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**For:** Vicki Jones

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## Without Prejudice

Dear Vicki

### Shotover Property Investments Limited - Private Plan Change Request 43

This letter has been prepared in response to the discussion held between yourself, Rosalind Groves and Warwick Goldsmith on 30 August 2011 (held on a without prejudice basis). We address each item from the meeting notes below, and we attach an amended Section 32 Report and proposed plan provisions. We suggest we meet as soon as possible to discuss these points.

1. **General**

***You may be invited to present at the meeting on 11 Oct. If so, would you be interested?***

1.1 Yes.

2. **Questions of clarification**

***Discuss the options you considered re achieving a better connection with Terrace Junction.***

2.2 We considered this and elected to promote pedestrian access only, because any other access other than pedestrian results in complex legal issues (as the land is in different ownership), complex planning issues (part of the land is zoned rural general) and complex traffic issues.

***Talk through why none of the other existing zones are appropriate (e.g. Industrial B)?***

2.3 Other zones were considered during the assessment process i.e. High Density Residential, Business or Industrial. It was considered that these zonings:

- a. Do not recognize the specific characteristics and requirements of the site; and
- b. Are too specific and do not leave room for changing community needs and market conditions to determine type of development.

2.4 To respond to this the Requester has left the final mix of activities open to responses from the community and market conditions at the time of development.

2.5 Industrial B zoning, while providing valuable land for the District, would not provide for activities most compatible with the surrounding area (mixed commercial and community facilities). There would be no provision for higher density residential activities that may provide affordable housing. It would create an isolated pocket of industrial land, separated from Glenda Drive / PC19 land. Further, industrial zoning may also result in adverse visual amenity issues on the main entrance to Queenstown.

***Suggest you will need to update your S.32 in light of the changes you've already proposed/made (re the Outline Development Plan status, noise insulation, etc.) and any further ones you might make prior to notification – as the report and the provisions should align at notification.***

2.6 Agreed, we have added appropriate amendments.

***Have you consulted with QAC over the re-zoning?***

2.7 No. This is existing residential zoning without airport protection provisions. The new proposed zoning incorporates the full suite of airport protection provisions (ventilation and insulation). Consultation with QAC will occur after notification.

***Did you get any feedback from Arrow Irrigation?***

2.8 No. The water race is outside the proposed zone and access setbacks have been provided similar to Terrace Junction. Further consultation with Arrow Irrigation will occur after notification, if necessary.

***Is the paper road of any use? Have you considered closing the paper road and creating a road through the middle or along the front of the site (east-west) instead?***

2.9 Yes. The existing legal road provides appropriate site access. Additional roading through the site, if required, can be created at subdivision stage.

***Is the water race the "shelf" you see cut into the hill, when on site? Will any excavation affect it? As per T & T report, if so then they need to be consulted – how will this occur (earthworks proposed to be a controlled activity)?***

2.10 Yes this is the water race. We have included a setback rule (Rule 12.X.5.1(i)(d)) to avoid potential damage to, and to enable maintenance and access to, the water race:

"The minimum setback from the boundary of the Rural General zone located on the northern boundary of the zone shall be 5 metres."

2.11 Assessment matter (12.X.6.2(vi)(g)) for setback from boundaries has been amended to include avoiding damage to the water race:

The ability to avoid damage to the Arrow Irrigation water race and the ability to access the Arrow Irrigation water race for maintenance and repair.

- 2.12 We consider that controlled activity status with those assessment matters is appropriate.

***Am I right in understanding that your preference is for disposal of stormwater to ground?***

- 2.13 Yes, this is based on CFMA recommendations.

***Re traffic - based on "do minimum" and the min projected traffic generation from the development: LOS will go from C/C to D/D in am and D/D to D/E (E being the JO drive intersection in pm. ORC says that intersections should operate at least at LOS D. Under the max traffic generation projections, it will go from C/C to C/C and D/D to E/F. Does the maximum traffic generation scenario assume no retail over 750m<sup>2</sup>? Have you considered what provisions you can impose to provide better certainty that the effect will be mitigated (to LOS D at any time) – e.g. limit the retail and office m<sup>2</sup>?***

- 2.14 Yes, the maximum traffic scenario is based on no retail over 750m<sup>2</sup>. Consideration of more detailed provisions, if deemed to be necessary, can occur during the plan change process.

