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QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 8

Report and Recommendations of Independent Commissioners Regarding
Chapter 30, Chapter 35 and Chapter 36

Commissioners

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Appendix 5: Recommendations to Stream 10 Panel on Definitions

Appendix 6: Recommendations on Submission to Stream 10 Panel

PART A: INTRODUCTORY MATTERS

1. PRELIMINARY

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
Aurora	Aurora Energy Limited
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
House Movers	House Movers Section of New Zealand Heavy Haulage Association (Inc), Jones Contracting Queenstown Ltd, King House Removals Ltd, Fulton Hogan Heavy Haulage Ltd, Transit Homes Ltd, Patterson Contracting Otago Ltd and Scobies Transport Ltd
Jacks Point Group	Jack's Point Residential No.2 Ltd, Jack's Point Village Holdings Ltd, Jack's Point Developments Ltd, Jack's Point Land Ltd, Jack's Point Land No. 2 Ltd, Jack's Point Management Ltd, Henley Downs Land Holdings Ltd, Henley Downs Farm Holdings Ltd, Coneburn Preserve Holdings Ltd, Willow Pond Farm Ltd and Jacks Point Residents and Owners Association
NZCEP 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
NESETA 2009	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF 2008	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008
NESTF 2016	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFWM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPSUDC 2016	National Policy Statement on Urban Development Capacity 2016
NZTA	New Zealand Transport Agency

ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation Ltd
QPL	Queenstown Park Ltd
RPL	Remarkables Park Ltd
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
Telecommunication Companies Transpower	Vodafone New Zealand Ltd, Spark New Zealand Trading Ltd, Two Degrees Mobile Limited and Chorus New Zealand Ltd Transpower New Zealand Limited

1.2. Topics Considered

- The subject matter of the Stream 5 hearing was Chapters 30, 35 and 36 of the PDP (Hearing Stream 5). Each of these are District Wide chapters.
- Chapter 30 deals with energy and utilities. In terms of energy, it is concerned both with the generation of electricity and encouraging energy efficiency. The provisions relating to utilities recognise that they are essential to the servicing and functioning of the District, but also seek to achieve a balance between the competing effects of utilities and other land uses.
- Chapter 35 deals with temporary activities and relocated buildings. The provisions recognise that these activities can occur in any zone subject to appropriate controls on adverse effects.
- Chapter 36 is concerned with noise. The general purpose of the chapter is to manage noise effects from activities throughout the District.

1.3. Hearing Arrangements

- The hearings were held in Queenstown on 12th, 13th and 15th September 2016, and in Wanaka on 14th September 2016. The Council's written reply, in the form of legal submissions and evidence, was received on 23rd September 2016.
- Parties heard from on Stream 5 matters were:

Council

- Sarah Scott and Katherine Hockly (Counsel)
- Kimberley Banks (author of the Section 42A Report on Chapter 35)
- Craig Barr (author of the Section 42A Report on Chapter 30)
- Dr Stephen Chiles

- Ruth Evans (author of the Section 42A Report on Chapter 36)

QAC¹

- Rebecca Wolt (Counsel)
- Christopher Day
- Kirsty O’Sullivan
- Scott Roberts

Jet Boating New Zealand²

- Eddie McKenzie

Jacks Point Group³

- Maree Baker-Galloway (Counsel)
- Chris Ferguson

Michael Farrier⁴

NZTA⁵

- Anthony MacColl

Real Journeys Limited⁶ and Te Anau Developments Limited⁷

- Fiona Black

Aurora Energy Limited⁸

- Bridget Irving (Counsel)
- Joanne Dowd
- Stephen Sullivan

John Walker⁹

House Movers¹⁰

- Stuart Ryan (Counsel)
- Graham Scobie

QPL¹¹ and RPL¹²

- Brian Fitzpatrick

1 Submission 433
 2 Submission 758
 3 Submission 762 and Further Submissions 1275 and 1277
 4 Submission 752
 5 Submission 719
 6 Submission 621 and Further Submission 1341
 7 Submission 607 and Further Submission 1342
 8 Submission 635
 9 Submission 292
 10 Submission 496
 11 Submission 806 and Further Submission 1097
 12 Further Submission 1117

Vodafone New Zealand Ltd¹³, Spark New Zealand Trading Ltd¹⁴ and Chorus New Zealand Ltd¹⁵

- Matthew McCallum-Clarke
- Graeme McCarrison
- Colin Clune

Totally Tourism Ltd¹⁶ and Skyline Enterprises Ltd¹⁷

- Sean Dent

Transpower¹⁸

- Ainsley McLeod
- Andrew Renton

8. In addition, a statement of evidence lodged by Megan Justice on behalf of PowerNet Ltd¹⁹ was tabled. Mr David Cooper lodged a statement of evidence on behalf of Federated Farmers of New Zealand²⁰ and tabled a summary of his evidence. Finally, a letter from Rob Owen of the New Zealand Defence Force²¹ dated 8 September 2016 was tabled.
9. Neither Ms Justice, Mr Cooper nor Mr Owen appeared at the hearing in relation to these documents. While we have considered these statements of evidence, our inability to question the witnesses limited the weight we could put on the evidence.

1.4. Procedural Steps and Issues

10. The hearing of Stream 5 proceeded on the basis of the pre-hearing general directions made in the Panel's Minutes summarised in Report 1²².
11. Specific to the Stream 5 hearing, Counsel for Lake Hayes Cellar Limited (LHC)²³ lodged a Memorandum dated 23 August 2016 seeking clarification as to whether the submissions points of LHC on Chapter 36 would be heard or deferred consistent with the Chair's Minute of 17 June 2016. By way of a Minute dated 24 August 2016, the Chair confirmed the deferment of LHC's submission to the mapping hearings.
12. The Chair issued a Minute on 26 August 2016 confirming that the submissions lodged by Mr Manners-Wood²⁴ were not relevant to Chapter 36 and, consequently, that he would not be heard in Stream 5.
13. By way of a Memorandum dated 30 August 2016, counsel for the Council sought that one full day be allocated for the Council opening on 12 September 2016. Provision was duly made for the Council to have that amount of hearing time.

¹³ Submission 179 and Further Submission 1208
¹⁴ Submission 191 and Further Submission 1253
¹⁵ Submission 781 and Further Submission 1106
¹⁶ Submission 571
¹⁷ Submission 574
¹⁸ Submission 805
¹⁹ Submission 251 and Further Submission 1259
²⁰ Submission 600 and Further Submission 1132
²¹ Submission 1365
²² Report 1, Section 1.5
²³ Submission 767
²⁴ Submissions 213 and 220

14. Counsel for Aurora Energy Limited filed a Memorandum on 1 September 2016 seeking leave to file its evidence by 12pm on 9 September 2016, 5 working days after the time specified in the notice of hearing. The Chair replied by way of a Minute dated 1 September 2016 refusing the full extension sought, but granting an extension to 10am on 5 September 2016 (1 working day).
15. On 16 September 2016, Counsel for Transpower filed a Memorandum suggesting a proposed controlled activity rule to apply to activities adjacent to Transpower's Frankton Substation. This was in response to questions put to Transpower's witnesses in the hearing.
16. In response to the Transpower Memorandum, the Panel received a Memorandum filed by Counsel for PR and MM Arnott suggesting that there was no jurisdiction for the Panel to consider the rule proposed by Transpower.
17. The Chair responded to both of these memoranda in a Minute dated 20 September 2016. The Chair reviewed the original submission of Transpower and concluded the new proposed rule was within the scope of the original submission.
18. The Hearing Panel issued a Minute dated 28 September 2016 seeking clarification from the Council of the formulation 1-2 used in notified Table 5 in Rule 36.6.3 and whether that was a typographical error consistent with the error identified by the Council in notified Table 5 in Rule 36.7. Counsel for the Council replied by Memorandum on 28 September 2016 that it was a similar typographical error and expressed the opinion that the correction of it would fall within the category of minor correction under clause 16(2) of the First Schedule to the Act.
19. On 24 May 2017 we issued a Minute requiring caucusing between Mr Barr and Mr McCallum-Clark to provide the Panel with advice on ensuring the rules proposed by the Council and Telecommunications Companies were consistent with the NESTF 2016.
20. On 25 September 2017 we received a Joint Witness Statement²⁵ from Mr Barr and Mr McCallum-Clark recording their agreement on amendments necessary to a number of rules to ensure consistency with the NESTF 2016. This also recorded one area of disagreement in relation to the height of poles in the Rural Character Landscapes in the Rural Zone.
21. Mr Barr and Mr McCallum-Clark agreed there was scope within the submissions from the Telecommunication Companies²⁶ for the amendments they proposed so as to ensure consistency of the PDP with NESTF 2016. We accept the agreed amendments for the reasons set out in the Joint Witness Statement and incorporate the recommended changes into our recommendations without further discussion. We discuss the one area of disagreement when discussing notified Rule 30.4.14 below.

1.5. Statutory Considerations

22. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We

²⁵ Joint Witness Statement of Craig Barr and Matthew McCallum-Clark – Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 – Energy and Utilities Chapter (30), dated 25 September 2017

²⁶ Submissions 179, 191, 421 and 781

have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.

23. Some of the matters identified in Report 1 are either irrelevant or only have limited relevance to the objectives, policies and other provisions we had to consider. The NPSFWM 2014 is in this category. The NPSET 2008, the NPSREG 2011 and the NPSUDC 2016 do, however, have more relevance to the matters before us. We discuss those further below.
24. The section 42A reports on the matters before us drew our attention to objectives and policies in the RPS and proposed RPS the reporting officers considered relevant. To the extent necessary, we discuss those in the context of the particular provisions in the three Chapters.
25. The NPSET 2008 sets out objectives and policies which recognise the national benefits of the electricity transmission network, manage the environmental effects of that network, and manage the adverse effects of other activities on the transmission network. The network is owned and operated by Transpower. In this District, the network consists of a transmission line from Cromwell generally following the Kawarau River before crossing through Shotover Country and Frankton Flats to Transpower's Frankton substation, which also forms part of the network.
26. Relevant to the application of the NPSET 2008 are the NESET 2009. These set standards to give effect to certain policies in the NPSET 2008.
27. The NPSGEG 2011 sets out objectives and policies to enable the sustainable management of renewable electricity generation under the Act.
28. The NPSFWM 2014 sets out objectives and policies in relation to the quality and quantity of freshwater. Objective C seeks the integrated management of land uses and freshwater, and Objective D seeks the involvement of iwi and hapu in the management of freshwater. To the extent that these are relevant, we have taken this NPS into account.
29. The NPSUDC 2016 is relevant to the extent that it requires that local authorities satisfy themselves that adequate infrastructure is available to support short and medium term urban development capacity.
30. Finally, the NESTF 2008 applied at the time of the hearing. These standards defined the activity status of various telecommunication facilities and applied conditions on telecommunication facilities and activities. After the completion of the hearing, these Standards were replaced with the NESTF 2016. The NESTF 2016 sets out standards for various telecommunication facilities and provides that those facilities are permitted activities if the standards are complied with. Where the standards are not complied with, the activity status in the district plan comes into play. Where items of significance, or landscapes and habitats of significance, are affected, the district plan rules apply in place of the NES standards. Under s.44A of the Act, if there are any conflicts between the rules in the PDP and the NESTF 2016, the PDP may be amended without following the Schedule 1 process. Thus, if we find any such conflict, we will recommend amendments to the PDP to remove the conflict, whether or not submissions sought such amendments.
31. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we

have incorporated our evaluation of changes we have recommended into the report that follows, rather than provide a separate evaluation of how the requirements of section 32AA are met.

