appropriate in the adjoining TPCZ. I recommend Rule 30.5.6.6 is amended to include a 16 metre height limit for poles in the TPCZ. I therefore recommend that the relief is accepted in part.

72. Having considered Spark and Vodafone's evidence, Mr Roberts maintained his view, as set out in his rebuttal evidence, that 16 metres was an appropriate height as a permitted activity. However, for the reasons set out below we agree with the Spark/Vodafone evidence and have recommended an 18m height subject to the height in relation to boundary control, but not the 21m height requested for multiple operators.

73. Mr Holding set out the 'technical' reasons why taller poles (and in this case 18m and 21m) are preferred to lower poles. He stated⁴⁰:

Three Parks Commercial: *The default 11m mast height is well below the permitted building height of 15m. This limited tower height will have significant impacts to network coverage and quality. Although an absolute minimum mast height of 18m has*

³⁷ Our recommendations in relation to pole heights for Three Park and the Settlement zone are set out in those reports

³⁸ Mr McCarrison and Mr Clune are employed by Spark and Vodafone respectively

³⁹ Paragraph 8.5 of Mr Roberts section 42A report

⁴⁰ Page 14 of Mr Holding's evidence

been requested, there may be instances where additional clearance is needed for improved coverage, RF optimisation or EME compliance

74. We accept Mr Holding's evidence that taller poles (18/21m) are preferable to provide the necessary flexibility for design optimisation to meet coverage and quality expectations, as well as achieving compliance with EME compliance standards in the NESTF.

75. Mr McCarrison and Mr Horne addressed the impact of the District Plan's provisions of lower permitted height poles. It was their view that lower height poles would lead to a proliferation of poles as more would be required to ensure full coverage and capacity. This was likely to result in greater adverse effects than fewer taller poles. In line with this, Mr McCarrison and Mr Clune addressed the importance of telecommunication infrastructure, and the need for appropriate regulatory responses. In their conclusion to the evidence they stated⁴¹:

Telecommunications infrastructure is essential for shaping and enabling the future of Queenstown Lakes district by ensuring that its residents and businesses have the opportunity to be connected internationally and across New Zealand. Changes in the way people access and use telecommunications and data networks is rapidly evolving. It is critical that the regulatory framework provides certainty and enables efficient roll out of current and future technology. (Emphasis added)

76. Mr Horne addressed the "typical" heights of poles in other District Plans; with the theme being that the Queenstown PDP was very conservative in its permitted heights for industrial and commercial zones. He stated⁴²:

In my experience it is fairly typical to have a 20m to 25m permitted height limit in a district plan for industrial zones and commercial zones other than local and neighbourhood centre type commercial zones⁴³. Mr McCarrison has included an appendix of examples of height limits in a number of other recent district plan reviews. Height limits of this nature are routinely requested on district plans by Spark and Vodafone and 20m or 25m was sought for the various business zones in the original submission on the Proposed Plan.

77. Mr Horne also considered that Mr Roberts (and Mr Place in relation to the GIZ) had placed too much emphasis on the heights of the poles vis-à-vis the permitted building height (ie building clearance). In this regard he stated⁴⁴:

As set out in the evidence of Mr Holding, building clearances are only one factor in determining what height is required. To meet network requirements, Spark and Vodafone often target lower amenity zones such as industrial and larger scale commercial zones to locate their larger sites. I understand from Mr Holding's evidence that larger/taller sites provide more opportunity to provide coverage to a wider area, clear local obstructions and provide for "down tilt" to better control coverage and reduce interference with other sites. Therefore, the height driver is not just about achieving minimum clearance from the height limit enabled in zones for buildings in

⁴¹ Paragraph 7.1 of McCarrison's and Mr Clune's and evidence-in-chief

⁴² Paragraph 22 of Mr Horne's evidence-in-chief

⁴³ Where Mr Horne said height in these zones were typically 15 m.

⁴⁴ Paragraphs 28 and 29 of Mr Horne's evidence-in-chief

general. In higher amenity zones, telecommunications companies often have to compromise on the size and height of sites which can limit capacity, coverage and co-location opportunities.

In addition to coverage obstructions from adjacent buildings with only a limited height differential to antennas, I understand from Mr Holding that this can also lead to issues with complying with radio frequency exposure standards at adjacent buildings if antennas cannot be sited a sufficient height above adjacent roofs.