3. Provisions – some ‘food for thought’

***In the District Plan review, the Council plans to remove the sections not required by the Act – i.e. “Resources, activities, etc.”, the “RM issues” and “implementation methods”, “reasons for adoption” and “Env results anticipated”. As such, do you want to consider removing these from the Plan Change and re-word much of it as objectives and policies.***

- 3.15 No, Council's plans are uncertain. It is appropriate to follow the current format. If Council wants to recommend changes it can do this during the plan change process or during the District Plan review.

4. ***Policies 2.3, 2.5 and 3.1- 3.4, 4.2 and 4.3 – I suggest that you could improve the wording to clarify and make more certain/ less vague.***

- 4.16 These points are noted and amendments have been made where appropriate. Policy 2.5 has been deleted.

***Policy 4.1 to provide safe and efficient connection to SH – I would suggest that if you provided more rules to achieve this/ to provide greater certainty, then there may be less opposition. E.g. restrict amount of retail, cap on traffic generation, etc.***

- 4.17 This is a complex issue because of external Frankton Flats development issues, which can be further addressed, if required, through the plan change process and hearing.

***What are the traffic generation/ effects if service station located there? If not the intention then maybe insert rule to prevent it?***

- 4.18 Yes, we have added this as a non-complying activity (12.X.3.5(iv)).

***Visitor accommodation and residential to be shown on the Outline Development Plan and then be CON thereafter. Agree with concept but suggest making visitor accommodation and residential NC if not shown on an approved Outline Development Plan. If taking this approach (as per COM CORE in Three Parks), then res and visitor accommodation need to specifically be required to be committed to as part of the Outline Development Plan with good assessment matters attached to that and to be NC if they want to come back and put it elsewhere. After being approved at the Outline Development Plan stage then fine to make the activity CON or even PER. Also I note that under this regime, the current assessment matters for visitor accommodation etc. may need amending – e.g. parking already covered by parking rules, and others like intensity would have already been approved through Outline Development Plan and regardless, there is little room to influence this under CON status I would think.***

- 4.19 Our approach is as follows:

- a. If there is no approved ODP – buildings, activities, subdivision: non-complying
- b. If there is an approved ODP – buildings, activities, subdivision in accordance with the ODP: controlled
- c. If there is an approved ODP – buildings, activities, subdivision not in accordance: discretionary

***Would you consider a rule requiring the scale of the Outline Development Plan to cover the whole area?***

- 4.20 Yes this would make sense for the size of the site and was our intention. We have inserted this at the end of Rule 12.X.3.3(i).

***Have you considered requiring a slip road between the SH and buildings and a rule requiring them to face this slip road. E.g. potentially show this on a Structure Plan and then have a matter for consideration at the Outline Development Plan as per the FF: "The location and design of the one way single vehicle carriage way adjacent to Activity Area A which allows parallel car parking and a generous footpath of the southern side of the road."***

- 4.21 We do not see a valid urban design rationale to require such a slip road. We believe it would raise undesirable traffic circulation and efficiency outcomes but it remains an option which could be considered at ODP stage.

***What are your views on including a very basic Structure Plan in the Plan Change?***

- 4.22 Structure Plans can be desirable in circumstances involving large areas of land in different ownerships. This is comparatively small site in single ownership. A Structure Plan would not add anything that an ODP cannot achieve. In addition, the uncertainty over future activity mix probably means that it is impossible to create a Structure Plan, because the purpose of a Structure Plan is usually to predetermine locations of different activities.

***Have you considered a rule re min lot size requiring comprehensive development? i.e. 2,000m2 unless part of a comprehensive development or unless the built form already exists.***

- 4.23 A comprehensive development rule is unnecessary because the ODP process deals with all issues that would arise for a comprehensive development.