PART B: CHAPTER 30 - ENERGY AND UTILITIES

2. PRELIMINARY

2.1. General Submissions

32. Several submissions require consideration before discussing the provisions in the chapter and the submissions on those provisions. Kain Froud²⁷ supported the chapter generally. As we are recommending changes to the chapter, we recommend his submission be accepted in part.
33. Maggie Lawton²⁸ sought that the Council consider introducing an organic waste collection so as to reduce the amount of waste going into landfills. Although this has some relationship to this chapter, in that the rules of the chapter provide for waste management facilities, we do not consider it is a matter that falls within the Council's resource management functions. Rather it is a matter better dealt with under the Council's Local Government Act functions. On that basis, we recommend this submission be rejected.
34. David Pickard²⁹ has sought a general policy to discourage light pollution throughout the District. This issue has been dealt with in relation to other chapters. The Hearing Panel, differently constituted, that heard Stream 1B has recommended a new policy in chapter 4 that reads:
- Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.*³⁰
35. The same Panel has also recommended that Policy 6.3.5 read:
- Ensure the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including the sense of remoteness where it is an important part of that character.*
36. We consider that these policies give effect to the relief sought by Mr Pickard, but as they are in a different part of the PDP, we recommend his submission be accepted in part.
37. The Telecom Companies³¹ sought that Chapter 30 be amended to provide a framework that supports utilities and manages the adverse effects of activities. This was conditionally supported by Te Anau Developments Limited³². As the overall effect of our recommendations on the submissions on this chapter, in our view, do provide such a framework, we recommend this submission be accepted. The conditional nature of the further submission means it should only be accepted in part.
38. Te Ao Marama Inc³³ sought that those aspects of Chapter 30 which affected freshwater quality and quantity should give effect to the NPSFWM 2014, particularly Objective D and Policy D-1. We have taken those provisions into account in coming to our conclusions on this chapter. We recommend the submission therefore be accepted in part.

²⁷ Submission 19

²⁸ Submission 165

²⁹ Submission 424

³⁰ Policy 4.2.2.10

³¹ Submissions 179.15, 191.13 and 781.14

³² Further Submission FS1342.9

³³ Submission 817

39. Te Anau Developments Ltd³⁴ and Cardrona Alpine Resort Ltd³⁵ sought amendments to the chapter to make special provision to ensure that the development, operation, maintenance and upgrading of energy, utilities and infrastructure related to tourism activities are specifically enabled. Ms Black appeared in support of these submissions. Her evidence focussed on the utility requirements of isolated locations, such as Walter Peak Station and Cardrona Alpine Resort and how specific policies and rules could be amended to assist those requirements. We have taken these matters into account in our consideration of the objectives, policies and rules and consequently recommend that the submissions be accepted in part.

2.2. **Aurora Submission³⁶**

40. While this submission sought a number of amendments to the objectives, policies and rules in Chapter 30, one aspect of the submission, contained in 8 submission points, has an overall goal of having provisions inserted into the PDP to protect certain lines of the Aurora network from the effects of other land uses. In our view, it is more appropriate to consider this matter at the outset rather than a piecemeal approach policy by policy or rule by rule. Further submissions were lodged opposing this aspect of the submission by Federated Farmers³⁷ and Transpower³⁸.

41. Aurora also appeared in respect of this overall objective in Hearing Streams 1 and 4 (each with Hearing Panels differently constituted from this Panel). While our recommendations are based on the submissions and evidence we heard in respect of this submission, we have also had the benefit of reviewing the reports and recommendations of those other hearing panels. In addition, Ms Dowd attached to her evidence copies of the evidence presented to the Stream 1 Hearing Panel, and the evidence and written answers she provided to questions set by the Stream 4 Hearing Panel.

42. The Aurora submission sought corridor protection for what it described as its strategic electricity distribution assets, namely -

- a. All 33kV and 66kV sub-transmission and distribution overhead lines and underground cables;
- b. 11kV overhead line to Glenorchy;
- c. 11kV overhead line between the Cardrona Substation up to the ski fields;
- d. 11kV overhead line to Treble Cone; and
- e. 11kV overhead line to Makarora.

43. The components of the submission are:

Submission Point	Amendment Sought (Summarised)
.1	Insert definition of Critical Electricity Line
.3	Insert definition of Electricity Distribution
.4	Insert definition of Electricity Distribution Line Corridor
.51	Amend Policy 30.2.6.4 to include reference to Critical Electricity Line Corridor
.61	Amend Rule 30.4.10 to include reference to Critical Electricity Line Corridor

³⁴ Submission 607.38, supported by FS1097.561

³⁵ Submission 615.36, supported by FS1105.36 and FS1137.37

³⁶ Submission 635

³⁷ Further submission 1132

³⁸ Further submission 1301

.70	Insert new Rule requiring all buildings (as defined in PDP) plus some other structures and defined tree planting within 10m, and all earthworks over underground cables or within 20m, of the centreline of a Critical Electricity Line Corridor to obtain consent as a restricted discretionary activity
.71	Include a reference in all zones to the new rule sought in point 70
.86	Amend the Planning Maps to show the relevant portions of the Aurora network

44. Thus, the submission sought protection of the lines listed above by, in essence, requiring that all buildings and specified earthworks and tree planting within specified distances of “Critical Electricity Lines” be restricted discretionary activities. We note also, that submission point 42 sought that all subdivision within 32m of the centreline of Critical Electricity Line Corridors be a restricted discretionary activity. That submission point is dealt with in Report 7 – Subdivision.
45. We understood, from both Ms Dowd’s evidence³⁹ and answers to our questions, that the essential purpose was to enable Aurora to be notified of building, planting, earthworks or subdivision activity within the vicinity of these lines so it could ensure landowners or those undertaking works complied with the NZECP 34:2001.
46. In her submissions on behalf of Aurora, Ms Irving submitted that Aurora’s distribution network must be recognised in the PDP to implement the RPS⁴⁰. In response to our questioning, Ms Irving submitted that the proposed RPS should be given more weight than the RPS.
47. The evidence of Ms Dowd, Delta Utility Services Limited⁴¹ Network Policy Manager, dealt in large part with areas of disagreement she had with the rules proposed by Mr Barr in his Section 42A Report. Her conclusion was that the corridor protection measures sought would promote the sustainable management of natural and physical resources and assist Aurora in delivering a robust and reliable power distribution network to the District⁴². In her Summary of Evidence Ms Dowd explained that, while under the NZECP 34:2001 Aurora should be notified if a building is within the minimum safe distances, that does not always occur.
48. Mr Sullivan presented a group of photographs showing instances of buildings or trees located within the distances required by NZECP 34:2001. Unfortunately, no location information was provided with the photographs. However, our knowledge of the area enabled us to identify four photographs as being of commercial buildings in Brownston Street, Wanaka and the date on one of the photographs indicated they were taken in 2008. It was also apparent that several of the photographs related to properties in Central Otago District.
49. Neither Ms Dowd nor Mr Sullivan were able to assist with indicating the actual extent of the problem in Queenstown Lakes District.
50. In his Section 42A report, Mr Barr accepted the approach sought by Aurora, but did not propose its implementation in a manner consistent with that sought by Aurora. In his reply

³⁹ Joanne Dowd, EiC, paragraph 13

⁴⁰ Legal submissions, paragraph 12.

⁴¹ We understand that Delta Utility Services Ltd, a sister company to Aurora, maintains and manages the Aurora network

⁴² Joanne Dowd, EiC, paragraph 69

statement, Mr Barr in large part reaffirmed this view. His differences with Aurora at that point related to the setback distances to be applied in the rule.

51. Two further submissions were lodged on Aurora's submission. That by Transpower was concerned that terminology used in any rule be distinct from that used in the NPSET 2008 and NESET 2009. Ms McLeod, when appearing for Transpower, suggested that distribution line was a better term than sub-transmission line. She also noted that the restrictions sought by Aurora were greater than those applied in respect of the National Grid. Mr Renton, also appearing for Transpower, suggested to us that there had been no demonstration of need for the yard and corridor widths Aurora sought given the nature of the lines used on the Aurora network as compared to those on the National Grid.
52. The further submission lodged by Federated Farmers opposed Aurora's submission in large part. Federated Farmers agreed that there could be a definition of Electricity Distribution, and that an advisory note could be included in the PDP noting that compliance with NZECP 34:2001 is mandatory for buildings, earthworks and when using machinery in close proximity to the electricity distribution network. However, Federated Farmers considered it inappropriate for the PDP to police the NZECP 34:2001 when dealing with local lines. Mr Cooper, Senior Policy analyst at Federated Farmers, tabled evidence in support of this further submission, but was not able to appear due to medical reasons⁴³.
53. In considering this issue, we start by analysing what is actually being sought by Aurora. Aurora has a number of lines passing over, or under in the case of cabled portions, private land. Some of these lines are located within road reserve. We were not provided with a breakdown of the proportions within each category, nor how much was on public reserve land. Ms Dowd did advise us that the network Aurora was seeking these provisions apply to amounts to 263 kilometres of overhead lines and 9 kilometres of underground lines⁴⁴. We received no information as to whether the underground lines referred to were within road reserves or within private property.
54. As we read the rule proposed, the corridor setback requirements would apply whether or not the relevant line was on road reserve, other reserve, or private land. Thus, owners and occupiers of land adjoining a road reserve or other site which contained a line would be affected by the rules to extent that part of their land lay within the 10m, 20m or 32m restriction area. Neither Ms Dowd nor Mr Barr undertook any analysis of how many properties would be affected by the proposed rules.
55. Aurora's position was that the restrictions are imposed by the NZECP 34:2001 so no additional burden is being imposed on the land owner. However, that is not entirely correct. The obligation to obtain a resource consent imposes a financial cost on the applicant, even if only for the Council's processing fees. If Ms Dowd is correct that the process would enable input by Aurora on such proposals⁴⁵, the expectation must be that such applications would be notified in some form. Our understanding is that the costs to the applicant could be substantial just to commence such a process. Unless the Council's fees cover 100% of the processing costs, the Council will also have a financial cost imposed.
56. The purpose of the provisions Aurora propose are, as was explained to us by Ms Dowd and Mr Sullivan, to protect the network from activities that could lead to power outages, and to ensure

⁴³ Explained in an email to the Hearing Panel on 13 September 2016

⁴⁴ Joanne Dowd, Summary of Evidence, paragraph 3.7

⁴⁵ Joanne Dowd, Evidence in Chief, paragraph 13

access remains available for ongoing maintenance. We understood there also to be an element of public safety by ensuring people could not come within such a distance that electricity would arc from the lines on them. These are not matters which come within the definition of reverse sensitivity, which appeared to be the justification Ms Dowd⁴⁶ and Mr Barr⁴⁷ had for their conclusions that some provision should be made. Our understanding is that a reverse sensitivity effect arises when a new activity seeks changes to an existing activity by reason of its adverse effects.