78. However, while we accept the ‘technical’ and associated planning arguments, it is important to understand the visual and amenity related effects to determine if taller poles are appropriate. In this regard Mr Bray and Ms Mellsop provided relevant expert evidence for the submitter and Council respectively.
79. Mr Bray supported the relief sought by Spark and Vodafone from a landscape, character and visual amenity perspective. In his evidence, he specifically addressed the landscape qualities and effects of the telecommunication pole heights as sought by the submitter for; the Queenstown, Arrowtown, and Wānaka GIZ, Three Parks Commercial Zone and Cardrona Settlement Zone⁴⁵⁴⁶.
80. Discussing the effects of the pole heights in the Three Parks Commercial Zone and GIZ, Mr Bray told us that landscape is “ultimately a human construct –defined by the NZ Institute of Landscape Architects as “the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations”⁴⁷. In expressing this further he stated⁴⁸:
- ..in short, people have expectations of what certain landscapes will contain, and to what extent they will tolerate activities or features that are at odds with those aspects of a landscape that are valued. People are much more tolerant of intensely developed built forms, advertising signage, movement of people and presence of infrastructure in industrial and commercial landscapes than they are of such activities in landscapes that are largely comprised of natural elements.*
81. In this context, it was Mr Bray’s opinion that commercial and industrial areas, such as the Three parks commercial and business areas (and the GIZ) are typically much less valued than less developed areas, and certainly ONLs, and that the industrial and commercial areas are functional, urban areas with more limited natural qualities. Mr Bray stated, “In such landscapes, viewers tend to focus on specific details, usually related to the purpose of their visit”⁴⁹.
82. Overall, it was Mr Bray’s opinion that when considering landscape management at a broader District Plan scale “it is sensible (if not obvious) to intensify urban activities in those areas of the landscape that are considered to be less valued, with the aim of reducing such activities in higher valued landscapes. This is usually already inherent in the placing of zones within the

⁴⁵ Paragraphs 7.2 to 7.24 of Mr Bray’s evidence-in-chief

⁴⁶ The Wānaka Three Parks and Cardrona Settlement zones are attached in separate reports

⁴⁷ Paragraph 4.7 of Mr Bray’s evidence-in-chief

⁴⁸ Paragraph 4.8 of Mr Bray’s evidence-in-chief

⁴⁹ Paragraph 4.5 of Mr Bray’s evidence-in-chief

district –rarely (if ever) do you see high intensity industrial activities located in the most valued part of the landscape”⁵⁰.

83. Ms Mellsoop considered the evidence provided by Mr Bray. Ms Mellsoop considered that Mr Bray’s discussion of landscape character, infrastructure and mitigation of the effects of telecommunications infrastructure in Sections 4, 5 and 6 of his evidence was “*largely robust and accurate*”. However, she did not think he had adequately addressed the influence of zone area and landscape context on the ability of particular industrial or commercial zones to absorb telecommunications infrastructure.

84. Ms Mellsoop’s view of Mr Bray’s evidence was, in part, influenced by the following paragraph in her rebuttal evidence⁵¹:

I consider that Mr Bray’s assessments of potential landscape and visual effects in the individual zones (in Section 7 of his evidence) are compromised by the absence of site visits (acknowledged to be as a result of COVID-19 restrictions) and a lack of comprehensive knowledge of the District’s landscapes.

85. Mr Bray confirmed at the hearing that he had now visited all of the sites and had become more familiar with the District’s landscapes. He said that having done this, he still maintained the opinions set out in his evidence. We broadly accept and agree with Mr Bray’s opinions that the effects of higher pole limits, from a landscape, character and visual amenity perspective, would be acceptable within the GISZ and Three Parks zones, which already have and/or enable significant urban development.

86. We also agree with Mr McCarrison’s and Mr Clune’s evidence where they suggest that higher poles should be located in urban areas where they would not be out of scale with the surrounding environment⁵². In our view, 18-metre high poles within the Three Parks Commercial zone would be commensurate to the scale of existing and future potential permitted buildings within the Three Parks Commercial zone. However, we do not support the 21m height for multiple operator poles as we consider this would not be commensurate with the scale of existing and future potential permitted buildings within the Three Parks Commercial zone, which only enables buildings to 15m as of right.

87. We supported Mr Horne’s proposal for a height in relation to boundary rule to apply to poles within the GISZ. This was due to that rule being effective and efficient in managing potential adverse visual effects of such structures where they adjoin residential zones. For the same reason, in recommending the 18m height limit, we have also recommended the imposition of a height in relation to boundary standard as in the GISZ. This will assist in ensuring that this structure and activity within the zone will not adversely affect the amenity afforded in the residential zones.