***Given presence of residential and visitor accommodation do you think you need hours of operation rule – (in addition to those for licensed premises).***

- 4.24 Given that this is a mixed use zone (halfway between a town centre and residential zone) we think controlled activity for activities gives flexibility to establish a compatible mix. We have added in hours of operation as a matter for consideration (at Rule 12.X.3.2(ii)(e))

***Did you consider allowing industrial instead of residential and visitor accommodation – as there is still a need for more industrial land, in order to enable the sustainable development of QT.***

- 4.25 Refer our comments above.

***Pg. 45 of the application – you say there is a rule for the protection of cultural and arch sites – please point out as it seems to not be there – also no reference to “within 12 moths” in the earthworks rules and how is “any one time” defined/ enforced? Also see suggestion below re specific assessment matter. Also – typo in your earthworks assessment matter (iv)(i).***

- 4.26 We refer you to Site Standard setback from Boundaries (12.X.5.1.(i)(c)).

- 4.27 The earthworks rule has been amended so as to refer to a 12 month period.

***Do we need stronger provision to ensure we get ped link to Terrace Junction – more than just an assessment matter?***

- 4.28 We do not think this is required.

***It is good that the height is stated as 2 levels and 9 metres and not simply 9 m (which would enable 3 levels and no variation in roofline) but you may need some assessment matters and policy and definitions to ensure that the argument cannot be made that 3 levels has no more effect than 2 levels – see Three Parks for precedent of this:***

- 4.29 We agree and have inserted new Policy 2.7 as an internal policy to complement Policy 2.6 which is the external policy for buildings. We believe these policies together will provide a more than adequate response to an argument that 3 levels has no more effect than 2 levels, as 3 levels would not result in the variation required by Policy 2.6 or the internal amenity required by Policy 2.7. 3 levels within 9m would be a non-complying activity and we believe would struggle to meet these policies and the S104D tests.

***If height is to be measured in storeys or levels then “storey” or “level” needs to be defined: e.g. in the Three Parks Zone.***

- 4.30 We disagree for a range of reasons, including the fact that height commences at ground level, therefore under underground car parks / cellars / storeys do not need to be included. Also the word 'storey' should be interpreted with its plain definition. However, we acknowledge the need to deal with semi-basements – see amended Rule 12.X.5.2.iii.

***The definition of height will probably also need to be amended along the following lines:***

***Height: In relation to a building means the vertical distance between ground level at any point and the highest part of the building immediately above that point, except that this measurement is not relevant when assessing the number of stores in the Three Parks Zone. For the purpose of calculating height in all zones, other than in relation to assessing the number of stores in the Three Parks Zone as specified above, account shall be taken of parapets, but not of:***

- 4.31 We are happy to use the definition of height in the District Plan.

***Re height you also may wish to have policies like:***

***To ensure that the buildings do not exceed the maximum number of storeys permitted in each subzone, regardless of whether the maximum height limit is able to be met whilst providing for more storeys.***

- 4.32 We have inserted Policy 2.7 as discussed above.

***And an assessment matter (for buildings) whether the maximum height rules are being used to create overly high surrounding parapet walls which create a visual presence well in excess of what is required to contain buildings "internal volumes".***

- 4.33 We do not understand why one would want to prevent an outcome which may be desirable from a visual amenity perspective.

***And to perhaps even require the front row of buildings to be 2 storey (in order to provide a better design/ presence along the SH and to screen potentially uglier buildings/ CP's/ activities behind.***

- 4.34 We do not agree because this could be contrary to the policy that requires variation in building height (Policy 2.6). Please also see our amended rule 12.X.6.2(i)(e).

- 4.35 We appreciate this is a complicated issue and are happy to meet to discuss this further.

***Would you consider a rule limiting carparking within the setback along the SH to only parallel on-street parking with all other parking prohibited.***

- 4.36 We doubt that the slip road adjoining the SH6 is a practical and efficient design solution; but if it were, it would be logical to include provision for car parking. We do not see any visual difference between parallel on street car parking and other car parking. We are happy to discuss this further.

***Would you consider a requirement to locate a bus stop within the site if deemed appropriate by council and NZTA (either on Structure Plan as a matter of discretion at the Outline Development Plan stage)?***

- 4.37 Based on the Section 32 Report such a requirement could not be justified. If either the Council or NZTA want to promote this possibility, that can be addressed during the plan change hearing.

