

Queenstown Lakes District Proposed District Plan – Stage 1

Section 42A Hearing Report For Hearing commencing: 28 November 2016

Report dated: 2 November 2016

Report on submissions and further submissions
Chapter 15 – Local Shopping Centre Zone

File Reference: Chp. 15 S42A

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I have also referred to, and relied on the following evidence filed alongside the section 42A report:

Mr Tim Heath, Economics – statement dated 02 November 2016, paragraphs 3.1 – 3.32

Mr Stephen Chiles, Noise – statement dated 02 November 2016, paragraphs 15.1 – 15.3

1. EXECUTIVE SUMMARY

- 1.1. It is recommended that the framework, structure and the majority of the provisions in the Proposed District Plan (**PDP**) Local Shopping Centre Zone (**LSCZ**) Chapter 15 should be retained as notified, and as supported in the section 32 (**s32**) assessment (see **Appendix 3**).
- 1.2. However, some changes are considered appropriate, and these are shown in the Recommended Revised Chapter attached as **Appendix 1 (Revised Chapter)** to this evidence. The changes include minor wording changes that provide better expression. For substantive changes, I have undertaken an assessment in terms of section 32AA (**s32AA**) of the Resource Management Act 1991 (**RMA**) (see **Appendix 4**). The most significant recommended amendments are:
- i. the introduction of a limit on the gross floor area of permitted retail activities and the introduction of limits on identified types of non-convenience retailing;
 - ii. the introduction of a limit on the gross floor area of office activities;
 - iii. acknowledgement of the Queenstown Airport Outer Control Boundary and reverse sensitivity effects;
 - iv. additional acknowledgement of the effects on the State Highway in respect of the site specific LSCZ rules for '1 Hansen Road'; and
 - v. provision for consideration of the effects of verandas on the safe movement of high-sided vehicles.
- 1.3. I consider that the recommended amendments to the LSCZ, as shown in **Appendix 1**, better meet the purpose of the RMA and are more effective and efficient than the notified chapter and further changes sought by submitters that I have rejected. In addition, I consider that the amendments are more effective and efficient than the Operative District Plan (**ODP**). The introduction of limits on the maximum gross floor area of retail, the types of retailing, and limits on the gross floor area of office space within the LSCZ will provide more effective safeguards to ensure that the role and function of town centres as the principal provider of commercial activities is not threatened by the scale and type of commercial activities enabled in the LSCZ.

2. INTRODUCTION

- 2.1. My name is Amy Bowbyes, I am employed by the Queenstown Lakes District Council (**Council**) (working part time) as a Senior Policy Planner. I hold the qualifications of Bachelor of Science and Bachelor of Arts from Victoria University. I have primarily worked for local authorities in policy and district plan administration roles since 2005

2.2. I am the principal author of the notified Chapter 15 – Local Shopping Centre Zone and s32 report.

3. CODE OF CONDUCT

3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

3.2. I am authorised to give this evidence on the Council's behalf.

4. SCOPE

4.1. My evidence addresses the submissions and further submissions received on the notified LCSZ chapter.

4.2. Although the purpose of this report is not to undertake an assessment nor make recommendations on the appropriateness of the zonings, as this will be undertaken in the rezoning hearings, the relevant maps which include areas of the LSCZ are attached in **Appendix 5**. Consequently, my evidence relates only to the written provisions which relate to the notified LSCZ and I have not considered any submission points that relate to the acceptability of the specific locations of the LSCZ. On this basis, I have considered the LSCZ provisions in the context of all of the notified LSCZ land.

4.3. The table in **Appendix 2** outlines whether individual submissions are accepted, accepted in part, considered to be out of scope or transferred to another hearing stream. Six submission points have been transferred to the rezoning/mapping hearing(s). The submission points seek either:

- i. that additional land is zoned LSCZ; or
- ii. that the physical extent of the LSCZ as shown on the notified planning maps is reduced.

4.4. I note that the visitor accommodation provisions were not withdrawn for the LSCZ, as they have been for residential PDP chapters.

4.5. Although this evidence is intended to be a stand-alone document and also meet the requirements of section 42A of the RMA (**s42A**), the s32 Evaluation Report: Local Shopping

Centre Zone is attached as **Appendix 3** for information and reference purposes. This report links to supporting documents referenced in the s32 (on pages 13 and 14 of that report).

- 4.6. Throughout this evidence I refer to specific provisions of Chapter 15. Where the numbering has changed due to amendments made to the Revised Chapter from that which was notified, I have referred to both the notified and redrafted numbering for ease of use.

5. BACKGROUND – STATUTORY AND NON-STATUTORY DOCUMENTS

- 5.1. The LSCZ s32 in **Appendix 3** provides an overview of the relevant legislation and higher order planning documents that were considered in the preparation of the LSCZ. In addition, the following, more detailed summary of relevant legislation and documents is also provided.

The Resource Management Act (RMA)

- 5.2. The RMA and in particular the purpose and principles in Part 2, which require councils to promote the use, development and protection of the natural and physical resources for current and future generations in order to provide for the 'four well beings' (social, economic, cultural and environmental). While chapter 15 does not relate to any matters of national importance (s 6) the following Section 7 matters are relevant and shall be had regard to when preparing the chapter:

- i. the efficient use and development of natural and physical resources;
- ii. the maintenance and enhancement of amenity values;
- iii. the maintenance and enhancement of the quality of the environment; and
- iv. any finite characteristics of natural and physical resources.

The Local Government Act 2002 (LGA)

- 5.3. The LGA and in particular Section 14, emphasises the importance of taking an intergenerational approach to decision-making and the need to take into account the four well beings (social, economic, cultural and environmental).

Operative Otago Regional Policy Statement (1998) (Operative RPS)

- 5.4. Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "*give effect to*" any regional policy statement. In particular Chapter 9 of the Operative RPS relates to the Built Environment.
- 5.5. The relevant objectives and policies include Objectives 9.4.1 and 9.4.3 and Policies 9.5.1 - 9.5.5. Together these strive to achieve sustainable management of the built environment in a manner that meets the needs of the community and which avoids, remedies, or mitigates adverse effects by recognising cultural relationships; promoting the efficient development and

use of infrastructure (including the transport network); minimising effects of urban development on the environment (including in relation to noise, amenity, and community values); and enhancing people's quality of life (including people's health and safety).

- 5.6. In my opinion, for the reasons outlined in the s 32 report, the LSCZ chapter gives effect to this policy framework, which makes efficient use of resources, meets the foreseeable future needs, minimises adverse effects, and indeed, strives to result in positive effects.