88. Having made this recommendation, we were mindful that we have recommended the introduction of the Three Parks Business Zone (TPBZ). Due to other submissions (eg Willowridge), we have recommended the deletion of the notified GIZ that was in the Three Parks area. The recommended zoning of the area no longer GIZ is a combination of the TPBZ and BMU. We have recommended that the height of poles in the GISZ and TPCZ be 18m, with

⁵⁰ Paragraph 4.9 of Mr Bray’s evidence-in-chief

⁵¹ Paragraph 4.5 of Ms Mellsoop’s rebuttal evidence

⁵² Paragraph 5.2c of McCarrison’s and Mr Clune’s and evidence-in-chief

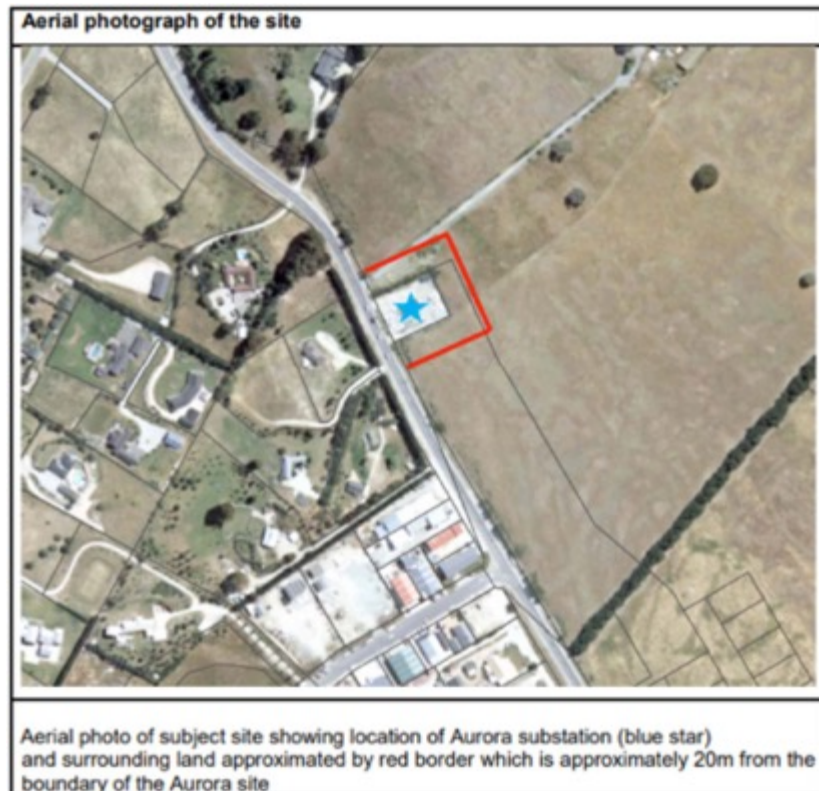
a height in relation control. Accordingly, as a consequential amendment, we also recommend the 18m height standard for telecommunication poles, with a height in relation to boundary control, in the TPBZ – noting that had the zoning changes not been recommended, the 18m height limit would have applied to the Three Parks Commercial Zone and the GISZ.

89. The height of poles in the BMUZ was not part of the Spark/Vodafone submission, and accordingly we have not recommended any change to pole heights in relation to that zone.
90. Overall, for the technical, landscape and planning reasons set out above, we agree that the permitted pole heights be 18m along with height in relation to boundary rule, is appropriate in both the Three Parks Commercial and Business zones.

4.2 Aurora Electrical Substation - BRA

91. Aurora sought a BRA around its Wānaka Substation north of the Sir Tim Wallis Drive intersection on Ballantyne Road. The legal position was set out by Mr Peirce, and Ms Dowd provided planning evidence. Both emphasised the importance of protecting the sub-station from reverse sensitivity effects from the surrounding LDRSZ.
92. Mr Peirce and Ms Dowd also discussed the relevant Strategic Objectives and Policies relating to the recognition, provisions for and protection of regionally significant infrastructure such as the Aurora network⁵³. We accept that the Aurora network is regionally significant.

93. We also accept that Strategic Policy 3.3.37 is directive that regionally significant infrastructure is to be protected by managing incompatible activities. The evidence of Ms Dowd was that buildings in proximity to the Wānaka Substation would be incompatible with its operation as they have the possibility to cause adverse health and safety and amenity effects. It was her view, which we accept, that to manage those effects effectively requires restricting buildings in the vicinity of the sub-station. Ms Dowd considered that the activities which could continue in the Building Restriction Area are car parks, greenways, walkways, and roads. Aurora also sought to be listed as an affected party in terms of the RMA's notification provisions should a building be proposed within the BRA.