57. Ms Irving confirmed that Aurora is a requiring authority. She advised that Aurora steered away from using its requiring authority powers to protect its infrastructure as it would trigger the Public Works Act and landowners could seek acquisition or some other compensation. We took from this answer that a subsidiary purpose of the Aurora submission was to have controls in place to protect its infrastructure that, under s.85 of the Act, would not create any liability for compensation.
58. The purpose of the PDP is to assist the Council in carrying out its functions in order to achieve the purpose of the Act⁴⁸. The Act recognises that there are certain infrastructure activities, often, as in this case, undertaken by private companies, that are important for the wellbeing of the community by providing, in Part 8, the ability of those infrastructure providers to become requiring authorities and to impose their own mechanisms in a district plan to protect their infrastructure. Neither Ms Dowd nor Mr Barr addressed this option in coming to their conclusions. Nor did they address whether it should be the Council's function to, as Federated Farmers put it, police the NZECP 34:2001 for Aurora. It is not within the Council's functions to administer NZECP 34:2001.
59. We were referred to the proposed RPS as supporting Aurora's submission. The relevant policy⁴⁹ appears to be 4.4.5:
- Protect electricity distribution infrastructure by all of the following:*
- a. Recognising the functional needs of electricity distribution activities;*
 - b. Restricting the establishment of activities that may result in reverse sensitivity effects;*
 - c. Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;*
 - d. Protecting existing distribution corridors for infrastructure needs, now and for the future.*
60. The implementation method for district plans is Method 4.1, with no further specificity. We understand that both the policy and Method 4.1 are under appeal. Thus we cannot be certain of the final wording or either. This goes to the weight that can be given these provisions. However, we do not see that Policy 4.4.5 could not be given affect to by the relevant territorial authority recommending that a notice of requirement lodged by Aurora be confirmed. It is not apparent that the policy direction intended by the proposed RPS is that the only method of implementation is that district councils implement rules so as to enable Aurora to be aware of activities that may breach NZECP 34:2001.
61. On this last point, we are not certain that the objective, policy and rule framework proposed by Aurora achieves the outcome of increasing its awareness of such activities. The discretion

⁴⁶ Joanne Dowd, Evidence in Chief, paragraph 48

⁴⁷ Section 42A Report, paragraph 8.7

⁴⁸ Section 72

⁴⁹ As the hearing predated the ORC releasing its decisions on the proposed RPS, Ms Irving's submissions referred to the notified version.

as to notification lies with the Council⁵⁰. More certainty would be provided to Aurora by the application of s.176(1)(b) if the provisions were included in the PDP by way of a notice of requirement. In addition, any person requiring the approval of Aurora under that section would not be subject to the regulatory charges required for a resource consent. Thus, that method is more efficient for both Aurora and the landowners involved.

62. There is also a question as to whether the proposed rule provides any benefit to an applicant. While it is clearly within the powers of the Council to grant consent to a restricted discretionary activity, it appears that the provisions of NZECP 34:2001⁵¹ are such that holding such a consent would not necessarily allow the relevant work to proceed.
63. Finally, we have a concern that if the Council were to accede to Aurora's request, it would be imposing restrictions on a large number of landowners who may not have been aware that Aurora's submission could directly affect their use of their land. While the proposed objectives, policies and rules were clearly summarised, the extent of the land which could be affected by such provisions was not explicitly set out in the summary⁵². The summary refers to the maps attached to the submission, but those maps are not of such a scale as to clearly show every site potentially affected. As we noted above, affected land includes land adjoining land on which lines are located as well as land on which they are located. We understood that no attempt was made by Aurora to advise potentially affected landowners of the submission. One of the benefits of the notice of requirement method is that each affected landowner is directly notified.
64. Having considered the proposed provisions in terms of s.32AA, we conclude there is a practical alternative method available to Aurora which is both more effective and more efficient than the provisions proposed in the submission. We are also not satisfied that the Council has any need to ensure that NZECP 34:2001 is complied with – it is not one of its functions.
65. Thus, we recommend that those parts of Aurora's submission seeking the inclusion of objectives, policies and rules directed to imposing resource consent requirements within set distances of Aurora's lines or cables should be rejected.
66. We do, however, consider that Aurora's concerns can be addressed by improving the information in the PDP. Section 30.3.2.3 advises readers that NZECP 34:2001 is applicable. We consider that, if this was supplemented by showing the relevant overhead lines portion of the Aurora network, as shown in Annexure 2 to Submission 635, on the Planning Maps, landowners would have increased awareness of their obligations. When we raised this option with Ms Irving at the hearing she conceded this would go some way achieving Aurora's goal, but that it would prefer rules.
67. We will deal with other parts of Aurora's submission in discussion of the detailed PDP provisions below.

2.3. Section 30.1 - Purpose

68. This section notes the strategic importance of energy and utilities. Subsection 30.1.1 explains the value of energy, and section 30.1.2 sets out the value of utilities.

⁵⁰ Section 95A, or s.95E if limited notification.

⁵¹ The Introduction to the Code states: "*Compliance with this Code is mandatory.*"

⁵² See Submission Point 635.86 summarised on pages 1332 and 1333 of the summary

69. Section 30.1 was supported by one submitter⁵³ and a second submitter sought an amendment to refer to electricity transmission⁵⁴. We agree with Mr Barr that there is no need to amend this opening sentence. Electricity transmission clearly falls within the term “essential infrastructure”.
70. A number of submitters sought amendments to section 30.1.1 to emphasise aspects of design that could enhance energy efficiency⁵⁵. We are of the view that these suggested amendments add little to what is essentially an explanatory section. We do not recommend any changes to section 30.1.1.
71. One submission⁵⁶ supported section 30.1.2 as notified. Transpower⁵⁷ and PowerNet Ltd⁵⁸ each sought non-substantive amendments to the wording of this section. We agree with the further submissions by Contact Energy Ltd that the amendments proposed are, respectively, too specific or add nothing to the section. Mr Barr recommended a minor grammatical amendment to the discussion of reverse sensitivity effects. We agree with that amendment and recommend it be made as a minor change in accordance with Clause 16(2).

3. SECTION 30.2 - OBJECTIVES AND POLICIES

3.1. Objective 30.2.1 and Policies 30.2.1.1 and 30.2.1.2

72. As notified, these read:

30.2.1 The benefits of the District’s renewable and non-renewable energy resources and the electricity generation facilities that utilise such resources are recognised as locally, regionally and nationally important in the sustainable management of the District’s resources.

30.2.1.1 Recognise the national, regional and local benefits of the District’s renewable and non-renewable electricity generation activities.

30.2.1.2 Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.

73. There were no submissions on this objective and the ensuing policies. In his Section 42A Report Mr Barr raised concerns that the objective and Policy 30.2.1.2 were problematic as they indicated non-renewable energy resources and generation were equally as important as renewable energy resources and generation, when the former were non-complying activities and the latter discretionary. He rightly conceded that there was no jurisdiction available to correct that inconsistency. That is a matter the Council would have to deal with by way of variation.

74. We have two concerns with the objective as notified. Firstly, similar to Mr Barr’s concern, we consider the objective inappropriately focusses on the benefits of utilising non-renewable

⁵³ Submission 238.117. Nine further submissions opposed submission 238 but did not appear to oppose this specific point.

⁵⁴ Submission 805.69, supported by FS1159.5 and opposed by FS1132.65

⁵⁵ Submissions 115.6, 230.6, 238.11, 383.59, 238.118

⁵⁶ Submission 719.147, supported by FS1186.8

⁵⁷ Submission 805.70, supported by FS1211.32 and opposed by FS1186.11

⁵⁸ Submission 251.11, supported by FS1097.89, opposed by FS1186.1 and FS1132.16

energy resources in the District when there is no evidence that such resources exist in the District, and if such resources did exist, the utilisation of them could be inconsistent with the Strategic objectives and policies in Chapters 3 and 6.

75. Our second concern is more one of style. As written, this is not an objective as it does not express an environmental outcome. We consider that this can be remedied as a minor grammatical change in accordance with Clause 16(2) of the First Schedule.
76. We recommend the Council reconsider this objective and the associated policies taking into account the concerns we and Mr Barr have expressed and institute a variation to replace them with more appropriate objective(s) and policies. In the meantime, we recommend the Council make a minor change under Clause 16(2) to objective 30.2.1 so that it reads:

The sustainable management of the District's resources benefits from the District's renewable and non-renewable energy resources and the electricity generation facilities that utilise them.

3.2. Objective 30.2.2 and Policies 30.2.2.1 and 30.2.2.2

77. As notified, these read:

30.2.2 *Recognise that the use and development of renewable energy resources have the following benefits:*

- *Maintain or enhance electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions*
- *Maintain or enhance the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation*
- *Assist in meeting international climate change obligations*
- *Reduce reliance on imported fuels for the purpose of generating electricity*
- *Help with community resilience through development of local energy resources and networks.*

30.2.2.1 *Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that:*

- *Recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available*
- *Recognises logistical and technical practicalities associated with renewable electricity generation activities*
- *Provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.*

30.2.2.2 *Enable new technologies using renewable energy resources to be investigated and established in the district.*

78. Again, there were no submissions on this objective or the ensuing policies, and again Mr Barr expressed concerns with them in his Section 42A report. We agree with Mr Barr that they could be improved by including reference to the need to achieve the higher order Strategic Direction objectives and policies in Chapters 3 and 6. We note in particular that Policy 30.2.2.1 appears to be contrary to a number of policies in Chapters 3 and 6, such as 3.3.25, 3.3.30, 3.3.32-35 inclusive, 6.3.15, 6.3.1, 6.3.18, 6.3.24, 6.3.25.

79. We also have concerns that the introductory section of Objective 30.2.2 is again focused on recognising something, rather than expressing an environmental outcome. We are satisfied that can be corrected as a minor grammatical change under Clause 16(2).
80. We recommend the Council reconsider this objective and the ensuing policies to ensure they are consistent with, and give effect to both the NPSREG and the Strategic Objectives and Policies in Chapters 3, 5 and 6. In the interim, we recommend Objective 30.2.2 be rephrased utilising Clause 16(2) to read:

The use and development of renewable energy resources achieves the following:

- a. *It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- b. *It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;*
- c. *It assists in meeting international climate change obligations;*
- d. *It reduces reliance on imported fuels for the purpose of generating electricity;*
- e. *It helps with community resilience through development of local energy resources and networks.*

3.3. Objective 30.2.3 and Policies

81. As notified these read:

Objective *Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.*

30.2.3.1 *Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.*

30.2.3.2 *Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.*

30.2.3.3 *Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.*

30.2.3.4 *Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale, on a case-by-case basis, with regards to:*

- *landscape values and areas with significant indigenous flora or fauna*
- *recreation and cultural values, including relationships with tangata whenua*
- *amenity values*
- *The extent of public benefit and outcomes of location specific cost-benefit analysis.*

30.2.3.5 *Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.*

30.2.3.6 *To compensate for adverse effects, consideration shall be given to any offset measures and/or environmental compensation including those which benefit the local environment and community affected.*

30.2.3.7 Consider non-renewable energy resources including standby power generation and Stand Alone Power systems where adverse effects can be mitigated.

82. The objective⁵⁹ and Policy 30.2.3.7⁶⁰ received submissions in support. The only submissions seeking to amend the provisions were those by the DoC in respect of Policy 30.2.3.4⁶¹ and Policy 30.2.3.6⁶². The amendment sought to Policy 30.2.3.4 sought that the first bullet point reference “significant habitat” for indigenous fauna, consistent with the wording in section 6(c) of the Act. The amendment sought to Policy 30.2.3.6 was to make it consistent with the approach taken by the DoC on Chapter 33.
83. Mr Barr agreed with the DoC’s proposed amendment to Policy 30.2.4, and we agree that such wording is necessary for consistency and because, although indigenous fauna are natural resources, the PDP can only control the habitat of such fauna, not the fauna themselves. Mr Barr also recommended deleting “on a case by case basis” from this policy, although did not provide reasons. We are satisfied that the words are unnecessary in the policy, as assessment is always taken on a case by case basis. We recommend the words be removed as a minor correction under Clause 16(2).
84. Although Mr Barr recommended a minor amendment to Policy 30.2.3.6 in response to the DoC’s submission, he did not discuss the reasoning for this in his Section 42A report. In our view, the policy as notified encompasses the possibility of environmental compensation being used to compensate for a wider range of effects than just effects on indigenous biodiversity (which the DoC submission was focussed on). The inclusion of the reference to biodiversity offsets, as recommended by Mr Barr, does, in our view, link this policy to the provisions in Chapter 33 (which apply in addition to this Chapter where energy resources are to be developed). In addition, we have changed the term shall to must for clarity purposes. We consider that change to be a minor grammatical change under Clause 16(2).
85. Consequently, we recommend that Policies 30.2.3.4 and 30.2.3.6 read as follows:

30.2.3.4 Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:

- a. landscape values and areas of significant indigenous flora or significant habitats of indigenous fauna;*
- b. recreation and cultural values, including relationships with tangata whenua*
- c. amenity values;*
- d. The extent of public benefit and outcomes of location specific cost-benefit analysis.*

30.2.3.6 To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.

3.4. Objective 30.2.4 and Policies

86. As notified, these read:

⁵⁹ Submission 580
⁶⁰ Submission 635
⁶¹ Submission 373.16
⁶² Submission 373.17

Objective *Site layout and building design takes into consideration energy efficiency and conservation.*

30.2.4.1 *Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.*

30.2.4.2 *Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.*

30.2.4.3 *Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.*

30.2.4.4 *Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.*

30.2.4.5 *Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.*

30.2.4.6 *Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.*

87. The submissions on these ranged from support⁶³ to support with amendments. NZTA⁶⁴ sought to extend the effect of the objective to include the location of land use development, and to amend Policy 30.2.4.5 to achieve integration of land use and transport planning. QPL⁶⁵ sought to widen the ambit of Policy 30.2.4.5 to give emphasis to public transport, including water taxis and QPL's gondola proposal. Submitter 126 sought that amendments be made so that the location of trees were controlled to avoid shading neighbouring properties.