Proposed Otago Regional Policy Statement 2015 (PRPS)

- 5.7. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed Regional Policy Statement. The PRPS was notified for public submissions on 23 May 2015, and on 1 October 2016 the Otago Regional Council issued a public notice stating that decisions had been made on the PRPS submissions.

- 5.8. The following objectives and policies are relevant to Chapter 15 (referring to the decision version):

- i. Objective 4.4 (notified as 3.6) and Policy 4.4.6 (notified as 3.6.6);
- ii. Objective 4.5 (notified 3.7 and 3.8 combined) and policies 4.5.1, 4.5.3, 4.5.4, 4.5.5, 4.5.6 (notified as 3.8.1, 3.7.1, 3.7.2, 3.7.3, 3.7.4); and
- iii. Objective 5.3 (notified 4.3) and Policy 5.3.3 (notified as 4.3.4).

- 5.9. In summary, together these objectives and policies aim to ensure energy supplies to communities are secure and sustainable; that urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments; and that sufficient land is managed and protected for economic production.

- 5.10. I note that the changes made to the PRPS through the decisions on submissions are relatively minor and, in my opinion, will not have any effect on the appropriateness of the recommended revised PDP Chapter 15. I also consider that the changes do not fundamentally change the conclusion reached in the s32 report; i.e. that the LSCZ has due regard for the PRPS.

Iwi Management Plans

- 5.11. When preparing or changing a district plan, section 74(2A) of the RMA states that local authorities must "take into account" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. Two iwi management plans are relevant:

- i. *The Cry of the People, Te Tangi a Taurira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (**MNRMP 2008**); and

- ii. *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 (**KTKO NRMP 2005**).

Proposed National Policy Statement on Urban Development Capacity (NPSUDC)

- 5.12. The Minister for the Environment notified the proposed NPSUDC for public consultation on 2 June 2016, with submissions closing on 15 July 2016. The scope of the proposed NPSUDC relates to the provision of development capacity in local authority plans to address both housing and business needs. The proposed NPSUDC does not hold any statutory weight.
- 5.13. The proposed NPSUDC identifies Queenstown as a 'secondary urban area' and a high growth urban area as Queenstown is projected to experience population growth of over 10% in the next 10 years. The NPSUDC applies objectives and policies for local authorities to implement through its planning documents. I note that QLDC lodged a formal submission (dated 14 July 2016) with the Ministry for the Environment which, amongst other matters, seeks clarification as to the extent of the geographic area that the NPSUDC would apply to (i.e. whether the references to 'Queenstown' include the entire Wakatipu Basin). Insofar as the remaining geographic area of the District, Wanaka is not listed as a 'main urban area' or a 'secondary urban area' in Appendix 1 of the NPSUDC Consultation Document, the NPSUDC has less bearing on areas of the District outside of Queenstown.
- 5.14. The following objectives of the proposed NPSUDC are of relevance:
- i. OA1: To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
 - ii. OA2: To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
 - iii. OA3: To enable ongoing development and change in urban areas.
 - iv. OB1: To ensure plans and regional policy statements are based on a robust, accurate and frequently-updated evidence base.
 - v. OC1: To promote coordination within and between local authorities and infrastructure providers in urban areas, consistent planning decisions, integrated land use and infrastructure planning, and responsive planning processes.
 - vi. OD1: To ensure that planning decisions enable urban development in the short, medium and long-terms.
 - vii. OD2: To ensure that in the short and medium terms local authorities adapt and respond to market activity.
- 5.15. The above objectives (although they hold no legal weight) are reflected in the LSCZ provisions through enabling more capacity within the Zone than that enabled by the ODP Corner Shopping Centres, for both residential and business activities.

5.16. I became aware on 1 November, when finalising this s42A report, that the final NPSUDC has been approved. I have not had an opportunity to consider the approved version in this s42A, but will do so prior to the Business hearing.¹

PDP Strategic Directions Chapter 3

5.17. This chapter sets out the over-arching strategic direction for the management of growth, land use and development in the District and gives direction to the rest of the plan. The following objectives² are relevant to Chapter 15:

Objective 3.2.1.1 - The Queenstown and Wanaka town centres are the hubs of New Zealand's premier alpine resorts and the District's economy.

Objective 3.2.1.4 - The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.

Objective 3.2.1.5 - Development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.

Objective 3.2.2.2 - Development in areas affected by natural hazards is appropriately managed.

Objective 3.2.3.1 - A built environment that ensures our urban areas are desirable and safe places to live, work and play.

Objective 3.2.3.2 - Development is sympathetic to the District's cultural heritage values.

Objective 3.2.6.3 - A high quality network of open spaces and community facilities.

Objective 3.2.6.4 - Safe and healthy communities through good quality subdivision and building design.

5.18. Chapter 15, as recommended in **Appendix 1**, is considered to be consistent with these objectives and the supporting policies which, in my view, provide clear and concise direction in how the Council aims to maintain and enhance the commercial hubs of the District.

Urban Development - Chapter 4

5.19. This chapter sets out the objectives and policies for managing the spatial location and layout of urban development within the District. The following objectives³ are relevant to the LSCZ:

1 http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National_Policy_Statement_on_Urban_Development_Capacity_2016-final.pdf.

2 Strategic Directions Hearing – Recommended Revised Chapter – Reply 07/04/2016.

3 Strategic Directions Hearing – Recommended Revised Chapter – Reply 07/04/2016.

Objective 4.2.1 - Urban development is integrated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

Objective 4.2.3 – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.

Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.

5.20. The LSCZ, as recommended, is considered to implement these objectives and the supporting policies which, in my view, provide clear and concise direction in relation to how the Council aims to manage growth within the urban growth boundaries.

Tangata whenua - Chapter 5

5.21. This chapter sets out the objectives and policies for ensuring tangata whenua issues are appropriately considered throughout the District Plan. The following Objective and Policy⁴ is most relevant to the LSCZ:

5.4.2 Objective - Provide for a Ngāi Tahu presence in the built environment

5.4.2.1 Collaborate with Ngāi Tahu in the design of the built environment including planting, public spaces, use of Ngāi Tahu place names and interpretive material.

5.22. I consider the LSCZ to be consistent with this Objective and Policy as the LSCZ would not, in my view, place any inappropriate barriers on the ability for Ngāi Tahu to influence development within the zone.

Wanaka Structure Plan (2007)

5.23. The Wanaka Structure Plan was adopted in 2007 and provides a framework for the future growth of Wanaka. This was produced as a result of community involvement through the Wanaka 2020 community planning exercise and adopted by Council as a working document.