94. The zoning we have recommended for the sub-station and the land adjoining and surrounding the sub-station is LDSRZ. This enables residential subdivision with a minimum lot size of 450m² with setback requirements of 2 metres for side boundaries for a residential dwelling and no

⁵³ Objective 3.2.1.9 and policies 3.3.36 and 37

setback requirements for accessory buildings. We accept this scale of development could create the reverse sensitivity and health, safety and amenity effects outlined in Aurora's legal submissions and planning evidence.

95. Mr Roberts addressed this matter in his section 42A report and in his reply evidence. In the section 42A report, he recommended rejecting the BRA. However, he was persuaded by Aurora's evidence to alter his view. In his rebuttal⁵⁴ and reply evidence⁵⁵ he recommending a 20 metre building setback for the Aurora Sub-station, to be achieved by applying a BRA along the substation boundaries. In his rebuttal evidence, he had also recommended a rule (as a consequential amendment to Chapter 7 – Lower Density Suburban Residential) that Aurora would be deemed to be an affected party in accordance with section 95A of the RMA if a building was proposed within the BRA.

96. In his legal submissions, Mr Peirce advised⁵⁶:

*Having considered Aurora's relief further and, further discussion with Aurora engineers, and to maintain consistency with the setback provisions in other zones such as the WBRAZ Ms Dowd considers that the building restriction area can be reduced to **10 metres** as shown in the plan attached to these submissions as Appendix 2. Notably, the building restriction area follows the existing right of way that is located on the property owned by Ballantyne Properties Limited. (emphasis added)*

97. We accept the 10 metre BRA as an appropriate mechanism to protect Aurora's substation, and have recommended this accordingly. However, we have limited this BRA to a five year time period from when the plan was notified. This is because we consider that extending the sub-station's designation⁵⁷ is likely to be a more appropriate mechanism to ensure the site's function and protection while addressing the concerns of the adjoining landowners. In this respect Mr Peirce addressed this in his legal submissions, – stating⁵⁸:

The section 42A Report Author questions where a more appropriate form of relief than what has been sought by Aurora would be, to extend the existing designation to cover the same area which has been sought as a non-building restriction. While that would be an equally effective means of protecting the Wanaka Substation it similarly goes no further than to achieve the same outcome to what has been sought through Aurora's submission. Furthermore, if Aurora were to seek a designation for the surrounding area then it is likely that the landowners would be seeking Aurora to purchase that same land and amalgamate it with its existing landholding. The reason for that is the designation becomes a blight on the land which, in Aurora's experience, landowners do not want. It would be a unique situation in the District for Aurora to extend its designation without owning the land that is subject to the designation

98. We agree with Mr Peirce that expanding the designation would equally be an effective means as the BRA in protecting the Wānaka Substation, and in doing so, it is possible that the

⁵⁴ Paragraphs 3.4 and 3.5 of Mr Roberts' Rebuttal Evidence

⁵⁵ Paragraphs 5.1 and 5.2 of Mr Roberts' Reply Evidence

⁵⁶ Paragraph 46 of the Legal Submissions

⁵⁷ Designation #337 - for electricity substation and ancillary purposes

⁵⁸ Paragraph 44 of the Legal Submissions

adjoining landowners will seek Aurora to purchase that same land and amalgamate it into the substation site. We think this is entirely reasonable, as the effect of the BRA is to externalise the cost of the sub-station's protection to the adjoining landowner; affecting or limiting how they may wish to use their land. The five year time frame for the BRA is, in our view, sufficient for Aurora, in conjunction with the adjoining landowner to discuss, and agree if possible, the appropriate mechanism to enable the sub-station to be able to function safely and efficiently; or failing agreement, to expand its existing designation.

99. Aurora also sought some additional provisions to protect the functioning of its network. These included:

- A matter of discretion relating to effects from buildings on electricity sub-transmission and distribution infrastructure;
- A requirement to give consideration to Aurora as an affected party when considering notification of applications, and
- An Advice Note on the need to comply with the New Zealand Electrical Code of Practice for Safe Distances;

100. We have addressed our findings on these matters in Report 20.3, but also record that Mr Roberts addressed these in his section 42A report in relation to Three Parks. He essentially agreed with the Aurora submission on these matters and provided the recommended additional provisions in his revised plan provisions attached to the section 42A report.

101. Aurora's submission sought a new standard be introduced in the LDSRZ that would enable applicants to request prior written consent from Aurora to allow a building to be constructed⁵⁹. Non-compliance with the standard, i.e. if Aurora's written approval was not obtained, would make the application non-complying. We discussed the legality of such a rule with Mr Peirce. He accepted there would be issues with it. We find this standard would be ultra vires as the consent status would be determined by a third party (ie Aurora). Unsurprisingly, we have not recommended this standard.