***Re the rule limiting the retail to 750m2 – can we discuss the basis for this (e.g. is it driven by traffic effects only?)***

- 4.38 The primary reason for this restriction is related to traffic generated by large format retail as discussed above. A secondary reason is the desire to create a vibrant mixed use area that complements the surrounding area and it is unlikely that large format retail will achieve this on a site this size.

***Non notification clause – I would interpret it such that the listing of all RDIS as being non-notified would capture those that fail a site standard? Was this your intention – if so, I suggest this needs to change.***

- 4.39 That wasn't the intention and this would not normally be the case for breach of site standard.

***Should "any new access to the SH" be prohibited rather than non complying, in order to reduce opposition/ avoid a point of submission on this?***

- 4.40 No, we don't consider this is necessary.

***Matters of discretion relating to the Outline Development Plan:***

***Wording improvements (minor)***

***Addition of further matters of discretion such as: Affordable housing plans, public transport infrastructure***

- 4.41 We have already responded on affordable housing. We have responded to public transport in relation to bus stops above.

***Support having discretion over "configuration of activities on the site" although question whether every activity needs to be committed to (although it may need to from a traffic perspective in this case). The location of res and visitor accommodation definitely needs to be committed to in order to mitigate reverse sensitivity issues and ensure its located where it can have some level of amenity.***

- 4.42 These points are noted but no amendments have been made.

***Re the matter of discretion; "appropriate building form" are you proposing to show all building designs as part of the Outline Development Plan? This is then akin to the comp development plan in the Three Parks zone – it would then work to have buildings as CON thereafter if this is the case. I am concerned though that having to provide this level of detail is impractical and unviable though.***

- 4.43 We have amended this rule as our intention is not to include full building design (elevations and external appearance) at ODP stage (see Rule 12.X.3.3(i)(f)).

**Consider adding an assessment matter (or include as a policy) re the need to demonstrate how surface parking will be predominantly screened from the SH (as per Rebecca's report)**

- 4.44 This is already in the provisions as an assessment matter for the ODP:

"The location and associated landscaping of surface parking so that it does not dominate views from the State Highway."

**Consider adding to assessment matter (h) (or include as a policy) re the need to demonstrate visual connections from the SH into the interior of the site (as per Rebecca's report)**

- 4.45 We have considered this and decided it would be inappropriate. Narrow view corridors beside a State Highway create only fleeting views of buildings behind, add to the cost of construction, and on this site may create wind corridors.

**Consider adding an assessment matter such as "Whether and to what extent any existing specimen trees are proposed to be retained, as part of the landscape plan" (as per Rebecca's report). Also add the other points she mentions to assist in assessing the appropriateness of the landscape plan submitted with the Outline Development Plan (Rebecca's page 15).**

- 4.46 We have considered this and decided it is unnecessary.

**Consider adding more detailed assessment matter re carparking (as per pg. 14 of Rebecca's report).**

- 4.47 We consider that this is already adequately dealt with.

**Consider adding an assessment matter re the need to show that servicing areas will be screened from public places.**

- 4.48 This is already in the provisions as an assessment matter for the ODP. Rule 12.X.6.2(v)(j) states:

"The extent to which servicing can be undertaken in a manner that is efficient and screened from public view."

**See Three Parks and Ind B for other ideas of assessment matters which may be appropriate to include.**

- 4.49 We have not found any other assessment matters to include.

**The issue of whether doing something inconsistent with the Outline Development Plan should be RDIS or NC - if not NC then there is no incentive to prepare an Outline Development Plan. Maybe worth a discussion.**

- 4.50 We have dealt with this – see comments above.



**Site standards – Some that could be added to the Plan Change which are becoming commonplace in council Plan Changes include: internal res amenity standards, waste/ recycling space, outdoor waste storage, end destination facilities (showers etc.).**

- 4.51 We consider that these are matters of detail that can be addressed by the Council planner's report.

**Zone standards - add "no upward light spill" to glare rule**

- 4.52 Agree, Rule 12.X.5.2(vii)(a) has been amended.

