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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on the decision to refer projects to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Otago Regional Council
Contact person (if follow-up is required)	Joanna Gilroy
	Manager Consents
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Northbrook Wanaka Retirement Village
General comment	<p>No current consents in close proximity to this site. Site is approximately 400 metres from Clutha River/ Mata Au which contains a number of values in Regional Plan: Water.</p> <p>Near to new/evolving and identified local centre, within development zone currently. Policy team reviewed and think that there may be some issues of detail that need resolving but from a high level the development appears appropriate in principle.</p>
Is Fast-track appropriate?	<p>There is no reason as to why this application could not use the Fast-track process. s 9(2)(ba)(i)</p> <p>[REDACTED]</p>
Environmental compliance history	N/A for site
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>History of application: No known history of application.</p> <p>Any iwi groups/ contacts, other than those identified by the applicant, that you consider the expert consenting panel should seek written comment from if the project is referred to a panel. Te Ao Marama Inc.</p> <p>Local groups with interest in freshwater, biodiversity, heritage and other relevant environmental issues that you consider the expert consenting panel should seek written comment from if the project is referred to a panel. None known</p> <p>Other local context of relevance to understanding the application and its impacts See compliance issue with Albert Town site below.</p>

**Other
considerations**

Important to ensure that public transport is taken into consideration and incorporation of public transport infrastructure into plans.

s 9(2)(ba)(i)

The proposal does not contain information on how they would control stormwater from the site. The site is in close proximity to Clutha River. There was no information on where hardstand stormwater from roads, houses etc would discharge to. Considering the history of the Albert Town, stronger information and AEE on stormwater control is needed.

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Local authority providing comment	Queenstown Lakes District Council
Contact person (if follow-up is required)	Fiona Blight
	Manager Resource Consents
	s 9(2)(a)

Project name	Winton Northbrook Northlake Retirement Village
General comment	<p>It may be appropriate for this application to be heard through the fast-track process. However, Queenstown Lakes District Council (QLDC or the Council) notes that this retirement village proposal would be more appropriate to go through a plan change process for reasons set out below. Alternatively the normal resource consent process under the RMA would be beneficial to enable public participation in the process.</p> <p>The proposal site through planning processes to date has only been considered appropriate for very low density development. There is an area zoned for a retirement village in the Northlake Special Zone. However, the proposal is not located in the part of the zone allocated for a retirement village. Rather, it is to be located in a part of the zone that anticipates very low density of development, which triggers a non-complying activity status. The part of the zone where the applicant proposes to put the retirement village is adjacent to the Outstanding Natural Feature (ONF) of the Clutha River.</p> <p>The density of development anticipated in the various parts of the Northlake Special Zone is identified in the Northlake Structure Plan. The Northlake Structure Plan was finalised through Environment Court appeals in 2015, where the public had full participation. A plan change was then approved on 6 September 2018 to accommodate a supermarket and a retirement village in part of the zone. The Structure Plan is attached is Appendix A.</p> <p>The northern portion of the structure plan, which spans three separate developments, intentionally seeks to minimise development. Whereas the remaining areas in the structure plan enable higher density development. The retirement village in this location would be contrary to an outcome that was resolved through the Environment Court and public plan change processes. Residents of Wanaka are likely to have a high expectation that the Environment Court and public plan change outcomes will be maintained or if they are to be changed, that the public will have the opportunity to take part in the process. The fast-track process is unlikely to capture a large enough portion of the public who would have a direct interest in what has been proposed by the applicant.</p>
Is Fast-track appropriate?	<p>It may be appropriate for this application to be heard through the fast-track process. However, as above, QLDC notes it is more appropriate to go through a plan change process for the reasons set out in this response, including to align the underlying planning framework with the location of the development, allowing full public participation and a strategic assessment of the changes and/or departures from the Northlake Structure Plan.</p>

Environmental
compliance history

s 9(2)(ba)(i)

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Insert responses to other specific requests in the Minister's letter (if applicable)

1. *History of the application*

There has been no application for a retirement village in this location within Northlake previously. Nor has Council received an application for a retirement village to be located within the area zoned for it under the Northlake Special Zone.

2. *Alignment with the District Plan, particularly to determine whether the project aligns with the district's urban growth strategy/plan*

The proposal would be within the urban growth boundary and within a zone that enables residential activity.

The site is wholly located within the Northlake Special Zone and subject to a structure plan.

It is advised to read the following paragraphs while looking at the structure plan attached in **Appendix A** as this shows the Activity Areas referred to and the proposed location of the retirement village under this application.

The following activity areas in the structure plan are relevant:

- **Activity Area -C2 (AA-C2)**, which is an area that is anticipated to accommodate a very low density of residential development, at a maximum density of 4.5 residential dwellings per hectare (being one dwelling per 2,222m²). The purpose of the lower density in this area of the Zone is to provide a transition between the Zone and the adjacent Rural Zone, including the Clutha River corridor to the north. The Clutha River is an ONF and the Council's District Plan has objectives and policies relating to development adjacent to ONFs not compromising their values.
- **Activity Area D1 (AA-D1)** provides for a supermarket and a retirement village. AA-D1 which is in the centre of the zone, provides for the density proposed as well as retirement villages. Activity Area D1 is considered to be the core of the zone, and provides for higher density development and commercial activities, as well as retirement villages.
- **Activity Area -E1 (AA-E1)**, which is a no build area. The purpose of AA-E1 is to protect the landscape values of the Wanaka Glacial terminal moraine. Additionally, AA-E1 is to protect the existing vestigial kanuka. The construction of any building, or use of the area for domestic curtilage including gardens, paving or parking, in AA-E1 is identified as non-complying in the District Plan.