102. In terms of Aurora being an affected party for the purposes of notification, we sought clarification from Mr Roberts about the rule he recommended referring to the BRA. He set out in his reply evidence⁶⁰:

On reflection, the statement in the rule that Aurora shall be deemed to be an affected party is likely to be ultra vires as it directs notification on a specific person/entity rather than relying on the assessment under s95B and 95E. I therefore recommend removing this from the rule, and including an advice note that Aurora may be considered an affected party in respect of the rule.

103. We agree with Mr Roberts, and have accepted the advice note he recommended, which is the same as set out in the GISZ provisions.

4.3 Educational Facilities

104. The Ministry of Education (MoE) submission sought a more enabling regime for educational facilities within the TPCZ. Mr Frentz, MoE's planner presented evidence on this. Mr Frentz recommended a new policy as follows:

⁵⁹ Paragraph 67 of Ms Dowd's evidence-in-chief

⁶⁰ Paragraph 5.1 of Mr Roberts' reply evidence

"Enable educational facilities to establish throughout the Three Parks Commercial Zone, ensuring that the scale and effects of these activities do not adversely affect Commercial activity."

105. The submission also requested a new restricted discretionary rule for education facilities with the following matters of discretion:
- *The extent to which it is necessary to locate the activity with the Three Parks Commercial Zone;*
 - *Reverse sensitivity effects of adjacent activities;*
 - *The extent to which the activity may adversely impact on the transport network;*
 - *The extent to which the activity may adversely impact on the streetscape; and*
 - *The extent to which the activity may adversely impact on the noise environment.*
106. The submission and Mr Frenzt's evidence outlined that education facilities such as tertiary education institutions, work skills training centres and early childhood education centres may need to be located within the TPCZ. This was for the convenience of users, and therefore these should be provided for via a restricted discretionary activity status, noting that Council will have discretion over what education activities are acceptable on a case by case basis.
107. Education facilities are listed as a Discretionary Activity in the TPCZ. We think is the appropriate activity classification as the TPCZ is a 'one off' zone and is very much focussed on providing a location in Wānaka for large format retail activities⁶¹. Mitre 10 is currently under construction in the zone, and it is anticipated that similar large format retail businesses and trade suppliers will also locate here given the permitted activity status for these uses.
108. We do not think educational facilities are typically anticipated in this zone, and the key emphasis, via the zone's objectives and policies, should be to facilitate the types of commercial activities it has been designed for. However, the definition of educational facilities is broad, and ranges from traditional schools which require large areas of land and associated effects such as traffic, through to smaller training centres where the land uptake and associated effects may be smaller and internalised. While in some instances this type of activity may be appropriate, we think this is best assessed on a case by case basis utilising a discretionary activity consenting pathway, noting that the objectives and policies do not take an 'avoid' or 'discourage' approach for Educational Facilities.
109. In light of our reasoning above, we recommend that discretionary activity status for Educational Facilities is more appropriate than non-complying as in the notified zone provisions.

4.4 Hazardous Substances

110. Southern District Health Board⁶² sought that test pitting and mitigation be undertaken on land within the TPCZ identified as being on the Hazardous Activities and Industries List. The District Health Board made a similar submission in relation to 101 Ballantyne Road that we have recommended be rejected⁶³. We make the same recommendation for the same reasons in this context.

⁶¹ Refer Strategic Objective 3.2.1.4 in this regard

⁶² Submission #3109

⁶³ See Report 20.5 at Section 2.4

4.5 Subdivision Provisions

111. Queenstown Lakes Community Housing Trust⁶⁴ sought clarification of the activity status in Rule 27.7.17.1 that was notified in association with Chapter 19A. As Mr Roberts noted in his Section 42A Report⁶⁵, the Rule is internally contradictory, referring to matters of control but expressed to be a Restricted Discretionary Activity Rule. He saw no reason by subdivision in the TPCZ should not have the same rule status as for other areas with a structure plan i.e. Controlled. We agree, and recommend accordingly.
112. The Community Housing Trust also sought that location and identification of affordable and community housing be added as an additional matter of control. Mr Roberts did not recommend that change, pointing to the limited policy support for it, and the absence of any reason to single out this area in this regard. We agree with his reasoning. Imposition of conditions related to affordable and community housing would need to occur within a clear policy framework which does not exist at this point. We also share Mr Roberts' concern about inserting a provision of this nature in an area-specific rule without a clear justification. The Community Housing Trust did not appear to provide that justification.