Hawea Community Plan (2003)

5.24. The Hawea Community Plan was adopted in 2003 through the Hawea 2020 community planning exercise. It provides a community vision, strategic goals and priorities for the next 10 to 20 years for the Hawea community, which includes the Hawea Township, Hawea Flat, Maungawera and John's Creek.

4 Strategic Directions Hearing – Recommended Revised Chapter – Reply 07/04/2016.

5.25. In addition to the above higher-order documents, the following non-statutory documents are considered in the s32 report:

- i. Review of District Plan Business Zones Capacity and Development of Zoning Hierarchy prepared by McDermott Miller Strategies Ltd and Allan Planning & Research Limited (November 2013); and
- ii. Peer Review of the McDermott Miller Business Zones Capacity Report prepared by McDermott Consultants Ltd (January 2014).

5.26. The following reports were considered in the s32 assessment when considering site-specific issues for proposed LSCZ locations which are not zoned Corner Shopping Centre in the ODP and are not presently used for commercial activities:

5.27. Hawea (zoned Township in the ODP). This report was commissioned by the Council:

- i. Demand for Additional Commercial Zoned Land in Hawea Report by Insight Economics (February 2015).

5.28. Cardrona Valley Road – adjoining the Wanaka Lakes Health Centre (zoned Rural General and Rural Residential in the ODP). These reports were commissioned by the landowner:

- i. Peter Gordon Development Retail Assessment Cardrona Valley Road Report by McDermott Consultants (March 2014);
- ii. Peter Gordon Development Access Assessment, Cardrona Valley Road Report by Bartlett Consulting (March 2015); and
- iii. Cardrona Valley Road Infrastructure Report prepared by Paterson Pitts Group (January 2015).

5.29. 1 Hansen Road (zoned Low Density Residential and Rural General in the ODP). This report was commissioned by the landowner:

- i. Tim Kelly Transportation Planning Preliminary Traffic Assessment (July 2015).

6. BACKGROUND – OVERVIEW OF THE ISSUES

6.1. The purpose of the LSCZ is to enable small scale commercial and business activities that are accessible to residential areas and people in transit.⁵

5 Refer to Zone Purpose – p15-2 of Chapter 15.

- 6.2. The s32 analysis⁶ identified the following issues with the ODP Corner Shopping Centre Zone:⁷
- i. the lack of the efficient use of buildings and infrastructure;
 - ii. lack of amenity;
 - iii. the dispersal of commercial activities (in particular retail activities) away from Town Centres; and
 - iv. the lack of opportunity to provide for neighbourhood retail zones.
- 6.3. After considering the submissions it is my view that the above issues are still relevant along with the following additional key issue identified by submitter Willowridge Developments Ltd (**Willowridge**) (249.11):
- i. Whether it would be appropriate to include limits on the scale and type of retail activities, and the scale of office activities, to ensure that LSCZ does not compete with the town centres and other commercial centres that specifically provide for large format retail and office activities.

7. SUBMISSIONS

- 7.1. The RMA, as amended in December 2013, no longer requires a report prepared under s42A to address each submission point. Instead, it requires a summary of the issues raised in submissions.
- 7.2. 39 original submission points (from 16 submitters) and 70 further submission points were received on the Notified Version of the LSCZ.
- 7.3. Submissions are considered by issue, or as they relate to a specific LSCZ provision. Some submissions contain more than one issue, and will be addressed where they are most relevant within this evidence.
- 7.4. A summary of submission points received and a recommendation on whether the submission is recommended to be rejected, accepted, accepted in part, or transferred to another hearing is attached as **Appendix 2**. I have read and considered all submissions, including further submissions.

⁶ Refer to **Appendix 3**.

⁷ Refer to Part 10.5 of the ODP for the operative objectives, policies, methods and anticipated environmental results; Part 10.9 for operative rules; and Part 10.10 for operative assessment matters.

8. ANALYSIS

8.1. The following key issues have been raised in the submissions and are addressed in this report under the following headings:

- i. Issue 1 – Restrictions on retail and office activities.
- ii. Issue 2 – Use of the Urban Design Panel.
- iii. Issue 3 – Reverse sensitivity controls within the OCB of Queenstown Airport.
- iv. Issue 4 – Restrictions on residential and visitor accommodation activities.
- v. Issue 5 – Cardrona Valley Road LSCZ – specific changes sought.
- vi. Issue 6 – 1 Hansen Road LSCZ – specific changes sought.
- vii. Issue 7 – Veranda heights – effects on public transport.
- viii. Issue 8 – Limits on notification.
- ix. Issue 9 – General – other matters.

8.2. Where necessary, under each issue, an analysis of the sub-key issues identified by submitters is provided using sub-headings which relate to the specific objective, policy or rule. Where a provision has not been submitted on or where a submission is not accompanied by any clear basis or reasoning, the submission is unlikely to have been directly discussed in this report (however recommendations in respect of all submissions received are set out in **Appendix 2**).

9. ISSUE 1 – RESTRICTIONS ON RETAIL AND OFFICE ACTIVITIES

9.1. Willowridge (249.11) seek that the Activity Table (notified Rule 15.4) is amended to include rules restricting the nature and scale of commercial and retail activities in the LSCZ. Specifically the submission states the following:

The rules in the Local Shopping Centre Zone are permissive of commercial and retail activities and seem to provide for a range of activities from small scale shopping to supermarkets. This has the potential to undermine the town centres and other commercial centres, particularly where the land zoned neighbourhood shopping centre is of significant size, such as the neighbourhood shopping centre on Cardrona Valley Road.

[Relief sought] Include rules in 15.4 to restrict retail activities to those providing a local service (dairies, off-license, bakery) with a gross floor area of no more than 400m², or rules to a like effect.

9.2. The relief sought therefore has two components, which I respond to in turn below.

- 9.3. I also note that the submissions received from Stuart and Melanie Pinfold & Satomi Enterprises (622.3 to 622.5) also highlight that the notified LSCZ would enable large format retailing as a permitted activity. The specific relief sought by that submitter is addressed in Issue 5 below.