Location of the proposed development

The proposed development is primarily proposed to be located in AA-C2, with about 20% in AA-D2 and potentially a small area in AA-E1.

As set out above, the proposal is primarily within AA-C2. This part of the zone anticipates a very low density of residential development, at a maximum density of 4.5 residential dwellings per hectare (being one dwelling per 2,222m²). The applicant's proposal proposes a density of one (retirement) dwelling per 460m², which exceeds the level of development anticipated

The part of the proposal in AA-C2 is a non-complying activity on account of being a retirement village. It is further noted that retail and community activities, which under District Plan definitions would include the health facilities proposed in association with the project, are also identified as being non-complying in AA-C2. The proposal would also exceed the maximum 8m permitted height for the Zone by 3m, which would result in a non-complying activity status under the District Plan. The proposal would also likely breach the minimum setback requirement of 3m along Outlet Road (which separates the site from the Clutha

River), although that cannot be determined from the plans submitted. Consideration would need to be given to adverse effects on residential amenity and character from such breaches. In addition, these breaches have the potential to adversely affect the visual amenity of the adjacent ONF (the Clutha River).

Of relevance, Policy 1.3 seeks to maintain residential lots sizes within AA-C2 that are consistent with larger lot residential. This application to develop a retirement village primarily within AA-C2 is therefore contrary to these policies and would result in higher density development in an area anticipated to have low density.

The eastern section of the proposal, Units 73-92 which amounts to approximately 20% of the development not including the medical facilities, are proposed within AA D1. The part of the proposal in AA-D1 is not problematic. It is anticipated that a retirement village be developed within AA-D1. . This part of the development is anticipated by the zone. However, the proposed development in AA-D1 represents only a small portion of the overall development proposed.

It is unclear whether a portion of the proposed development is located with AA-E1. However, if it is, the construction of any building, or use of the area for domestic curtilage including gardens, paving or parking, in AA-E1 is identified as non-complying in the District Plan.

As above, the Northlake Structure Plan has been very carefully considered through the District Plan and subsequent Environment Court processes. The objectives and policies of the District Plan make it clear that development that does not align with the structure plan may compromise the overall integrity of the Zone and how it relates to the surrounding environment. The design of the structure plan is such that it seeks to ensure that development within Northlake is enabled, while protecting the adjacent ONF, being the Clutha River, and the remaining biodiversity values of the site.

Overall, the proposal does not align with the Northlake Structure Plan. The Structure Plan does provide for a development of the nature proposed but that this is to occur in AA-D1. The proposed development is mostly located outside of the anticipated area in AA-C2. AA-C2 is intended to be set aside for low density development. No information has been provided to explain why the proposed retirement village development is not proposed in the part of the Zone where the relevant type of development is provided for. Residents of Wanaka are likely to have a high expectation that the Northlake Structure Plan outcome will be maintained or if it is to be changed, that they will have the opportunity to take part in the process.

3. Alignment with national directions, particularly to ensure there are no national grid assets within or near the project site

There are no national grid assets within or near the project site.

The project would be consistent with the National Policy Statement on Urban Development 2020. However, it is noted that there is sufficient residential capacity in Wanaka in the long term.

4. Impact on infrastructure that will be required to service the project

No modelling has been provided to confirm if there is enough capacity within Council's existing water and wastewater networks. Therefore it is unknown if upgrades would be required to Council's network to accommodate the proposed development in this location.

In relation to stormwater, the wider development area has been broadly divided into two catchments, with different stormwater disposal strategies. It is likely that the subject site is wholly within the northern catchment. The stormwater generated by any consented development within the northern catchment drains to a large soakage basin located within Lot 66 DP 371470 (the lot on the opposite side of Outlet Road from the application site), which has been progressively

extended as further development occurs. It is likely that further expansion of this soakage basin to accommodate stormwater flows from the proposal may be achievable. However, details will be required to demonstrate the extent of gravels suitable for stormwater disposal, and that the necessary extension can be contained within the applicant's land.

3. *Impact on significant infrastructure in the area*

The proposal would not impact significant infrastructure in the area.

Not enough information has provided to confirm whether the surrounding Outlet Road can accommodate the increased traffic.

4. *Any iwi groups/contacts, other than those identified by the applicant, that you consider the expert consenting panel should seek written comment from if the project is referred to a panel. Are there any existing accords/agreements?*

For publically notified application, QLDC serves notice on Ngai Tahu through Aukaha and Te Ao Marama. QLDC has an accord with Ngai Tahu.

5. *Local groups with interest in freshwater, biodiversity, heritage and other environmental issues that you consider the expert consenting panel should seek written comment from if the project is referred to a panel.*

The proposal would be located 400m from the Clutha River. Local groups interested in that river protections would include Otago Fish and Game and Guardians of Lake Wanaka.

In addition, local environmental groups that might have an interest in the project include the Upper Clutha Tracks Trust, the Wanaka Residents Association and the Upper Clutha Environmental Society.

Although not necessarily related to environmental issues, the Northlake Community Protection Group is a local community interest group set up to speak on behalf of the Northlake residents (noting all residents are subject to a no complaints covenant with the applicant). The members of this community group are anonymous, but chaired by recently elected QLDC Councillor, Cr Niamh Shaw.

6. *Any non-compliance history.*

See above under "environmental compliance history".

7. *Other local context of relevance to understanding the application and its impacts.*

Outlet Road, which is located directly adjacent to the project to the east, is highly used by the public to access the river tracks along the Clutha River.

There have been a number of applications made by Winton Partners for the Northlake Development, including one for a hotel, that have created a high level of public interest including submissions in support and opposition.

Other Considerations

N/A

Northlake Structure Plan