4.6 Consultation

113. Roger Moseby⁶⁶ sought that all landowners in the Three Parks area be consulted on future development plans for Three Parks. Mr Roberts considered that consultation already occurs, as required, through the notification provisions of the RMA. We agree. In the light of section 36A of the RMA, we do not consider that additional consultation requirements can be justified.

5. OVERALL RECOMMENDATION

114. Having considered the evidence before us, we have formed the view that, save as identified above, the notified provisions of Chapter 19A and the related variations, together with the introduction of Chapter 19B are the most appropriate way to give effect to the stated objectives. To the extent that we have recommended amendments to the notified provisions, our reasons are as set out above.
115. Accordingly, we recommend that Chapter 19A and 19B and the related variations be adopted by Council in the form attached.
116. We also attach as an appendix to our Report, a summary table setting out our recommendation in relation to each primary submission. We have not listed further submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.

⁶⁴ Submission #3186

⁶⁵ At 9.1

⁶⁶ Submission #3110



Trevor Robinson
Chair
Stream 17 Hearing Panel

Dated: 12 January 2021

Attachments

Appendix 1- Recommended Revised Proposed Plan Provisions
Appendix 2- Table of Submitter Recommendations

Appendix 1- Recommended Revised Plan Provisions

Appendix 2- Table of Submitter Recommendations

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3032	Spark, Chorus and Vodafone	That a new clause is added to Rule 30.5.5.6 that provides for poles up to 18m in the Three Parks Commercial Zone where there is a single operator, and 21m for multiple operators on the same pole.	Accept in part	4.1
3056	Ballantyne Properties Ltd	That the notified zoning of the southern portion of the submitter's land (Lot 1 DP 510626 held in CT 783035) to Three Parks Business Mixed Use Zone be supported.	Accept in part – to the extent it is zoned Three Parks Business	3.8
3056	Ballantyne Properties Ltd	That the balance of the northern portion of submitter's land (Lot 1 DP 510626) be rezoned to Business Mixed Use Zone.	Reject	3.8
3109	Southern District Health Board	That the intent of Chapter 19A to support the urban growth of Wanaka is retained as notified.	Accept	General
3109	Southern District Health Board	That test pitting and mitigation be undertaken on land identified on the Hazardous Activities and Industries List within the Three Parks Commercial Zone.	Reject	4.4
3109	Southern District Health Board	That the health and wellbeing impacts of the General Industrial Zone on residents within adjoining Three Parks Lower Density Suburban Residential Zoned land be considered.	Accept in part	3.1
3110	Roger Moseby	That all land owners in Three Parks be consulted on future development plans for Three Parks.	Accept in part	4.6
3128	Tussock Rise Limited	That the notified General Industrial Zone within the Three Parks Business Sub-Zone be rezoned to Business Mixed Use so that the BMUZ extends along Sir Tim Wallis Drive right to Ballantyne Road and incorporates the full extent of the former Business Sub-Zone and connects with the BMUZ rezoning.	Accept in Part	3.1
3143	Susan Robertson	That the notified zoning for Lot DP 12726 and Lot DP 12296, Medium Density Residential, be rejected and be zoned to a zone which allows for future business and retail activity.	Reject	3.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3152	Ministry of Education	That the following policy be added to section 19A.2: "Enable educational facilities to establish throughout the Three Parks Commercial Zone, ensuring that the scale and effects of these activities do not adversely affect Commercial activity."	Reject	4.3
3152	Ministry of Education	That a new restricted discretionary activity, "Educational Facilities", be added to Table 19A.4, with the following matters of discretion: 1. The extent to which it is necessary to locate the activity with the Three Parks Commercial Zone. 2. Reverse sensitivity effects of adjacent activities. 3. The extent to which the activity may adversely impact on the transport network. 4. The extent to which the activity may adversely impact on the streetscape. 5. The extent to which the activity may adversely impact on the noise environment. And any consequential changes that give effect to the relief sought in the submission.	Accept in part	4.3
3153	Aurora Energy Limited	That the following advice note be added to section 19A.3.2: 'New Zealand Electrical Code of Practice for Electrical Safe Distances ('NZECP34:2001') Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ('NZECP34:2001') is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. To assist plan users in complying with NZECP34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps. For the balance of Aurora's network plan users are advised to	Accept in part	4.2