88. In his Section 42A Report, Mr Barr recommended no changes to this objective and the ensuing policies. In his reply statement, he responded to our questioning during the hearing by recommending a minor change to the objective to make it clear that it was both subdivision layout and site layout that should take into account energy efficiency and conservation.

89. We agree with Mr Barr that the minor word changes to the objective clarifies the outcome sought, and that the outcome was previously implicit given the wording of Policy 30.2.4.2. We do not consider any of the amendments sought by submitters are necessary. The changes sought to the objective would not assist the Council in achieving its functions under the Act. The changes sought to Policy 30.2.4.5 would be more appropriately dealt with in the Transportation Chapter of the PDP. None of them would give effect to the objective.

90. Consequently, the only amendment we recommend is to Objective 30.2.4 so that it reads:

Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.

⁶³ Submission 290

⁶⁴ Submission 719 supported by FS1186 and FS1097

⁶⁵ Submission 806

3.5. Objective 30.2.5 and Policies

91. As notified these read:

Objective *Co-ordinate the provision of utilities as necessary to support the growth and development of the District.*

30.2.5.1 *Essential utilities are provided to service new development prior to buildings being occupied, and activities commencing.*

30.2.5.2 *Ensure the efficient management of solid waste by:*

- *encouraging methods of waste minimisation and reduction such as re-use and recycling*
- *providing landfill sites with the capacity to cater for the present and future disposal of solid waste*
- *assessing trends in solid waste*
- *identifying solid waste sites for future needs*
- *consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source)*
- *providing for the appropriate re-use of decommissioned landfill sites.*

30.2.5.3 *Recognise the future needs of utilities and ensure their provision in conjunction with the provider.*

30.2.5.4 *Assess the priorities for servicing established urban areas, which are developed but are not reticulated.*

30.2.5.5 *Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.*

30.2.5.6 *Encourage low impact design techniques which may reduce demands on local utilities.*

92. Although six submitters supported the objective⁶⁶, each of them sought amendments to it. As notified, the objective read as if it were a policy – it proposed an action rather than an outcome. The amendment proposed by the Telecommunication Companies⁶⁷ overcame that problem and was largely supported by Mr Barr in his Section 42A Report. The amendments proposed by PowerNet⁶⁸ and Transpower⁶⁹ suffered from proposing an alternative action rather than an outcome. Mr Barr’s recommended changes were supported by Mr McCallum-Clark⁷⁰.

93. We agree with Mr Barr’s wording, which achieves the outcome sought by the Telecommunication Companies – a clear outcome that the ensuing policies can give effect to. We recommend objective 30.2.5 read:

⁶⁶ Submissions 179, 191 and 781 (each supported by FS1097), Submission 251 (supported by FS 1186 and FS1097), Submission 805 (supported by FS1186), and Submission 421

⁶⁷ Submissions 179, 191, 421 and 781

⁶⁸ Submission 251

⁶⁹ Submission 805

⁷⁰ Mathew McCallum-Clark, EiC, paragraph 19

30.2.5 *The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.*

94. The only amendment⁷¹ sought to Policy 30.2.5.1 was the deletion of the word “essential” at the commencement of the policy, on the basis that essential utilities were not defined, and the objective applies to all utilities. Mr Barr also suggested the deletion of “and activities commencing” from the end of the policy. However, he provided no reasoning for this and we can find no basis for such a change in the submissions. We accept that the word “essential” should be deleted from the policy, but otherwise leave it unchanged.
95. Submissions 179, 191 and 781 supported Policy 30.2.5.3 and sought that it be retained unaltered. Two submissions⁷² sought amendments to this policy. The amendment sought by Submission 805, which sought the inclusion of statements about protecting utility corridors, was opposed by FS1159 on the basis that it could lead to the policy only applying to utilities that had specified corridors. FS1186 supported submission 805 but sought a different policy wording.
96. Mr Barr did not recommend any amendments to this policy. Ms McLeod considered that the amendments sought by Transpower were no longer necessary, subject to Policy 30.2.6.4 being amended⁷³. We agree with Mr Barr’s approach. The policy does not need additional wording of the type sought by submitters to implement the objective.
97. Mr Barr recommended the deletion of Policy 30.2.5.4⁷⁴, but we are unable to find any submissions seeking its deletion, although Mr McCallum-Clark appeared to support this course of action⁷⁵. We are also unable to find any reasons in the Section 42A Report for the deletion. Having considered the policy, we can see that it may not be directed to implementing the objective, but is more an internal matter for utility providers, including the Council in that role. We agree with Mr Barr that it should be deleted, but consider, that in the absence of submissions seeking its deletion, that can only be achieved by the Council initiating a variation to that end.
98. The Telecommunication Companies⁷⁶ sought the inclusion of an additional policy to identify the positive contribution utilities make to the cultural, social and economic wellbeing of society. Mr Barr recommended acceptance of this submission, with an amendment to the introductory words⁷⁷. We agree that the policy proposed (Reply Version) identifies the benefits of utilities to society within the context of managing the effects of utilities on the environment. However, we consider that this policy is misplaced under Objective 30.2.5. We consider it is more directed to implementing Objective 30.2.6 and we recommend it be located as Policy 30.2.6.3 (with subsequent policies being renumbered).
99. In summary, we recommend the rewording of Objective 30.2.5 as set out above, and other than the deletion of “Essential” from Policy 30.2.5.1, we recommend no changes to the policies under Objective 30.2.5.

⁷¹ By submissions 179, 191 and 781

⁷² Submissions 635 and 805

⁷³ Ainsley McLeod, EiC, paragraph 32(a)

⁷⁴ Section 42A Report, Appendix 1

⁷⁵ Matthew McCallum-Clark, EiC, paragraph 19

⁷⁶ Submissions 179, 191 and 781, supported by FS1121

⁷⁷ The amendment was included in the Reply Version.

3.6. Objective 30.2.6 and Policies

100. As notified these read:

Objective *The establishment, efficient use and maintenance of utilities necessary for the well-being of the community.*

30.2.6.1 *Recognise the need for maintenance or upgrading of a utility to ensure its on-going viability and efficiency.*

30.2.6.2 *Consider long term options and economic costs and strategic needs when considering alternative locations, sites or methods for the establishment or alteration of a utility.*

30.2.6.3 *Encourage the co-location of facilities where operationally and technically feasible.*

30.2.6.4 *Provide for the sustainable, secure and efficient use and development of the electricity transmission network, including within the transmission line corridor, and to protect activities from the adverse effects of the electricity transmission network, including by:*

- *Controlling the proximity of buildings, structures and vegetation to existing transmission corridors*
- *Discouraging sensitive activities from locating within or near to the electricity transmission National Grid Yard to minimise potential reverse sensitivity effects on the transmission network*
- *Managing subdivision within or near to electricity transmission corridors to achieve the outcomes of this policy to facilitate good amenity and urban design outcomes*
- *Not compromising the operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.*

30.2.6.5 *Recognise the presence and function of established network utilities, and their locational and operational requirements, by managing land use, development and/or subdivision in locations which could compromise their safe and efficient operation.*

101. One submission supported this objective⁷⁸, while five sought various amendments⁷⁹. The amendments generally sought that the objective identify that the continued operation and maintenance of utilities supported or enabled community well-being. Mr Barr supported these in a general sense in his Section 42A Report and recommended a hybrid of the versions sought by the submitters. Mr McCallum-Clark supported Mr Barr's recommended amendments⁸⁰.

102. The concern we have with Mr Barr's proposed wording is that it is unclear what the outcome relates to – community well-being, or the establishment, operation and maintenance of utilities to support community well-being. Given the policies designed to implement the objective, we consider it must be the latter outcome that is sought. To achieve this, we recommend that the objective be rephrased to read:

⁷⁸ Submission 600

⁷⁹ Submissions 179, 191 (supported by FS1121), 421, 781 and 805 (supported by FS1186)

⁸⁰ Matthew McCallum-Clark, EiC, paragraph 19

30.2.6 *The establishment, continued operation and maintenance of utilities supports the well-being of the community.*

103. Two submissions supported Policy 30.2.6.1⁸¹, one submission sought its amendment⁸², three submissions sought its replacement⁸³, and one sought its deletion⁸⁴. The amendments sought recognition of regionally significant infrastructure, and provision that maintenance and upgrading was cognisant of environmental constraints. Mr Barr proposed an amendment to include reference to regionally significant infrastructure. In Ms McLeod's view, the amendments sought by Transpower were unnecessary if amended Policy 30.2.6.4 was accepted⁸⁵.

104. This Chapter sits under the Strategic Directions Chapters (3, 4, 5 and 6). The objectives and policies contained within those chapters emphasise the importance of protecting outstanding natural landscapes and features from more than minor adverse effects on key values, and the importance of retaining rural character in other rural areas, and seeking high amenity values in urban areas. Objectives and policies in this chapter are to be read as achieving those strategic outcomes. In addition, in proposing this wording, we have had regard to Policy 4.3.3 of the proposed RPS. The submissions of the Telecommunication Companies seek changes which come closest to reflecting those outcomes. We also note that we generally do not consider policies which merely require recognition of something to be an effective means of implementing an objective. For those reasons, we recommend that Policy 30.2.6.1 read:

30.2.6.1 Provide for the maintenance or upgrading of utilities, including regionally significant infrastructure, to ensure its on-going viability and efficiency, subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.

105. A submission by the Council⁸⁶ sought the correction of a typographical error in Policy 30.2.6.2 by replacing the word "options" with "operational". Federated Farmers⁸⁷ sought that the economic costs of activities adversely effected be included in the policy. Transpower⁸⁸ sought the replacement of this policy with one the submitter contended would better give effect to the NPSET 2008.

106. Mr Barr accepted the amendment proposed by Transpower in his Section 42A report, and in her evidence Ms McLeod supported him for the reasons set out in the Transpower submission⁸⁹. In his reply version, Mr Barr recommended some grammatical changes to avoid repetition and tense changes. Subject to a further minor grammatical change, we accept the amendments to this policy for the reasons given by Ms McLeod. We recommend the policy read:

30.2.6.2 When considering the effects of proposed utility developments, consideration must be given to alternatives, and also to how adverse effects

⁸¹ Submissions 251 (supported by FS1186) and 635

⁸² Submission 805, opposed by FS1186

⁸³ Submissions 179, 191 and 781, opposed by FS1132 and FS1097

⁸⁴ Submission 421

⁸⁵ Ainsley McLeod, EiC, paragraph 32(b)

⁸⁶ Submission 383

⁸⁷ Submission 600, supported by FS1209, opposed by FS1121 and FS1034

⁸⁸ Submission 805, opposed by FS1186

⁸⁹ Ainsley McLeod, EiC, paragraph 32(c)

will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.