Limit the types of retail activities

- 9.4. I agree with the submitter's view that the notified provisions are permissive insofar as they place no limits on the types (or scale) of retail enabled in the LSCZ. The intent of the zone is to provide a range of activities at a limited scale (see in particular: notified Zone Purpose 15.1, notified Objective 5.2.1 and notified Policy 15.2.1.2). In many instances the scale of activities would be limited simply due to the small pocket of land zoned LSCZ. However, as the submitter points out, the LSCZ at Cardrona Valley Road (as shown on notified Planning Map 23) has a relatively large area of approximately 2.7ha.⁸ I also note that the 1 Hansen Road LSCZ has a total area of approximately 1.8ha.⁹
- 9.5. I note that the LSCZ at 1 Hansen Road, Frankton, has controls on retailing in notified Rule 15.5.4(a). These specific limits were included primarily due to the traffic constraints affecting that site, and are in place in conjunction with a requirement for a Spatial Layout Plan (as required by notified Rule 15.4.3.2). The Tim Kelly traffic assessment (which is an electronic link to the s32 report in **Appendix 3**) supports these limits, amongst others.
- 9.6. With regard to the Willowridge submission to restrict the types of retailing, I have sought advice and rely on the evidence provided by Mr Tim Heath of Property Economics. Mr Heath concludes that it would be appropriate to restrict some non-convenience store types from the LSCZ as they would rely on attracting consumers from beyond a local market to generate sales.¹⁰
- 9.7. The PDP definition of retailing and other associated definitions are of relevance to this issue. Notified Chapter 2 of the PDP (Definitions) defines Retail Sales/Retail/Retailing as:

[...] the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public of any site of goods, merchandise or equipment, but excludes recreational activities.

8 See page 6 of the McDermott Consultants Retail Assessment – Cardrona Valley Road Commercial (March 2014) appended to the s32 Report: <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/District-Plan-Review-2015-s32-Links/Urban-Environment/LSCZ/McDermott-Consultants-Retail-Assessment-Cardrona-Valley-Rd-commercial-March-2014.pdf>.

9 Measurement taken from the Notified Version of Planning Map 33.

10 Statement of Evidence of Mr Timothy Heath dated 2 November 2016 at paragraph 3.20.

9.8. Recreational Activities are defined in notified Chapter 2 as:

[...] the use of land and/or buildings for the primary purpose of recreation and/or entertainment. Excludes any recreational activity within the meaning of residential activity.

9.7 Furthermore, the notified definition of Residential Activity is defined as:

[...] the use of land and buildings by people for the purpose of permanent residential accommodation, including all associated accessory buildings, recreational activities and the keeping of domestic livestock. For the purposes of this definition, residential activity shall include Community Housing, emergency, refuge accommodation and the non-commercial use of holiday homes. Excludes visitor accommodation.

9.8 Having regard to the above, and having considered the evidence provided by Mr Heath, it is my view that restricting the non-convenience retailing types suggested by Mr Heath would directly assist with ensuring that the Zone Purpose (notified 15.1) is implemented, and notified Objective 15.2.1 and Policy 15.2.1.2 are given effect to.

9.9 As considered in the attached s32AA assessment (**Appendix 4**), the recommended change would reduce the types of retailing enabled as a permitted activity, which may constrain the ability for the respective pockets of LSCZ to meet the needs of the specific communities they cater for. However, it is my view that due to the relative proximity of the town centres to the LSCZ locations (as shown on the notified Planning Maps in **Appendix 5**), consumers would not be unduly inconvenienced.

9.10 I therefore recommend that the first element of submission point 249.11 is accepted. I recommend the inclusion of a new policy that restricts identified retail activities to ensure the role of town centres is not threatened, and a new rule that prescribes a non-complying activity status for the identified retail activities. These recommended changes are shown in **Appendix 1** and considered in the s32AA assessment in **Appendix 4**.

Limit the Gross Floor Area (GFA) of retail activities

9.11 With the exception of the LSCZ at 1 Hansen Road, which has specific limits on the GFA of retail, the notified LSCZ provisions would allow for retail activities from small to large format. As previously mentioned, whilst the physical extent of the respective 'pockets' of LSCZ, along with bulk and location controls, would provide constraints on the number of buildings and their size, the scale of individual tenancies would not be limited under the notified provisions.

9.12 I note that in notified Chapter 2 (Definitions) Gross Floor Area (GFA) is defined as:

(Means) the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.

9.13 In the absence of any rationale accompanying the Willowridge submission as to why 400m² is an appropriate limit, I have sought advice from Mr Heath, who supports the inclusion of a limit and advises that 300m² GFA would be appropriate.¹¹

9.14 I accept and rely on Mr Heath's evidence and also note that by limiting the GFA of commercial activities, the zone would be future-proofed in the event that the physical extent of the notified LSCZ sites is increased, or new pockets of LSCZ are introduced via future amendments to the notified Planning Maps.

9.15 I also agree that providing a limit on the GFA of retail tenancies would provide greater certainty that the notified Zone Purpose, which enables "...small scale commercial and business activities..." is given effect to, and that notified Objective 15.2.1 and Policy 15.2.1.2 are implemented.

9.16 I note that this view is supported by the McDermott Consultants Retail Assessment¹² prepared for the s32 analysis in respect of the proposed Cardrona Valley Road LSCZ (my emphasis in bold):

*In summary, the [Cardrona Valley Road LSCZ] will primarily serve a neighbourhood catchment, supplemented by demand from the adjoining health care activities and retirement village. In this role it will not compete with the town centre, although as the town centre develops it may benefit from the decentralisation of demand for personal and convenience goods. **The size of the stores should be limited**, so that it will complement large format retailing at Three Parks, and may even benefit from any reduction in sales leakage likely to be associated with that development.*

9.17 Willowridge, in my view, correctly highlights that this has particular relevance for the LSCZ at Cardrona Valley Road due to the size of the LSCZ and its location relative to Three Parks. However, I consider that it should apply across all sites within the LSCZ, including the 1 Hansen Road site.

¹¹ Evidence of Mr Heath at paragraphs 3.14 to 3.15.

¹² p3, McDermott Consultants, Peter Gordon Development Retail Assessment Cardrona Valley Road, Wanaka, March 2014. [link.](#)

9.18 Mr Heath has also considered the potential impact of not limiting the GFA of office activities in the notified Chapter.¹³ It is my view that consideration of office activities is within scope of the Willowridge submission, which raises the issue of the scale of commercial activities, which includes office activities.

9.19 I note that notified Chapter 2 (Definitions) defines 'Office' as:

- *(Means) any of the following: Administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted;*
- *Commercial offices being place where trade, other than that involving the immediately exchange for goods or the display or production of goods, is transacted;*
- *Professional offices.*

9.20 Mr Heath notes the limits on 'office uses' in notified Rule 15.5.4(a), which relates only to the 1 Hansen Road LSCZ, and it is his view that the limits in notified Rule 15.5.4(a) would exceed the local centre convenience provision.¹⁴ Mr Heath has recommended that this rule is amended to remove the 700m² threshold for individual tenancies and the limit of 10 tenancies for that site. I accept and rely on Mr Heath's evidence. This change is shown in **Appendix 1**.