**Typo in (x) airport noise – and table 2 of App 13 – clarify?**

- 4.53 We did refer to Plan Change 35, but have removed that reference as the plan change is still under appeal. The insulation standard and mechanical ventilation standards are the new standards Queenstown Airport Corporation Limited is requesting.

**Add a zone standard that the Outline Development Plan must cover all that land contained within the Structure Plan, if end up having one.**

- 4.54 This has been done (as discussed above).

**The assessment matter for outdoor living ((viii)(e) regarding streetscape palette maybe more appropriate under Outline Development Plan – as outdoor living normally relates to private outdoor living space and in this zone is proposed to all be located above ground level.**

- 4.55 We have considered this and think this assessment matter can be left where it is and will be dealt with at building design process as it is too detailed for ODP.

**I think the request said that the zone doesn't want to compete with Terrace Junction but only allowing retail up to 750m2, which suggests it may – can we discuss.**

- 4.56 We do not believe we stated this. Our intention is for the zone to complement and contribute to the existing commercial centre (Frankton Corner, including Terrace Junction). We are happy to discuss this.

**Have you considered whether the zone needs to be added to the loading etc. provisions of Part 14 – it would be normal to be and avoids major issues down the track to require this upfront.**

- 4.57 Rule 12.X.3.2(i)(b) provides Council has control over "Provision and location of car parking and loading". Assessment matter 12.X.6.2(i)(k) has also been amended to reflect this.

**Particularly given its prominent location, have you considered that signs should be subject to the usual zone standards in the District Plan rather than just making them all controlled?**

- 4.58 We disagree. Zone standards are a blunt instrument.

**Pg. 37 of the application says „require large areas of glazing for buildings along the SH” – do you want to include a site standard requiring this (e.g. Three Parks - business mainstreet subzone)**

- 4.59 We would prefer to maintain flexibility and assess this under the assessment matter for buildings.

**How do you expect to achieve a "high quality public realm" / what public realm will be provided, do you think (as desired under 6. Page 37 of application)? None shown in indicative plan but realize they were not prepared for this purpose.**

- 4.60 Maximum site coverage of the zone is 50%. The circumstances of the site are such that the rest is likely to be public realm.

**Should objectives and pols be duplicated, as relevant, in the subdivision section? Also – consider a rule in Part 15 that all subdivision must be consistent with the Outline Development Plan.**

- 4.61 We have included a new site standard under Part 15, Rule 15.2.7.2 (i). We consider it unnecessary to duplicate the objectives and policies given this proposed rule.

**Feedback from kai tahu regarding accidental discovery protocol?**

- 4.62 We have an equivalent assessment matter for earthworks that covers accidental discovery.

**Is there any opportunity to improve ecology/ remove wildings in the adjacent Rural General? E.g. have you considered including this land as open space/ no build area within the Zone or is this unnecessarily complicated?**

- 4.63 No, the Plan Change Request is limited to the existing low density residential zoning of the site.

**I see you have an assessment matter under controlled building regarding testing – but is the matter of control re geotech broad enough to enable one to require testing for contamination? Would it be better to consider the issue of contaminated sites at the Outline Development Plan stage? E.g. In Three Parks this is matter of discretion at the time of the Outline Development Plan, as follows:**

**“Measures to address any adverse effects resulting from any contaminated sites” and has the associated Assessment matter: “Whether any contaminated sites exist that would be a risk to human health or the environment and, if so, whether measures have been taken to address these. The Council expects a report to be submitted confirming whether any sites exist and, if they do, explaining how the sites will be appropriately remediated or how the subdivision and development layout will address these issues to appropriately minimise or eliminate risk.”**

- 4.64 We agree and these have both been added in (see 12.X.3.3(i)(l) and 12.X.6.2.(v)(o)), with some amendment to remove superfluous wording.

5. **Questions from site visit**

**What do the poles depict?**

- 5.65 Pole(s) beside SH6 are 8 meters in height, which is the height that can be built to with the current low density residential zoning under Zone Standard 7.5.5.3 (v) Building Height of the District Plan. Poles towards the rear are 12m.

Yours faithfully  
**Anderson Lloyd**



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