107. In paragraph 97 we recommended that a policy proposed under Objective 30.2.5 be located under this policy. We recommend the inserted policy read:

30.2.6.3 Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:

- a. enabling enhancement of the quality of life and standard of living for people and communities;*
- b. providing for public health and safety;*
- c. enabling the functioning of businesses;*
- d. enabling economic growth;*
- e. enabling growth and development;*
- f. protecting and enhancing the environment;*
- g. enabling the transportation of freight, goods, people;*
- h. enabling interaction and communication.*

108. The only submissions⁹⁰ on Policy 30.2.6.3 sought that it be retained. We recommend that be remain unaltered save for renumbering to 30.2.6.4.

109. One submission⁹¹ sought that policy 30.2.6.4 be retained. Three submissions sought its amendment. Federated Farmers⁹² supported the policy subject to it being confined to referencing the National Grid. Transpower⁹³, while supporting the intent of the policy, sought its replacement with an objective and policy aiming to avoid the establishment of activities that could adversely affect the National Grid. Aurora's submission⁹⁴ sought amendments consistent with its overall approach of obtaining provisions in the PDP to protect its network.

110. Mr Barr recommended some changes to this policy and its relocation under a new objective proposed by Transpower. Ms McLeod⁹⁵ recognised that Mr Barr's amendments went some way to achieving the goal of Transpower's submission, but recommended further changes, particularly to give effect to the NPSET 2008, and having regard to policies in the proposed RPS (notified version). In his reply statement, Mr Barr largely agreed with the policy wording of Ms McLeod as being the most effective way of implementing the proposed Transpower objective (see below – new Objective 30.2.8), subject to an additional clause to support a setback rule protecting the Frankton Substation. This was in response to the description of the potential for electrical hazards around the Frankton Substation described to us by Mr Renton⁹⁶.

111. We have set out above the reasons we do not accept Aurora's submission in respect of protecting its network.

⁹⁰ Submissions, 179, 191, 421 and 781

⁹¹ Submission 251

⁹² Submission 600, supported by FS1209, opposed by FS1034 and FS1159

⁹³ Submission 805, opposed by FS1132

⁹⁴ Submission 635, opposed by FS1132 and FS1301

⁹⁵ Ainsley McLeod, EiC, paragraph 32(e)

⁹⁶ Andrew Renton, EiC, paragraphs 55-77

112. In addition to ensuring the PDP gives effect to the NPSET 2008, we have had regard to Policies 4.3.2, 4.3.4, 4.4.4 and 4.4.5 in the proposed RPS in concluding that the policy wording proposed by Mr Barr in his reply statement is appropriate, and that it be moved from under Objective 30.2.6 and located in association with an objective specifically oriented to the National Grid.
113. Three submissions⁹⁷ supported Policy 30.2.6.5 as notified. Transpower's submission⁹⁸ sought its amendment. Four submissions⁹⁹ sought the creation of two policies out of this policy.
114. Ms McLeod¹⁰⁰ advised in her evidence that she did not consider the amendments sought by Transpower were necessary if the proposed new policies 30.2.6.2 and 30.2.6.4 (albeit moved) were accepted. Mr Barr did not recommend any change to Policy 30.2.6.5.
115. The Telecommunication Companies' submission split the policy into two parts, as set out below

Enable the functioning and enhancement of established network utilities, and their operational and upgrade requirements.

Manage land use, development and/or subdivision and their effects in locations which could compromise their safe and efficient operation of utilities.

116. The first part has essentially been provided for in our recommended Policy 30.2.6.1 set out above. We consider that, with some grammatical changes, the second part better expresses the point of notified Policy 30.2.6.5. As we read it, the policy is focused on managing other activities so as to minimising the potential for those other activities to compromise the operation of utilities. The Telecommunication Companies' submission almost captures that. We recommend the policy read:

30.2.6.5 Manage land use, development and/or subdivision and their effects in locations which could compromise the safe and efficient operation of utilities.

117. Mr Barr recommended the inclusion of an additional policy under this objective to provide a policy basis for the rules he considered should be included to satisfy Aurora's submission regarding its distribution network. Given our conclusions above that the Aurora proposal should be rejected, we do not recommend the inclusion of this additional policy.

3.7. Objective 30.2.7 and Policies

118. As notified these read:

Objective *Avoid, remedy or mitigate the adverse effects of utilities on surrounding environments, particularly those in or on land of high landscape value, and within special character areas.*

30.2.7.1 *Reduce adverse effects associated with utilities by:*

- *Avoiding or mitigating their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines*

⁹⁷ Submissions 251 (supported by FS186), 635 and 719 (supported by FS1186)

⁹⁸ Submission 805, supported by FS1186 and opposed by FS1132

⁹⁹ Submissions 179 (opposed by FS1132), 191 (opposed by FS1132), 421 and 781

¹⁰⁰ Ainsley McLeod, EiC, paragraph 32(f)

- *Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment*
- *Ensuring that redundant utilities are removed*
- *Using landscaping and or colours and finishes to reduce visual effects*
- *Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*

30.2.7.2 *Require the undergrounding of services in new areas of development where technically feasible.*

30.2.7.3 *Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.*

30.2.7.4 *Take account of economic and operational needs in assessing the location and external appearance of utilities.*

119. Three submissions supported this objective¹⁰¹, while four sought amendments to the objective¹⁰². The submissions seeking amendments sought primarily to include the words “where practicable” and to define the landscape areas and special character areas referred to as being defined in the PDP. In addition, the four Telecommunication Companies¹⁰³ sought the inclusion of an additional policy to read:

Recognise that in some cases it might not be possible for utilities to avoid outstanding natural landscapes, outstanding natural features or identified special character areas and in those situations greater flexibility as to the way that adverse effects are managed may be appropriate.

120. Mr Barr dealt with this matter in some detail in his Section 42A Report¹⁰⁴. He also noted that PowerNet¹⁰⁵ sought amendments to Policy 30.2.7.1 to reflect that it may be difficult for utility providers to reduce the visual effects of their assets. Mr McCallum-Clark explained in his evidence¹⁰⁶ that the requested amendments provide an approach of focussing on the values and attributes of a sensitive environment and referred to provisions in other plans in Canterbury and the Bay of Plenty. He retained this view when he appeared before us¹⁰⁷.

121. We have a number of concerns with Objective 30.2.7, both as notified and as recommended by Mr Barr. As has been noted in other Hearing Reports, we do not consider that adding “avoid, remedy or mitigate” to an objective or policy provides any guidance for decision-makers or other plan users. We also agree with the submitters that, if this objective is solely directed to areas of “high landscape value” then the objective should be clear that it is

¹⁰¹ Submissions 635, 781 and 806

¹⁰² Submissions 179 (supported by FS1097), 191 (supported by FS1097), 421, 719 (supported by FS1160) and 805 (opposed by FS1186)

¹⁰³ Submissions 179, 191, 421 and 781

¹⁰⁴ Section 42A Hearing Report: Chapter 30 Energy and Utilities, Issue 4, pp 37-38

¹⁰⁵ Submission 251, supported by FS1186 and FS1097

¹⁰⁶ Matthew McCallum-Clark, EiC, paragraphs 20-23

¹⁰⁷ Matthew McCallum-Clark, Opening Statement and Summary of Evidence, 15 September 2017, paragraph 6

referring to the areas identified in the PDP as ONLs or ONFs. As notified, Policy 30.2.7.1 clarified that it was ONLs and ONFs that were being referred to.

122. The Hearing Panel for Stream 1B has recommended the following policies:

6.3.17 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.18 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.*

6.3.24 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.*

6.3.25 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.*

123. The objectives and policies in Chapter 30 need to give effect to those policies, noting that regionally significant infrastructure is a subset of utilities with a higher status than the generality of utilities.

124. Taking into account the policy direction of Chapter 6, and recognising that the policies under Objective 30.2.7 have the role of defining how it is to be achieved, we consider the objective can be simplified so as to express the overall outcome that is expected. We note that while the focus of the submitters was on the inclusion of the term “high landscape value”, the objective is actually directed to all environments in the District. We consider removing reference to a particular type of environment from the objective will make the outcome sought clearer. The policies are able to identify how it will be achieved in different environments. Consequently, we recommend it read:

30.2.7 *The adverse effects of utilities on the surrounding environment are avoided or minimised.*

125. Submissions on Policy 30.2.7.1 sought:

- a. *Insert “remedying” between “Avoiding” and “or mitigating” in the first bullet point;*¹⁰⁸
- b. *Add “whilst having regard to their technical, operational and locational constraints and their benefits” at the end of the first bullet point;*¹⁰⁹
- c. *Insert “where economically viable and technically feasible” at the end of the fifth bullet point;*¹¹⁰

¹⁰⁸ Submissions 251 (supported by FS1186 and FS1097) and 519 (supported by FS1015, opposed by FS1097)

¹⁰⁹ Submission 805, supported by FS1186

¹¹⁰ Submission 635

- d. *Change the fifth bullet point to read “In Outstanding Natural Landscapes and Outstanding Natural Features using landscaping and colours and finishes to remedy or mitigate visual effects where necessary”¹¹¹; and*
- e. *Delete the final bullet point¹¹².*
126. Two of the Telecommunication Companies sought the retention of this policy, but the insertion of the additional policy quoted above¹¹³.
127. Mr Barr recommended changes to clarify the distinction between rural areas contained within ONLs and ONFs and other rural land in the first two bullet points, but no other changes.
128. In our view the changes sought by the submitters to emphasise locational constraints or economic factors in this policy overlooked the fact that such matters are covered in Policy 30.2.7.4. We do not consider it necessary for this policy to cover every matter of consideration under the objective. It is a combination of all the policies that achieve the outcome. We do agree with Mr Barr that the policy should clearly distinguish between how utilities are to be dealt with in ONLs and on ONFs versus other areas. We further consider the purpose of this policy is to identify how utilities are to be managed to achieve the objective. Thus Mr Barr’s suggested “Provide for utilities”¹¹⁴ is unnecessary. We also take into account the policies from Chapter 6 discussed above. With further minor grammatical changes, we recommend the policy read:
- 30.2.7.1 Manage the adverse effects of utilities on the environment by:*
- a. Avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines, and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;*
 - b. Encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;*
 - c. Ensuring that redundant utilities are removed;*
 - d. Using landscaping and or colours and finishes to reduce visual effects;*
 - e. Integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.*
129. There were five submissions in relation to Policy 30.2.7.2. Three sought amendments inserting wording that the undergrounding be efficient, effective and operationally feasible¹¹⁵. Two sought additional wording with the effect of requiring undergrounding be economically viable¹¹⁶. No specific evidence was provided in support of these amendments. Ms McLeod, in her evidence on behalf of Transpower¹¹⁷, suggested additional wording limiting the policy to new services in urban areas, although no changes were sought by Transpower.