9.21 Mr Heath confirms that large scale office activity is more appropriately located in the higher order centres of the District's commercial network, including the town centres.¹⁵ Limits on the GFA of office activities within the LSCZ would, in my view, give further effect to notified Objective 15.2.1 and notified Policy 15.2.1.2. As such, I recommend that the limit of 200m² GFA suggested by Mr Heath¹⁶ is applied across the LSCZ (including the 1 Hansen Road site) as shown in the Recommended Revised Chapter (**Appendix 1**). Further discussion on the recommended changes is included in the s32AA assessment in **Appendix 4**.

9.22 I therefore recommend accepting the relief sought by Willowridge (249.11) in part, as shown in **Appendix 2**.

10 ISSUE 2 – USE OF THE URBAN DESIGN PANEL (UDP)

10.1 The NZIA Southern and Architecture + Women Southern (**NZIA**) (238.5; 238.15; 238.89; 238.90; and 238.91) generally support the LSCZ, however request the inclusion of an additional requirement for... "*new or remedial building work over 100m², or if remedial over 30% of GFA...*" to be reviewed by the Urban Design Panel (**UD Panel**).

¹³ Evidence of Mr Heath at paragraphs 3.17.

¹⁴ Evidence of Mr Heath at paragraph 3.24.

¹⁵ Evidence of Mr Heath at paragraph 3.32.

¹⁶ Evidence of Mr Heath at paragraph 3.33.

- 10.2 The NZIA submissions are opposed by numerous further submissions (see **Appendix 2**), however I note that the further submissions appear to oppose the NZIA submission in its entirety or raise matters to do with the Queenstown Town Centre Zone, rather than commenting specifically on the relief sought in respect of the LSCZ.
- 10.3 I note that the submitter does not provide any evidential basis for the 100m² and 30% thresholds; however that does not preclude the submitter from providing evidence at the Hearing.
- 10.4 It is my understanding that advice from the UDP is currently sought on a case-by-case basis on a range of applications in various zones, including commercial use buildings, community use, visitor accommodation and comprehensive residential developments. The Council uses their discretion as to whether advice from the UD Panel, or an urban designer, is required. I have been advised by Council's consent planners that for larger applications often applicants voluntarily approach the UD Panel prior to formally lodging their resource consent application and often any advice provided by the UD Panel is incorporated at the design stage.
- 10.5 It is my view that a requirement for mandatory urban design review in the manner suggested by the NZIA is not necessary.¹⁷ Notified Rule 15.4.3 would require restricted discretionary resource consent for all buildings. The matters of discretion provide the opportunity for design elements and building integration to be considered. Notified Objective 15.2.2 and its associated policies also assist with achieving good urban design outcomes, with flexibility for the context of the receiving environment to be considered. Therefore the processing planner has the ability to use their discretion as to whether urban design advice is required on a case-by-case basis.
- 10.6 As such, it is my view that the current process that applies to use of the UD Panel is working well and I am not persuaded that its mandatory use in the manner sought by the NZIA is necessary. I therefore reject NZIA's relief.

11 ISSUE 3 – REVERSE SENSITIVITY CONTROLS WITHIN THE OUTER CONTROL BOUNDARY OF QUEENSTOWN AIRPORT

- 11.1 Queenstown Airport Corporation (**QAC**) (433.61 to 433.66) and Spence Farms Limited (**Spence**) (698.8) submitted in relation to acoustic requirements for buildings. Their submissions relate specifically to the LSCZ at Frankton, which lies within the Outer Control Boundary (**OCB**) of Queenstown Airport.

¹⁷ In coming to this conclusion, I note I have read the evidence of Mr Garth Falconer for the Council, in the Residential hearing stream.

11.2 The Spence submission requests that notified Rule 15.5.3 is deleted and replaced with the PC35 controls for buildings within the Queenstown Airport Air Noise Boundary (**ANB**). The Further Submission lodged against this by QAC (FS1340.28) correctly points out that no area of the LSCZ is within the ANB. The relief sought by 698.9 is therefore rejected on this basis.

11.3 The QAC submissions propose numerous changes that, in their view, would bring the acoustic requirements of PC35 into Chapter 15. These changes include amending the Zone Purpose, including a new policy, and amendments to the Activity Table (15.4) and Rules Table (15.5). These are considered in turn below.

Changes sought to the Activity Table (15.4) and the Rules Table (15.5)

11.4 I consider that notified Rule 15.5.3 (Acoustic insulation) would achieve the insulation and ventilation requirements promulgated by PC35 for new buildings located within the OCB. I also note that the QAC submissions appear to attempt to require the acoustic standards for the ANB, rather than the OCB. The ANB has more stringent controls, and no part of the LSCZ is proposed for inclusion within the ANB, as shown on the notified Planning Maps.

11.5 Mr Stephen Chiles' evidence regarding the QAC submissions that relate specifically at the 'rule' level of the LSC Chapter is:¹⁸

I do not consider that any of the proposed changes with respect to rules for acoustic treatment and ventilation are necessary, and I consider that the PDP as notified is already consistent with PC35. There are two key factors:

- a) The sound insulation requirements of Rule 15.5.3 for other sources are significantly more stringent than sound insulation requirements under PC35 for airport noise.*
- b) In the vast majority of the Frankton Local Shopping Centre Zone no sound insulation or ventilation is required for airport noise. This is because the zone is at the periphery of the OCB and exposed to less than 57 dB L_{dn} airport noise.*

11.6 I accept and rely on the evidence of Mr Chiles and recommend that the QAC submissions requesting changes to notified Table 15.4 and 15.5 are rejected.

Changes sought to the Zone Purpose

11.7 QAC seek that additional text is added to notified 15.1 Zone Purpose. The text recommended by QAC highlights reverse sensitivity effects within the OCB.

¹⁸ Statement of Evidence of Mr Stephen Chiles dated 2 November 2016, at paragraph 15.1.

11.8 I consider that the notified Zone Purpose provides a very salient and high-level overview of the purpose of the LSCZ. Matters such as noise and reverse sensitivity are discrete issues that, in my view, are best to be acknowledged and considered at the policy and rule levels of the Chapter.

11.9 I therefore recommend that this element of the QAC relief is rejected.

Changes sought to introduce policy

11.10 QAC (433.62) seek that the following additional policy is introduced beneath notified Objective 15.2.3:

For sites within the Outer Control Boundary of Queenstown Airport require, as necessary, mechanical ventilation of any Critical Listening Environment within any new buildings, relocated buildings, and alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise to achieve an Indoor Design Sound Level of 40dB Ldn, based on the 2037 Noise Contours.