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.'		
3153	Aurora Energy Limited	That a new rule be added to section 19A.6 Non-notification of Applications: "For any application for resource consent where Rule 19A.4.4(i) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991." And make a consequential amendment to Rule 19A.6.3 to add an exception for the new rule, for example by adding the words "Except as provided for under Rule 19A.6.x" at the beginning of Rule 18A.6.1.	Accept in part	4.2
3153	Aurora Energy Limited	That the Low Density Residential Suburban Zone surrounding the Substation at 39 Ballantyne Road be removed, or a building restriction area be applied over the Low Density Residential Suburban Zone in the area 20 metres from the cadastral boundary of 39 Ballantyne Road.	Accept in Part	4.2
3153	Aurora Energy Limited	That "electricity supply" be added to matter of discretion (f) under Rule 19A.4.4 where buildings require restricted discretionary activity resource consent.	Reject	4.2
3153	Aurora Energy Limited	That the following be added as a matter of discretion to Rule 19A.4.4 (Buildings): "Where Electricity Sub-Transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road any adverse effects on that infrastructure."	Accept	4.2
3186	Queenstown Lakes Community Housing Trust	That for the Three Parks Commercial Zone, the overall estimated yield, particularly in relation to the provision of medium and high density housing, is not reduced from what was enabled in the Operative District Plan.	Accept	3

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3186	Queenstown Lakes Community Housing Trust	That if submission point 3186.1 is rejected and there is a reduction in yield in the Three Parks Commercial Zone from what was enabled in the Operative District Plan, amendments be made to zone boundaries and/or Rule 19A.4.9 to increase the residential yield enabled within the area to that of the operative district plan; and/or, provide for residential activities in the Three Parks Commercial Zone above ground.	NA	3
3186	Queenstown Lakes Community Housing Trust	That notified Rule 27.7.17.1 be amended to clarify whether subdivision under this rule is a restricted discretionary or controlled activity.	Accept	4.5
3186	Queenstown Lakes Community Housing Trust	That a matter of discretion/control be added to Rule 27.7.17.1 relating to the location and identification of affordable housing and community housing within those zones where residential use is provided for.	Reject	4.5
3189	Outside Sports Limited	That the re-zoning of part of Three Parks Zone to Business Mixed Use Zone be retained as notified.	Accept	3
3218	Gems Educational Childcare	That the Business Mixed Use Zone along Sir Tim Wallis Drive be extended to the north-west, to include the land between the Primary School designation and the notified Business Mixed Use Zone, and to the west to Road 16 at Three Parks, or alternatively that an 'education and community' precinct be overlaid on the area with noise limits, height restrictions and design controls that recognise the area's location between a Business Mixed Use Zone, the Primary School and Road 16 at Three Parks.	Accept	3.2
3218	Gems Educational Childcare	That car parking requirements should be amended to recognise the benefit of co-locating educational and community facilities.	Reject	3.2
3220	Willowridge Developments Limited	That the zoning at Three Parks be amended as shown in submission 3220 Attachment 1 labelled 'Patterson Pitts Group District Plan Three Parks Proposed District Plan'. This	Accept in part	3

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		includes extending the Business Mixed Use Zone to the junction of State Highway 84 and amendments to the Ballantyne Road end of the zone; changes to the Three Parks Commercial Zone; an increase in the land zoned High Density Residential; a reduction in the Open Space zoning; and replacing the General Industrial Zone with a new Three Parks Business zone.		
3220	Willowridge Developments Limited	That the Three Parks Commercial Chapter be amended to include provisions for the Three Parks Business Zone, including a new objective, seven new policies, and new rules and standards, as set out in Attachment 2 to submission 3220.	Accept in part	3.1
3220	Willowridge Developments Limited	That Rule 19A.4.5 be amended by deleting "provided that this rule shall not apply to the sale of liquor:" so that the rule reads "Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 7am. This rule shall not apply to the sale and supply of alcohol".	Accept	4
3220	Willowridge Developments Limited	That High Density Residential Zone Purpose 9.1 be amended by deleting the words 'with a low building coverage to provide for public spaces' so that the provisions reads 'The High Density Residential Zone at Three Parks Wanaka provides for a distinctive urban character at the entranceway to Wanaka through taller buildings and landscaped areas adjacent to State Highway 84.'	Accept	4
3220	Willowridge Developments Limited	That Policy 9.2.9.2 be deleted.	Accept	4
3220	Willowridge Developments Limited	That Rule 9.5.4.2 be deleted.	Accept	4
3220	Willowridge Developments Limited	That Rule 9.5.6.2 be deleted.	Accept	4
3220	Willowridge Developments	That Rule 9.5.8.3 be deleted.	Accept	4