¹¹¹ Submission 251, supported by FS1186 and FS1097

¹¹² Submission 251, supported by FS1186 and FS1097

¹¹³ Submissions 179, 191, both supported by FS1097 and FS1121

¹¹⁴ In his Reply version of the policy

¹¹⁵ Submissions 179, 191 and 781

¹¹⁶ Submissions 251 (opposed by FS1186) and 635

¹¹⁷ Ainslie McLeod, EiC, paragraph 33

130. We consider it entirely appropriate that areas of new development have utility services provided underground, except where it is technically not feasible. If we had jurisdiction to make the changes suggested by Ms McLeod, we would not make them as we do not consider undergrounding should be limited to new services, nor to urban areas. Underground reticulation can be appropriate in many parts of the District. We recommend the policy remain as notified.
131. One submission supported Policy 30.2.7.3 unaltered¹¹⁸. Aurora¹¹⁹ sought it be limited to residential zones, and Transpower¹²⁰ sought it be limited to reticulated lines so that it did not apply to the National Grid. Although not directly related to this policy, the submission of John Walker¹²¹ seeking a policy requiring the progressive undergrounding of reticulated services in Wanaka can be discussed in conjunction with Policy 30.2.7.3.
132. Ms McLeod briefly commented on this policy in her evidence¹²², suggesting the amendments proposed would be beneficial, but did note that the NPSET 2008 does not require the undergrounding of the National Grid. Mr Walker appeared in person and spoke to his submission. Mr Barr did not comment on it specifically and recommended no changes to the policy.
133. The policy is that the Council will encourage undergrounding. We do not see any reason to limit the areas the Council may prioritise for such encouragement. While we have sympathy for the views expressed by Mr Walker, we consider the policy as expressed is the most appropriate given the Council's functions under the Act. We recommend the policy remain as notified.
134. Five submissions supported Policy 30.2.7.4 and sought its retention¹²³. Transpower¹²⁴ sought additional wording such that locational and technical requirements be considered, and that the policy refer to network utilities. No evidence was presented in support of this submission.
135. We are satisfied that, when read in conjunction with the other policies under Objective 30.2.7, the wording as notified is appropriate. We recommend the policy remain as notified.

3.8. Additional Objectives and Policies Sought

136. NZIA sought an objective and policies aimed at reducing energy use¹²⁵. No evidence was presented in support of this submission. We do note, however, that the policies sought seeking a compact urban form and the application of urban growth boundaries have been provided in other chapters. We do not recommend the inclusion of the objective and policies sought in this submission.
137. Transpower¹²⁶ sought the inclusion of a new objective and policy specifically related to its operation of the National Grid. Mr Barr did not specifically deal with this in his Section 42A

¹¹⁸ Submission 251

¹¹⁹ Submission 635

¹²⁰ Submission 805

¹²¹ Submission 292, opposed by FS1106, FS1208 and FS1253

¹²² Ainsley McLeod, EiC, paragraph 32(h)

¹²³ Submissions 179, 191, 251, 635 and 781

¹²⁴ Submission 805

¹²⁵ Submission 238, opposed by FS1157, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

¹²⁶ Submission 805

Report. Ms McLeod¹²⁷ proposed the inclusion of two new objectives and further amendments to the amended Policy 30.2.6.4 recommended by Mr Barr¹²⁸. It was Ms McLeod's evidence that these additional policies and the amendments she proposed were necessary to give effect to the NPSET 2008.

138. In his reply statement, Mr Barr largely agreed with Ms McLeod's proposals and recommended an amended objective (Objective 30.2.8) and recommended moving Policy 30.2.6.4, largely as suggested by Ms McLeod to sit under that new objective. In his view, the new objective was the most appropriate way to give effect to the NPSET 2008 Objective 5¹²⁹.

139. We agree with and accept the reasoning of Ms McLeod and Mr Barr. We have recommended in paragraph 111 above that notified policy 30.2.6.4 be amended and moved to be located under this objective. We do, however, consider both the objective and the policy need further modification. As recommended, the objective in part reads like a policy, and the policy unnecessarily repeats part of the objective and is grammatically too complicated.

140. We recommend the objective and policy read as follows:

30.2.8 The ongoing operation, maintenance, development and upgrading of the National Grid subject to the adverse effects on the environment of the National Grid network being managed.

30.2.8.1 Enabling the use and development of the National Grid by managing its adverse effects and by managing the adverse effects of activities on the National Grid by:

- a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;*
- b. avoiding Sensitive Activities within the National Grid Yard;*
- c. managing potential electrical hazards and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;*
- d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.*

141. PowerNet¹³⁰ sought the inclusion of a new policy under Objective 30.2.6 which would read:

Provide for the sustainable development, use, upgrading and maintenance of electricity distribution networks, including lines, transformers, substations and switching stations and ancillary buildings.

142. Mr Barr did not address this submission directly in his Section 42A Report, but he did recommend a modification to the objectives and policies in response to several submissions seeking modifications, including PowerNet's¹³¹. This policy was not addressed in Ms Justice's evidence.

¹²⁷ Ainsley McLeod, EIC, paragraphs 27 and 33

¹²⁸ Section 42A Report, Appendix 1, page 30-5

¹²⁹ Reply of Craig Alan Barr, 22 September 2016, paragraph 9.3

¹³⁰ Submission 251, opposed by FS1132

¹³¹ Craig Barr, Section 42A Report, Section 10

143. Our view is that Policy 30.2.6.1 with the wording we have recommended above achieves the same outcome as that expressed in PowerNet’s policy. The only difference is that Policy 30.2.6.1 relates to utilities in general, whereas the PowerNet proposal is directed solely to electricity distribution networks. We see no justification creating a semi-duplication specifically for electricity distribution networks and recommend that the submission be rejected.

3.9. Summary

144. We have set out in Appendix 1 the recommended objectives and policies. We note that two of the objectives we conclude need to be reconsidered by the Council and amended by variation, notwithstanding that we recommend minor amendments under Clause 16(2) to them.

145. In summary, in relation to the remaining objectives and policies, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

4. SECTION 30.3 – OTHER PROVISIONS AND RULES

4.1. Section 30.3.1 – District Wide

146. There were no submissions on this section. We recommend that the references in it be amended to be consistent with the references in other chapters. We consider this to be a non-substantive change of minor effect as the material in the section is purely for information purposes. We have set out are recommended wording in Appendix 1.

4.2. Section 30.3.2 – National

147. As notified this section listed two relevant National Environmental Standards¹³² and the NZECP 34:2001, along with a brief explanation of each.

148. Submissions sought:

- a. Amend to refer to the relationship between district plans and National Environmental Standards and update to ensure consistency with NESTF 2016¹³³;
- b. Add reference to Electricity (Hazards from Trees) Regulations 2003¹³⁴;
- c. Amend 30.3.2.1 to clarify that the provisions of NESETA 2009 prevail of the Plan rather than the chapter¹³⁵;
- d. Include references to the National Grid in 30.3.2.3 and clarify that compliance with the PDP does not ensure compliance with NZECP 34:2001¹³⁶;
- e. Retain 30.3.2.3 as notified¹³⁷.

149. Mr Barr recommended the inclusion of an advice note concerning the Electricity (Hazards from Trees) Regulations and a minor change to the title of the section. Ms McLeod was the only

¹³² NESETA 2009 and NESTF 2016

¹³³ Submissions 179, 191, 421 and 781

¹³⁴ Submission 805

¹³⁵ Submission 805

¹³⁶ Submission 805

¹³⁷ Submissions 600 (opposed by FS1034, supported by FS1209) and 635

witness to comment on the redrafting and she considered any differences in wording from what was sought were immaterial¹³⁸.

150. Our understanding is that the material contained in this section is information to assist readers of the Chapter. It does not contain rules under s.76 of the Act. In our view, that distinction should be made clear in the section title. We recommend the title be “Information on National Environmental Standards and Regulations”. In addition, numbering the provisions listed gives the appearance that they are Plan provisions. We recommend the provisions be listed using (a), (b), etc. We consider those to be minor changes with no regulatory effect that fall under Clause 16(2).
151. We agree that the provisions should be updated to reflect the NESTF 2016¹³⁹. These regulations were made on 21 November 2016 after the date of the hearing. As the references are for information purposes we do not consider any person to be disadvantaged by the references being included without further hearing. Four submissions sought that the references be changed. No further submitters opposed those submissions.
152. Taking into account all the above and our earlier conclusions on the NZECP 34:2001, we recommend the section read:

30.3.2 Information on National Environmental Standards and Regulations

a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

- i. cabinets in and outside of road reserve;*
- ii. antennas on existing and new poles in the road reserve;*
- iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;*
- iv. new poles and antennas in rural areas;*
- v. antennas on buildings;*
- vi. small-cell units on existing structures;*
- vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and*
- viii. associated earthworks.*

¹³⁸ Ainsley McLeod, EiC, paragraph 36

¹³⁹ The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

In general, the provisions of the NESTF 2016 prevail over the provisions of this District Plan Chapter, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

c. New Zealand Electrical Code of Practice for Electrical Safe Distances Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Compliance with this District Plan does not ensure compliance with NZECP 34.

Note: To assist plan users in complying with these regulations, the major distribution components of the Aurora network are shown on the Planning Maps.

d. Electricity (Hazards from Trees) Regulations 2003

Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

4.3. Section 30.3.3 – Clarification

153. As in other chapters, this section contains a series of provisions establishing how the rules work, including which chapters have precedence over others.
154. There was only one submission on this section¹⁴⁰. It sought the inclusion of an advice note regarding the planting of vegetation near electricity lines, which has been incorporated into 30.3.2(d), and the retention of the provision which gave utility rules priority over other rules.
155. Other than some minor non-substantive changes, the only amendment recommended by Mr Barr was to include a provision clarifying that Airport Activities in the Airport Mixed Use Zone (Chapter 17) prevail over the provisions of this chapter, in response to a legal submissions presented by Ms Wolt, counsel for QAC¹⁴¹.

¹⁴⁰ Submission 805

¹⁴¹ Legal Submissions for Queenstown Airport Corporation Limited, dated 9 September 2016, paragraphs 44-57

156. The concern of QAC was that the definition of utility included in Chapter 2 defined the term in such a way as to include airports. Chapter 17 included a specific set of rules relating to Queenstown Airport classifying many of the activities, which would fall within the definition of utility, as permitted. However, such activities could be classified as controlled or discretionary under Chapter 30. While there is an obvious inconsistency, the difficulty we face, as Ms Wolt conceded, is there is no submission seeking an appropriate solution. Ms Wolt submitted that a solution could fall within the Council's broad scope to amend the Plan based on the range of relief sought by submissions.
157. Mr Barr's response is the rule described above. We asked both Ms Wolt and Ms O'Sullivan whether an alternative solution would be to change the definition of utility to exclude airports from the definition. Ms Wolt undertook to consider that option, and Ms O'Sullivan suggested the definition could be changed to exclude airport activities and airport related activities within the Airport Mixed Use Zone. We understood her response to be that QAC would want any of its activities outside of that zone to continue to be controlled by Chapter 30.
158. We are not satisfied that there is scope to make either Mr Barr's amendment or to amend the definition of utility to obviate the apparent inconsistency. Having considered the two alternatives, we conclude that the most appropriate solution is to amend the definition of utility consistent with Ms O'Sullivan's suggestion. That will require a variation to the PDP and we recommend the Council investigate initiating such a variation.
159. Consistent with our approach in other chapters, recommend that the heading of this section be "Explanation of Rules" to better identify the purpose of the provisions contained. The only other change we recommend is to provision 30.3.3.5. This does not explain the rules. Rather it is a note that designations can also apply to some utilities. This should be identified as a note without a provision number to avoid confusion.
160. We set out in Appendix 1 our recommended layout of this section.