11.11 I agree that there is a need to acknowledge the Airport and OCB at the policy level, given that a portion of the LSCZ is within the OCB. Notified Policy 15.2.3.2 concerns itself with acoustic insulation for critical listening environments. It is my view that a simple addition to this policy that acknowledges reverse sensitivity effects on Queenstown Airport for development within the OCB would be sufficient.

11.12 I therefore recommend that the relief sought in QAC's submission 433.62 is accepted in part, with the incorporation of changes to notified Policy 15.2.3.2 as shown in **Appendix 1**.

12 ISSUE 4 – RESTRICTIONS ON RESIDENTIAL AND VISITOR ACCOMMODATION ACTIVITIES

12.1 Spence Farms Limited (698.7) seek that notified Rule 15.5.5 be deleted. This rule requires that all residential and visitor accommodation activities are located on first floor level or above, with breaches considered as a non-complying activity.

12.2 Notified Policy 15.2.1.3 is also relevant and reads:

Enable residential and visitor accommodation activities, but limit their establishment to above ground floor level to ensure that the integrity of activities occurring at street level is maintained, and that the core commercial function of the centres is not eroded.

- 12.3 Therefore, together the policy and rule seek to protect the core function of the zone, which is to provide for commercial and business activities, with the residential and visitor accommodation components being secondary. In my view notified Rule 15.5.5 is an appropriate tool for achieving this policy and giving effect to the Zone Purpose.
- 12.4 I do however note that due to the particular traffic constraints for the LSCZ at 1 Hansen Road, considered in the Tim Kelly traffic assessment, notified Rule 15.5.4(d) specifies that the number of residential units (including residential flats) shall be limited to 50.
- 12.5 Regardless of these limits, enabling residential units to be constructed at ground floor level may result in the 1 Hansen Road LSCZ being developed as a 50 lot residential subdivision, rather than as a mixed use zone, with commercial activities having primacy at street level. This outcome would be inconsistent with the Zone Purpose, and would fail to achieve notified Objective 15.2.1 or implement Policies 15.2.1.1 and 15.2.1.3.
- 12.6 A more appropriate alternative to the relief may, in my view, be to reduce the size of the LSCZ on the 1 Hansen Rd site and have the balance area zoned a residential zone. This scenario is also contemplated in the evidence provided by Mr Heath.¹⁹ This is not the specific relief sought by the submitter, however.
- 12.7 I therefore do not consider that either element of the relief is appropriate and I recommend it is rejected.

13 ISSUE 5 – CARDRONA VALLEY ROAD LSCZ – SPECIFIC CHANGES SOUGHT TO RULES

- 13.1 Susan Meyer (274.1) seeks that, in respect of the LSCZ at Cardrona Valley Road, the maximum site coverage is increased from 75% to 80% as the triangular shape of the site would result in parts of the site being unable to be developed. In addition, the submission seeks that the zone 'allow for' the linking of the LSCZ to the Wanaka Lakes Health Centre site.

Site Coverage (notified Rule 15.5.1)

- 13.2 In respect of the first part of the submission, I agree that the site is an unusual shape and this would require additional thought to be given to the positioning and articulation of buildings.
- 13.3 However, I am not persuaded that relaxing the site coverage rule for this pocket of LSCZ would provide a significant benefit, when weighed against the additional complexity the change would add to the LSCZ Chapter. A breach of notified Rule 15.5.1 (Building Coverage) would result in a

¹⁹ Evidence of Mr Heath at paragraphs 3.27.

requirement for restricted discretionary resource consent. This would provide the opportunity for any requested dispensation for exceeding the building coverage rule to be considered on its specific merits. Notified Rule 15.6.2.2 would also see such an application considered on a non-notified basis.

13.4 As such, notified Rule 15.5.1 provides the opportunity for breaches of building coverage to be considered on their specific merits, with scope for such breaches to be considered favourably.

13.5 On this basis I recommend that this element of the relief sought is rejected.

Pedestrian links to the Wanaka Lakes Health Centre

13.6 In respect of the second part of the submission, I note that the LSCZ adjoins the southern boundary of the Medical Health Centre site where the car park is located so currently there is no physical barrier that would prevent the two sites from linking, either by vehicular or pedestrian access. Enabling convenience retailing and other commercial activities within easy walking distance of the nearby retirement village (located north and east of the Health Centre site) would likely result in the LSCZ being patronised by those using the Health Centre, and by residents and employees of the retirement village. This is also acknowledged in the Retail Assessment²⁰ considered in the s32 analysis.

13.7 I do not consider it necessary to include provisions to require the LSCZ to link to the adjoining Health Centre site. I am satisfied that the LSCZ site is able to be safely accessed from Cardrona Valley Road,²¹ and am satisfied that the notified version of the LSCZ Chapter does not place any inappropriate barriers to providing linkages with the Health Centre site. It is my view that the 75% coverage rule may in fact provide opportunities for such links to be established, where appropriate, as sites will unlikely be completely occupied by buildings.

Landscaped setback and height restrictions sought

13.8 Stuart and Melanie Pinfold & Satomi Enterprises (622.3 to 622.5) own two properties that adjoin a portion of the southern boundary of the LSCZ at Cardrona Valley Road. The properties are described by the submitters as Lot 1 DP 301095 and Lot 2 DP 301095. These lots contain the submitters' home and the Mountain Range Lodge. The Lodge is understood to provide self-contained accommodation for up to 16 guests.²² Appendix B to the submission depicts the Lodge building as being located 36.4m from the boundary with the proposed LSCZ, at the closest point.

20 McDermott Consultants, Peter Gordon Development Retail Assessment Cardrona Valley Road, Wanaka, March 2014, p3. [link](#).

21 See Bartlett Consulting Access Assessment, Cardrona Valley Road, March 2015. [link](#) see p11.

22 <http://www.mountainrange.co.nz/the-lodge/>.