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
	Limited			
3220	Willowridge Developments Limited	That Schedule 27.13.9 Structure Plan be replaced with submission 3220 Attachment 3 - Three Parks Structure Plan.	Accept in part	3
3224	Willowridge Developments Limited	That the Three Parks Commercial proposal be rejected.	Reject	3
3229	NZ Transport Agency	That Rule 19A.5.3.1 be amended to include the words ' the effects on the amenity of adjoining sites, the safety of the transportation network, and' after the word 'limit' and before the words 'the effects on the night sky', with matter of discretion a. amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept in part	4
3229	NZ Transport Agency	That Policy 9.2.9.1a be retained as notified.	Accept	4
3229	NZ Transport Agency	That Objective 27.3.15 be retained as notified.	Accept	4
3229	NZ Transport Agency	That Policy 27.3.15.4 be retained as notified.	Accept	4
3229	NZ Transport Agency	That Policy 27.3.15.6 be retained as notified.	Accept	4
3229	NZ Transport Agency	That Rule 27.7.17.1 be retained as notified.	Accept in part	4.5
3229	NZ Transport Agency	That Rule 27.7.17.3 be retained as notified.	Accept	4
3231	Cadence Holdings Limited	That the intent of the proposal to move the Three Parks Zone into the Proposed District Plan and remove complexities is retained as notified.	Accept in part	3
3237	Outside Sports Limited	That the re-zoning of part of Three Parks Zone to Business Mixed Use Zone be retained as notified	Accept in part (to the extent that the zone has been extended from that notified)	3
3269	Henley Property Trust	That the re-zoning of land adjoining Sir Tim Wallis Drive to Business Mixed Use Zone be retained as notified.	Accept in part (to the extent that the zone has been extended from that notified)	3
3269	Henley Property Trust	That Rule 16.5.4 be amended to read as follows: "Maximum Building Coverage of 75% - except for sites adjoining Sir Tim Wallis Drive where no maximum building	Reject	3

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		coverage applies." Or that the Three Parks Business Mixed Use Zone be rejected and replaced with a new zone that replicates the Business Mixed Use Zone in all respects with the exception that no maximum building coverage is specified.		
3342	Otago Regional Council	That Objective 19A.2.1 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.1.1 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.1.2 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.1.3 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.1.4 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.1.5 be retained as notified.	Accept	4
3342	Otago Regional Council	That Objective 19A.2.2 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.1 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.2 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.3 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.4 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.5 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.6 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.7 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.8 be retained as notified.	Accept	4
3342	Otago Regional Council	That Policy 19A.2.2.9 be retained as notified.	Accept	4
3381	Danielle Murdoch	That the land identified be re-zoned from General Industrial to Business Mixed Use land and some of the proposed Active Sports and Recreation land zoned General Industrial.	Accept in part	3.1
3079	Adventure Consultants Ltd	That the proposal to change Three Parks Zone to General Industrial Zone is rejected; the area should remain Three Parks or change to Business Mixed Use.	Accept in part	3.1

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3130	Bright Sky Land Limited	That the General Industrial Zone within Three Parks be zoned Business Mixed Use so that it extends to Ballantyne Road, including the full extent of the former Three Parks Business Sub-zone.	Accept in part	3.1
3161	Alpine Estates ltd	That the notified General Industrial Zone within Three Parks Business Sub-Zone, Wanaka, be re-zoned Business Mixed Use Zone, so that the Business Mixed Use Zone extends along Sir Tim Wallis Drive right to Ballantyne Road, incorporating the full extent of the former Three Parks Business Sub-zone.	Accept in part	3.1
3167	Kevin King, Maria King.	That the land proposed to be zoned General Industrial Zone in Three Parks provides for the activities currently provided for in the Three Parks Business Subzone.	Accept in part	3.1
3167	Kevin King, Maria King.	That the land between McCormick Street and Ballantyne Road, Three Parks, including the land at 2 McCormick Street (Lot 10 DP500684) be rezoned Business Mixed Use.	Accept in part	3.1
3228	Telfer Family Trust	That the notified General Industrial Zone at Three Parks, in place of the operative Business Sub-zone, be rejected.	Accept in part	3.1
3231	Cadence Holdings Limited	That the existing Three Parks Business Sub-zone proposed to be zoned General Industrial is rezoned Business Mix Use (or similar).	Accept in part	3.1
3231	Cadence Holdings Limited	That additional amendments be made to Business Mixed Use Zone Provisions to impose greater restrictions on Residential and Visitor Accommodation Activities.	Reject	3.1
3231	Cadence Holdings Limited	That any further or consequential changes be made to achieve the decisions sought in submission 3231.	Consequential	Consequential