5. SECTIONS 30.4 AND 30.5 – RULES

5.1. Introductory Remarks

161. As notified, Section 30.4 contained a single table with activities listed and the activity classification. The list was broken into two sections: those for energy activities; and those for utilities. While there may have been a logic to the order of activities within each group, it was not obvious to us. Following this table, Section 30.5 contained a second table, this time setting out the standards that applied to certain activities. Again that was split into two groups. As the rules from sections 30.4 and 30.5 interact with each other, it is sensible to consider them together where possible.
162. In his reply statement, Mr Barr proposed a re-order of both the activity classifications and the standards into several tables such that the standards for a group of activities (such as renewable energy activities) immediately followed the classification table for that group. In part this was a response to submissions lodged by the Telecommunication Companies¹⁴² which sought a re-ordering of the rules applying to telecommunication utilities and a conflating of activity classifications and standards. Thus, Mr Barr's re-ordering had standards for some

¹⁴² Submissions 179, 191, 421 and 781

groups of activities, but in other cases included the standard within the classification of the activity. This has led to some repetition of standards.

163. We agree that the re-ordering is a more user-friendly approach and have largely followed Mr Barr's layout. However, we have made some further changes to assist users. Within each classification table we have generally listed the activities in order of their classification with permitted first, followed by controlled, then restricted discretionary, discretionary, non-complying and prohibited in that order. In addition, we have numbered each table and restarted the rule numbers for each table, meaning that rules have the format 30.4.[Table-Number].[Rule-Number].

164. Our discussion of the submissions on the rules will be in the rule order as notified, but when making our recommendation on each provision we will identify where it fits in our re-ordered version.

5.2. Rule 30.4.1 – Energy Activities which are not listed in this table

165. These activities were classified as non-complying by this rule. No submissions were lodged in respect of this rule. Although we do not recommend any changes in the effect of this rule, we note that the classification of other energy activities in the table has the effect that it only applies to non-renewable energy activities and in part duplicates Rule 30.4.7. We consider that this rule is unnecessary given that the only activity it affects which is not covered by Rule 30.4.7 is one we conclude, in our discussion of Rule 30.4.3 below, is caught by error rather than intent. We recommend that it can be deleted as having no regulatory value.

5.3. Rule 30.4.2 and Rule 30.5.1

166. This rule provides for small and community-scale distributed electricity generation and solar hot water heating as a permitted activity, provided it has a rated capacity of less than 3.5kW and is not located within a number of sensitive zones and areas (covered by Rule 30.4.3).

167. One submission¹⁴³ supported the rule, and a second submission¹⁴⁴ sought it be amended by removing the capacity limit, replacing that with an area limit. Mr Barr did not comment on this submission, but in his recommended amendments to the chapter attached to his Section 42A Report he recommended changing the 3.5kW rated capacity limitation to 5kW.

168. This rule needs to be considered in relation to Rule 30.5.1 which sets additional standards for this activity. Four submissions¹⁴⁵ opposed the standards in this rule that allowed solar panels to protrude beyond the maximum height limit specified for the zone. One submission¹⁴⁶ sought the deletion of the area limitation of 150m² for free standing solar systems, and one submission¹⁴⁷ sought the standards be amended to promote ground and water source energy at a domestic scale.

169. Mr Barr commented on the submissions concerned with protrusion through the height limit in his Section 42A Report¹⁴⁸. He concluded that the potential of panels to protrude through the relevant height limit was little different to the exemption given to chimneys, and recommended the rule remain as notified.

¹⁴³ Submission 72, supported by FS1352

¹⁴⁴ Submission 126

¹⁴⁵ Submissions 263, 510, 511 and 792

¹⁴⁶ Submission 368

¹⁴⁷ Submission 383

¹⁴⁸ Paragraphs 14.19 to 14.22

170. We agree with Mr Leece and Ms Kobienia¹⁴⁹ that, when considered in light of the standards in Rule 30.5.1, there is no need for Rule 30.4.2 to contain any limit on rated capacity, even if 5kW as recommended by Mr Barr. There was no evidence to suggest that capacity correlated to the level of adverse effects, and it is the latter that is relevant. In addition, such a limitation essentially discourages the use of more efficient small-scale photovoltaic systems – that is, systems that have a higher rated capacity but take up a smaller area than those contemplated by these rules, and it appears to be inconsistent with the objectives and policies of this chapter relating to renewable electricity generation and Policy F of the NPSREG 2011. We also recommend some minor grammatical changes to this rule.
171. Mr Barr recommended several amendments to Rule 30.5.1¹⁵⁰:
- a. Insert into Rule 30.5.1.2 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383;
 - b. Clarify the phrasing regarding the setback exemption not being available in rule 30.5.1.3;
 - c. Specify that such activities had to be located within building platforms within those zones that require them; and
 - d. Add a requirement that such facilities cannot exceed site coverage rules.
172. We could not find scope in the submissions Mr Barr referred to for the first and last amendments so consider those no further. We agree that the other two amendments assist in improving the rule. Rule 30.5.1.2 does require some rewording for it to logically fit within the overall wording of the standard. Such a change does not alter the effect of the rule and we consider such a change to be minor in terms of Clause 16(2).
173. In our view, the combination of standards in Rule 30.5.1, incorporating amendments (b) and (c) above, appropriately deal with the potential effects on the environment of the activity. We do not consider that the limited protrusion beyond the height limit allowed by this rule to be any more than minor, and consider such an intrusion to be consistent with the provisions of the NPSREG 2011. We consider that it is appropriate for free-standing units greater than 150m² and/or greater than 2.0m in height to be assessed as discretionary activities, as notified Rule 30.5.1 required.
174. As a consequence, and allowing for the relocation of the two rules, we recommend that Rules 30.4.2 and 30.5.1 be renumbered as 30.4.1.1 and 30.4.2.1 respectively, and amended to read:
- 30.4.1.1 **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating**, excluding Wind Electricity Generation, including any structures and associated buildings, other than those activities restricted by Rule 30.4.1.4.*
- As a permitted activity.
- 30.4.2.1 **Small and Community-Scale Distributed Electricity Generation and Solar Water Heating** must:*
- 30.4.2.1.1 not overhang the edge of any building.*

¹⁴⁹ Submission 126

¹⁵⁰ Reply Version, p.30-13

- 30.4.2.1.2 *be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.*
- 30.4.2.1.3 *be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.*
- 30.4.2.1.4 *be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.*
- 30.4.2.1.5 *not intrude through any recession planes applicable in the zone in which they are located.*
- 30.4.2.1.6 *not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.*
- 30.4.2.1.7 *not protrude more than a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.*
- 30.4.2.1.8 *not exceed 150 m² in area if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.9 *not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.*
- 30.4.2.1.10 *be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.¹⁵¹*

Non-compliance would require consent as a discretionary activity.

5.4. Rule 30.4.3

175. This rule, as notified, classified small and community-scale distributed electricity generation with a rated capacity of 3.5kW or more as a discretionary activity, or a discretionary activity if located within:
- a. Arrowsmith Residential Historic management Zone
 - b. Town Centre Special Character Areas;
 - c. Open Space Zones;
 - d. Any open space and landscape buffer areas identified on any of the Special Zones;
 - e. Significant Natural Areas;
 - f. Outstanding Natural Landscapes;
 - g. Outstanding Natural Features;
 - h. Heritage Features and Landscapes;
 - i. Rural Zones (if detached from or separate to a building).
176. Submissions on this rule sought:
- a. Photovoltaic panels and roofing profiles suitable for photovoltaic laminates be a permitted activity in the Arrowsmith Residential Historic Management Zone¹⁵²;

¹⁵¹ See discussion of next rule for additional reasons for inclusion of this standard.

¹⁵² Submission 752

- b. Require at least limited notification of facilities over 1.2 m in height¹⁵³;
 - c. Remove the capacity restriction¹⁵⁴;
 - d. Limit the restriction in rural zones to outside of a building platform¹⁵⁵.
177. Again, Mr Barr did not comment on this rule but did recommend some minor amendments in Appendix 1 of his Section 42A Report. As well as increasing the rated capacity threshold to 5 kW, to be consistent with Rule 30.4.2, he recommended clarifying that “Rural Zones” meant “Rural Zone, Rural Residential Zone and Rural Lifestyle Zone”. He also recommended that the qualification in respect of the rural zones be changed to read “if outside a building platform”.
178. We consider the placement of photovoltaic panels (or laminates) on roofs in the Arrowtown Residential Historic Management Zone is a matter best considered within the context of the heritage purpose of that zone. For that reason we conclude the discretionary activity regime proposed for this zone as notified is appropriate and recommend that Submission 752 be rejected.
179. As with the previous rule, and for the same reasons, we recommend the rated capacity threshold be removed. If the proposed facility exceeds the standards in Rule 30.5.1 (as notified) then it will require consent as a discretionary activity. We also agree that the restriction in rural areas (other than in ONLs and on ONFs) should be limited to outside of building platforms. Built form is expected within building platforms and limitation of 150m² and a height limit of 2m (as in Rule 30.5.1) is an appropriate threshold in such a location. We note that building platforms are not required in the Rural Residential Zone so this provision should not refer to that zone. We also consider the restriction would be better founded in the standard Rule 30.4.2.1 (formerly 30.5.1) phrased as follows:
- 30.4.2.1.10 be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.*
180. A consequential result of removing the rated capacity threshold is that small and community-scale wind electricity generation with a rated capacity of less than 3.5kW will become a discretionary activity, whereas as notified it could have been construed as being non-complying. As notified, Rule 30.4.2 excluded wind electricity generation from the permitted activity status, and Rule 30.4.3 made such generation, provided it had a rated capacity exceeding 3.5kW, a discretionary activity.
181. Mr Barr noted the issue in his Reply Statement and recommended a new rule providing for small scale wind generation as a controlled activity in the Rural, Gibbston Character and Rural Lifestyle Zones¹⁵⁶, subject to compliance with the standards for wind generation. From Mr Barr’s Reply Statement it is also apparent that he intended that such facilities did not locate in any of the areas restricted in notified Rule 30.4.3, and that it be limited to being within approved building platforms. These latter restrictions do not seem to have been carried into his draft rules.
182. We doubt that the rule drafters intended that the smaller capacity wind generation facility would require a more onerous consent process than a larger facility. The proposal does also satisfy matters raised in Submission 368. We do not consider the facility should not have a

¹⁵³ Submission 20, opposed by FS1097 and FS1121

¹⁵⁴ Submission 126, supported by FS1024

¹⁵⁵ Submission 368

¹⁵⁶ Craig Barr, Reply Statement dated 22 September 2016, Section 5

rated capacity limitation, consistent with our reasoning set out above. The standards that would apply, and identifying the activity as being Small and Community Scale Electricity Generation (a defined term which is scale limiting), impose a scale limit on any equipment utilising Mr Barr's proposed rule. Subject to some adjustment to the wording of Mr Barr's proposed rule and Rule 30.4.3, we accept that provision should be made as proposed by Mr Barr.

183. We recommend that a new rule providing a controlled activity for small scale wind electricity generation be included as follows:

30.4.1.2 Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and the Rural Lifestyle Zone provided that:

- a. it is located within an approved building platform;*
- b. it is not restricted by Rule 30.4.1.4; and*
- c. it complies with the standards in Rule 30.4.2.3.*

Control is reserved to:

- a. Noise;*
- b. Visual effects;*
- c. Colour;*
- d. Vibration.*

184. One final change to Rule 30.4.3 is required in respect of "Heritage Features and Landscapes". The Hearing Panel for Stream 3 has recommended that "Heritage Landscapes" be renamed "Heritage Overlay Areas". We recommend that terminology be used in this rule for consistency. Consequently, and incorporating minor grammatical changes consistent with those in the previous rule, we recommend this rule, as a discretionary activity, read:

30.4.1.4 Small and Community-Scale Distributed Electricity Generation and Solar Water Heating, including any structures and associated buildings, which is either:

30.4.1.4.1 Wind Electricity Generation other than that provided for in Rule 30.4.1.2;

OR

30.4.1.4.2 Located in any of the following:

- a. Arrowtown Residential Historic Management Zone*
- b. Town Centre Special Character Areas;*
- c. Significant Natural Areas;*
- d. Outstanding Natural Landscapes;*
- e. Outstanding Natural Features;*
- f. Heritage Features and Heritage Overlay Areas.*

5.5. Rule 30.4.4

185. This rule provides for equipment and activities for the purpose of research and exploratory-scale investigations for renewable electricity generation to be a restricted discretionary activity.