13.9 The submission seeks the following specific relief (paragraphs 5.3 to 5.5):

- 5.3 *The [PDP] is modified to identify a 20m buffer/setback within the [LSCZ] on proposed Planning Map 23 running along the submitters' boundary.*
- 5.4 *The [PDP] is modified to include rules that require landscaping of the 20m buffer setback prior to any development within the [LSCZ] commencing with the form of the landscaping being sufficient to screen development from the submitters' land; and*
- 5.5 *The [PDP] is modified to add rules that if breached trigger non-complying activity consent that ensure:*
- *the 20m setback (noted above) only contains landscaping and therefore remains free of any buildings, structures or car parking,*
 - *the maximum height of any building or structure within 15m of the 20m setback shall not exceed 5.5m.*

13.10 I note that the submitter has not provided evidence regarding any impact on the economic viability of the LSCZ that might result from the proposed development controls. In addition, an analysis of the proposal against the Strategic goals of the PDP has not been provided. I also note that the submitter does not oppose the LSCZ at Cardrona Valley Road, rather they appear to be accepting of the LSCZ, with the inclusion of the above additional controls.

13.11 Intensification of development has been previously signalled in this area of Wanaka through the 2004 Wanaka Structure Plan, and the Structure Plan Review of 2007. Albeit, the most recent iteration of the Structure Plan depicted medium to high density residential activities,²³ rather than the mixture of residential and commercial uses which would be enabled by the LSCZ. The building heights and setbacks proposed by the LSCZ are in my view consistent with the bulk and location of development that was broadly anticipated by the Structure Plan.

13.12 This location is within the Urban Growth Boundary (**UGB**) as shown on notified Planning Map 23. The proposed LSCZ is in my view consistent with the Strategic goals of the PDP which seek to encourage consolidation of development within UGBs.²⁴ In my view the development controls sought by the submitter would result in an inefficient use of the land resource within the UGB.

23 See page 17 of the Wanaka Structure Plan Review:

http://www.qldc.govt.nz/assets/OldImages/Files/Strategies/Structure_Plans/2007_Wanaka_Structure_Plan_Review.pdf.

24 In particular, see Objective 4.2.8 and associated policies of proposed Chapter 4 - Urban Development.

13.13 It is my view that the bulk and location controls proposed in the LSCZ are appropriate, given the intensification of development anticipated by the PDP for this part of Wanaka.

13.14 In comparing the bulk and location controls of the LSCZ to the s42A Version of the Low Density Residential Zone, I note the following:

- i. The LSCZ prescribes a maximum permitted building height of 7m (as per notified Rule 15.5.6);
- ii. The notified Low Density Residential Zone also prescribes a maximum permitted building height of 7m for flat sites in Wanaka (as per redrafted Rule 7.5.1);
- iii. The sunlight access rule in notified Rule 15.5.2 prescribes a recession line to be applied at an angle of 35 degrees inclined towards the site from points 3m above any residential zone boundary;
- iv. The s 42A Version of the Low Density Residential Zone (redraft Rule 7.5.8.3) prescribes a recession plane of 35 degrees measured at points 2.5m above a Residential zone boundary, on the southern aspect;
- v. The prescribed setback by buildings from boundaries would be 3m from a residential boundary (as per notified Rule 15.5.2)); and
- vi. The s 42A Version of Rule 7.5.9 of the Low Density Residential Zone would prescribe a minimum setback of 2m.

13.15 I consider that the above controls that influence the bulk and location of buildings in the LSCZ are appropriate for the Cardrona Valley Road context, and furthermore they are appropriate in the context of the zoning regime proposed for the submitters' land by the PDP. I do, however note that the submitters seek changes to the zoning of their property and I understand that their submissions will be heard at the Hearing on Mapping.

13.16 I note the LCSZ does not contain continuous building length rules however, in my view the matters of discretion for buildings (notified Rule 15.4.3, in particular bullet 3) provides sufficient scope for a proposal to be declined if the design outcomes are poor.

13.17 I therefore, recommend that the relief sought is rejected.

14 ISSUE 6 – 1 HANSEN ROAD LSCZ – SPECIFIC CHANGES SOUGHT TO RULES

14.1 I note that I have made some specific recommendations in relation to 1 Hansen Road, earlier in this report. I now consider additional submission points.

Vehicle access to the State Highway

- 14.2 The New Zealand Transport Agency (NZTA) (719.90) seek that notified Rule 15.4.3.2a be amended to add a requirement that there shall be no direct access to the LSCZ at 1 Hansen Rd from the State Highway.
- 14.3 It is my view that this change is not necessary as notified Rule 15.5.4(e) requires (in respect of development at 1 Hansen Road only) that ... "*there shall be no vehicle access directly onto the State Highway*". Failure to comply with this rule would result in a requirement for a discretionary activity resource consent.
- 14.4 I consider that NZTA's requested change would result in duplication and, most importantly, uncertainty as to the activity status resulting from a breach of the requirement (as a breach of notified Rule 15.4.3.2a would result in a restricted discretionary activity consent). Furthermore, notified Rule 15.4.3.2a concerns itself with the information requirements for a Spatial Layout Plan, rather than detailing the rules that apply to activities.
- 14.5 On this basis, I recommended that the requested relief is rejected.
- 14.6 The NZTA (719.92) also seek that notified Rule 15.5.1 is amended to make it clear that the effects on the State Highway are considered as a matter of discretion. I agree with the submission insofar as it is appropriate that effects on the wider roading network (i.e. beyond the intersection of Hansen Rd and State Highway 6) are considered. However I consider that the specific change of wording requested by the submitter is not appropriate as it would not give sufficient scope for consideration of any effects on non-state highway roads. I therefore recommend that the submission is accepted in part, as per the changes shown in **Appendix 1**.

Building Heights

- 14.7 Spence Farms Ltd (698.6) seek that notified Rule 15.5.6 (maximum building heights) is amended in respect of the LSCZ at 1 Hansen Road so that building heights are limited to 10m, except for buildings or parts of buildings located 55m or further from the State Highway boundary, in which case the maximum height should in their view be 15m.
- 14.8 The submission states the following reasons:

Due to the characteristics of the site, it is possible to increase the height of buildings to the rear of the site to 15m without resulting in adverse effects on amenity values. It is considered that no parties would be adversely affected by this greater height and

that the additional height can be appropriately accommodated from an urban design perspective.

14.9 I note that no urban design reasoning, consideration of the potential traffic effects caused by the increased capacity, or consideration of economic factors accompanied the submission.

14.10 I also note that the NZTA (719.93) supports notified Rule 15.5.4, stating that:

... the restrictions placed on the [1 Hansen Road] site... should mitigate some of the potential adverse traffic effects of development on this site.

14.11 I agree with the NZTA submission and I am not persuaded that increasing building heights in the manner proposed is an appropriate amendment. The building height rule, combined with the site coverage rule, in the notified LSCZ chapter serve to limit development on the 1 Hansen Road site, and in doing so address the issue of adverse impacts on the roading network. Notified Policy 15.2.3.5 requires particular regard to be given to... *ensuring the safe and efficient operation of the transport network.*

14.12 In summary, and in the particular absence of any evidence regarding the impact on the roading network that would result from the resulting increase in development capacity, I am unable to support the requested relief.

15 ISSUE 7 – VERANDA HEIGHTS – EFFECTS ON PUBLIC TRANSPORT

15.1 The Otago Regional Council (798.44 and 798.45) highlights that poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement, although no specific relief is requested by the submitter.

15.2 Notified Rule 15.4.2 lists verandas as controlled activities and sets out the matters of control, namely:

- *"Design*
- *Materials*
- *External appearance; and*
- *The impact on, and relationship to, adjoining verandas."*

15.3 I am of the view that the submitter raises a valid issue, which I address in the recommended changes to notified Policy 15.2.2.5 and Rule 15.4.2, as shown in **Appendix 1** and considered in the s32AA analysis in **Appendix 4**.

16 ISSUE 8 – LIMITS ON NOTIFICATION

16.1 The NZTA (719.94) requests that notified Rule 15.6.2 (Non-notification of Applications) is deleted for the following reasons:

It is inappropriate to not require the written approval of some persons for some activities. We note that Building Coverage is a restricted discretionary activity (Rule 15.5.1) with discretion restricted over State highway traffic effects. We suggest it is appropriate for the Transport Agency as the road controlling authority, to assess State highway traffic effects. Therefore, the Transport Agency should be deemed an affected party and its written approval sought. If this is not obtained then these applications should be processed as limited-notified applications.

16.2 I consider that the submitter makes a valid point, in particular given that the effects on the State Highway are listed specifically as a matter of discretion for breaches of site coverage on the 1 Hansen Road site. Accordingly I recommend that notified Rule 15.6.2.2 is amended to specify the NZTA as an affected party for such breaches, as shown in **Appendix 1** and considered in the s32AA analysis in **Appendix 4**.

16.3 QAC (433.67) seek that notified Rule 15.6 (Non-notification of Applications) is amended to include a requirement for notice to be served on the Requiring Authority for Queenstown Airport for applications that do not comply with acoustic treatments within the OCB.

16.4 I note that notified Rule 15.6 does not propose any restrictions on the ability for breaches of notified Rule 15.5.3 (Acoustic insulation) to be publically notified or limited notified.

16.5 It is my view that a requirement for consultation with the Requiring Authority for every application to breach notified Rule 15.5.3 within the OCB would be onerous. I am of the view that the determination of affected parties in these instances should occur on a case-by-case basis, as intended by section 95 of the Act. I would expect such a determination to depend largely on the extent of departure from the threshold and requirements of the relevant rule. The notified rule provides scope for this to occur and I recommend that the relief sought is rejected.

17 ISSUE 9 – OTHER MATTERS

Drafting style for objectives and policies

17.1 In the Panel's Fourth Procedural Minute dated 8 April 2016, concern was expressed that many objectives and policies were not framed as such. Accordingly, I have amended the wording of notified Objectives 15.2.1 and 15.2.3 to accord with the Panel's minute while being careful not to alter their intent. These recommended changes are marked in **Appendix 1**.

Recommended changes to Rule 15.4.3.1 – matter of discretion for natural hazards

17.2 As shown in **Appendix 1**, I recommend that the matter of discretion for natural hazards in notified Rule 15.4.3.1 is modified to remove the requirement for an assessment by a suitably qualified person. This recommended change is consistent with the recommended change across the business and residential chapters of the PDP (the latter to come through the Residential right of reply), and gives effect to notified Policy 28.3.2.3 of Chapter 28 (Natural Hazards), which lists the information requirements for natural hazards assessments and does not include a requirements for all natural hazards assessments to be undertaken by a suitably qualified person. I note that the Otago Regional Council sought considerable changes to the Natural Hazards framework within the PDP.

Recommended changes for clarification and improvement

17.3 A number of non-substantive changes are recommended to be made to the provisions to clarify the intent and improve the drafting of the chapter. A number of these have been discussed in other hearing streams and in the interests of consistency I have also recommended these changes. I consider that the changes do not alter the regulatory effect or change the geographic application of the provision and I consider the Panel are able to recommend these changes are made without a submission on the provisions.

17.4 I have identified some provisions in the notified chapter that could be improved, however no submissions have been made on these and the changes recommended would lessen the regulatory effect of the rule. Therefore, I do not consider that the Panel are able to recommend these changes without a submission. These provisions are:

- i. Notified Rule 15.5.8(a). The component of the rule that states... *as to limit effects on the night sky* ... in my view provides too much discretion and subjectivity associated with whether an activity would be compliant; and
- ii. Notified Rule 15.5.8(d) which states that.... *All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.* Nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree. Even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand).²⁵

17.5 In any event, I consider that the notified Rules 15.5.8(a) and 15.5.8(d) are ultra vires and therefore in my view should be removed from the PDP. This is shown in **Appendix 1**.

25 http://www.roof.co.nz/uploads/resources/Colorsteel_luminous_reflectance_values.pdf.

17.6 In addition, I note that the notified LSCZ does not include a requirement for development of large sites to provide a Comprehensive Development Plan. Introducing this requirement would in my view give effect to Strategic Direction Policy 3.2.3.1.2²⁶ which seeks that development on large sites is undertaken in a comprehensive manner. The introduction of a rule akin to notified Rule 12.4.6.2 of the Queenstown Town Centre Zone (and accompanying notified Policy 12.2.2.9) would, in my view be an important addition to the LSCZ.

Subdivision and Development Chapter 27 of the PDP

17.7 The Subdivision and Development Chapter was heard in Hearing Stream 04 between 25 July and 17 August 2016.

17.8 Subdivision of land within the LSCZ is a restricted discretionary activity in accordance with Rule 27.5.6 of the Subdivision Chapter (Chapter 27).²⁷ In addition, Rule 27.6 prescribes that there is no minimum lot area for subdivision within the LSCZ.

17.9 I note that no submissions were received specifically seeking to amend the above density regime as it applies to the LSCZ, and no changes are recommended. I have included the relevant Chapter 27 provisions in **Appendix 1** for reference purposes.

18 CONCLUSION

18.1 On the basis of my analysis within this evidence, I recommend that the changes within the Revised Chapter in **Appendix 1** are accepted.

18.2 The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.



Amy Bowbyes

Senior Planner

2 November 2016

²⁶ Strategic Directions Hearing – Recommended Revised Chapter – Reply 07/04/2016

²⁷ Subdivision and Development Hearing – Recommended Revised Chapter – Reply 26/08/2016