186. There were two submissions on this rule. One¹⁵⁷ sought that it not apply in the Hydro Generation Zone. That zone is within the ODP and not part of the PDP. Notwithstanding that

¹⁵⁷ Submission 580

Mr Barr proposed providing an exclusion to satisfy this submitter¹⁵⁸, we recommend the submission therefore be rejected as not being necessary.

187. The second submission¹⁵⁹ sought amendment to the matter of discretion related to natural hazards. Mr Barr recommended the deletion of that matter of discretion¹⁶⁰, and some minor grammatical changes. Subject to those changes, we recommend the rule remain as notified other than renumbering to 30.4.1.3.

5.6. Rule 30.4.5

188. This rule provided for renewable electricity generation facilities not provided for by the previous rules to be a discretionary activity. The sole submission¹⁶¹ on the rule supported the discretionary activity status.

189. We recommend the rule be confirmed without alteration, subject to being numbered 30.4.1.5.

5.7. Rule 30.4.6

190. This rule provided for, as a permitted activity, non-renewable electricity generation that was either:

- a. Standby generation for community, health care and utility activities; or
- b. Part of a stand-alone system on remote sites that do not have connection to the distributed electricity network.

191. The only submission¹⁶² sought that the temporary operation of emergency and back-up generator should be exempt from complying with the Noise Rules in Chapter 36. The same submitter sought that Chapter 36 be similarly amended.

192. In her evidence¹⁶³, Ms Dowd identified another issue of concern to Aurora. This related to the interface with the Temporary Activities provisions in Chapter 35. A gap in those rules relating to the definition of utilities meant that temporary electricity generation serving an area wider than the site it was located on was not provided for. Aurora's submission sought amendments to the definition of utilities as a means of overcoming this problem, but Ms Dowd suggested that an amendment to this rule would obviate that change. Ms Dowd's evidence did not consider the noise issue referred to in the previous paragraph.

193. Mr Barr agreed with this approach and recommended amendments in his Reply Statement¹⁶⁴.

194. We agree with the reasons provided by Ms Dowd and Mr Barr for amending this rule. However, we do not consider Mr Barr's solution achieves the correct outcome. We prefer the approach suggested by Ms Dowd¹⁶⁵, albeit with wording more similar to that suggested by Mr Barr.

¹⁵⁸ Craig Barr, Reply Statement, paragraphs 14.45 to 14.48

¹⁵⁹ Submission 383

¹⁶⁰ Craig Barr, Reply Statement, 22 September 2016, Section 12

¹⁶¹ Submission 580

¹⁶² Submission 635

¹⁶³ Joanne Dowd, EiC, paragraph 28

¹⁶⁴ Paragraphs 16.1 and 16.2

¹⁶⁵ *ibid*

195. Finally, we note that Chapter 31 no longer relates to hazardous substances and their control is no longer a function of the Council. We have deleted the reference to that chapter in the note.

196. Consequently we recommend that Rule 30.4.6 be amended and renumbered as follows:

30.4.3.1 Non-renewable Electricity Generation where either:

a. *the generation only supplies activities on the site on which it is located and involves either:*

i. *Standby generators associated with community, health care, and utility activities; or*

ii. *Generators that are part of a Stand-Alone Power System on remote sites that do not have connection to the local distributed electricity network;*

OR

b. *the generation supplies the local electricity distribution network for a period not exceeding 3 months in any calendar year.*

Note – Diesel Generators must comply with the provisions of Chapter 36 (Noise) and Chapter 31 (Hazardous Substances)

5.8. **Rule 30.4.7**

197. This rule partially duplicated Rule 30.4.1 by classifying non-renewable electricity generation that was not otherwise identified as a non-complying activity. No submissions were received on this rule.

198. We recommend it remain as notified, but be renumbered as 30.4.3.2.

5.9. **Rule 30.5.2**

199. This rule sets the standards applying to mini and micro hydro electricity generation. There were no submissions on this rule and we heard no evidence on it. Mr Barr recommended two amendments¹⁶⁶:

a. Insert in 30.5.2.3 after “recessive colours” the phrase “with a light reflectance value of less than 36%” with a reference to Submission 383; and

b. Change the reference in the Note to the Regional Plan: Water

200. We can find no scope in Submission 383 to amend this rule as Mr Barr suggests. His discussion of the issue in the Section 42A Report¹⁶⁷ appears to ignore the fact that the submission clearly states, in the column identifying the provision it relates to, “30.5.3.5”. We do, however, accept that the advice note should refer to the Regional Plan: Water rather than the “Water Plan Rules”. Therefore, we recommend the rule be adopted with only a minor grammatical change, that it be numbered 30.4.2.2, and the advice note be amended to refer to the Regional Plan: Water.

5.10. **Rule 30.5.3**

201. This rule provides the standards for wind electricity generation. There were two submissions on this rule. Submission 368 sought that Rule 30.5.3.1 be deleted so that there was no limit

¹⁶⁶ Craig Barr, Reply Statement, Appendix 1, p.30-14

¹⁶⁷ Craig Barr, Section 42A Report, paragraph 14.3

on the number of turbines. Submission 383¹⁶⁸ sought the inclusion of a maximum reflectance value in Rule 30.5.3.5.

202. Mr Barr discussed the matter of the maximum reflectance value in his Section 42A Report, and we accept his recommendation in relation to this rule. Mr Barr also recommended a grammatical change to 30.5.3.3 in his Reply Version which we accept. Additionally, in his Reply Version, Mr Barr recommended the maximum height of masts in the Rural and Gibbston Character Zones be 12m, rather than the 10m as notified; the maximum height of the turbine be measured to the top of the mast, not the blade as notified; and that a new standard be added requiring compliance with Chapter 36 (Noise).

203. As we have noted with amendments to other standards, we can find no scope in the submissions for these last three amendments. We accept that Chapter 36 contains standards which wind turbines must comply with. It seems that a note referring a reader to that would suffice here, rather than including it as a standard. We are not prepared to recommend the other changes in the absence of submissions.

204. We heard no evidence as to why there should not be a limit of two turbines per site. We consider that, in the context of the environment of this District, to be a suitable limit.

205. We recommend this rule be amended to read:

*30.4.2.3 **Wind Electricity Generation** shall:*

30.4.2.3.1 Comprise no more than two Wind Electricity Generation turbines or masts on any site.

30.4.2.3.2 Involve no lattice towers.

30.4.2.3.3 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings shall not apply

30.4.2.3.4 Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.

30.4.2.3.5 Be finished in recessive colours with a light reflectance value of less than 16%

Notes: In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).

The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.

Wind turbines must comply with Chapter 36 (Noise)

5.11. Rules 30.5.4 and 30.5.5

206. There were no submissions on Rule 30.5.4. We recommend it be adopted renumbered to 30.4.2.4 and with an amendment to the advice note to refer to the appropriate regional plan.

¹⁶⁸ Opposed by FS1106, FS1208 and FS1253

207. The only submission¹⁶⁹ on Rule 30.5.5 sought that the it be a controlled activity. It is unclear from the submission whether the submitters were seeking that to be the base requirement for the activity, or the status of the activity if it did not meet the standards in Rule 30.5.5.
208. Mr Barr recommended changing the maximum height in clause 1 to 3m¹⁷⁰, and inserting a maximum reflectance value of 36% in clause 3¹⁷¹. We can find not scope in the submissions for such changes and consider them no further.
209. We are satisfied that this rule as notified provides appropriate standards for buildings accessory to renewable generation activities. We recommend it be adopted as notified, subject to being renumbered 30.4.2.5 and with the title changed to *Buildings accessory to renewable energy activities*.

5.12. Rules for Utilities

210. We preface discussion of this section of the rules by noting that the Telecommunications Companies all lodged submissions¹⁷² seeking the complete replacement of Rules 30.4.8 to 30.4.16 (except for 30.4.10) with a completely new set of rules. In addition, and consequent on that submission, they also sought the deletion of Rules 30.5.7, 30.5.8 and 30.5.9 as no longer being necessary. In his evidence for the Companies, Mr McCallum-Clark did not seek such wholesale replacement. Rather he accepted most of the changes recommended by Mr Barr and provided no direct evidence supporting the complete replacement as sought in the submissions.

211. While we do not disregard these submissions, given the lack of supporting evidence, we do not discuss them in any detail below unless the recommendations of Mr Barr or Mr McCallum-Clark warrant it.

5.13. Rule 30.4.8

212. This rule classified utilities, buildings, structures and earthworks not otherwise listed as a discretionary activity. The sole submission¹⁷³ on this rule sought that underground lines be included in the list of activities.

213. To understand this rule, one needs to read it with reference to the heading immediately preceding it, which states:

Rules for Utilities; and Buildings, Structures and Earthworks within or near to the National Grid Corridor

Note - The rules differentiate between four types of activities: lines and support structures; masts and antennas; utility buildings; and flood protection works & waste management facilities.

214. With this understanding, it is clear the rule as notified was directed to two different activities: utilities; and activities within or near the National Grid Corridor. Without that understanding one could conclude that it affected a wide range of activities.

¹⁶⁹ Submission 368

¹⁷⁰ Section 42A Report, Appendix 1, p.30-16

¹⁷¹ Reply Version, p. 30-15

¹⁷² Submissions 179 (opposed by FS1301), 191 (opposed by FS1301), 421 and 781 (opposed by FS1301)

¹⁷³ Submission 251, supported by FS1121

215. Mr Barr did not discuss this rule, nor the submission, in his Section 42A Report. He did, however, recommend, as a new rule 30.4.22, that underground lines be a permitted activity, subject to ground reinstatement. In Ms Justice’s tabled evidence, she advised that she considered the new rule addressed PowerNet’s submission, and that it was appropriate¹⁷⁴.

216. Mr Barr considered Rule 30.4.8 in his Reply Statement and recommended an effective split between the non-specified utilities and the activities in or near the National Grid Corridor. He included the latter activities in standards which we discuss below. His reworded rule was:

Utilities which are not otherwise listed in Rules x to x¹⁷⁵

217. We consider that Mr Barr may have unintentionally narrowed the scope of this rule in re-arranging the rules in his Reply version. While we agree with his approach, we recommend that the rule continue to apply to all utilities not otherwise provided for, as well as buildings associated with utilities.

218. We note also, that in recommending amendments to make the chapter consistent with the NESTF 2016, Mr Barr and Mr McCallum-Clark added a proviso to clarify that the catch-all status was subject to the regulations contained in the NESTF 2016¹⁷⁶. We agree that clarification is helpful.

219. In our re-arrangement of the rules we have relocated the rule to make it clear that it apply to all utilities not otherwise provided for, and have numbered it 30.5.1.8. With the additional clarification, we recommend it reads:

Utilities and Buildings (associated with a Utility) which are not:

30.5.8.1 provided for in any National Environmental Standard;

OR

30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13

5.14. Rule 30.4.9

220. This rule classified “minor upgrading” as a permitted activity. The only submissions¹⁷⁷ on the rule sought its retention.

221. It is appropriate to consider the definition of “minor upgrading” at this point so that the implications of the rule are fully understood. As notified, that definition read:

Minor upgrading Means maintenance, replacement and upgrading of existing conductors or lines and support structures provided they are of a similar character, intensity and scale to the existing conductors or line and support structures and shall include the following:

¹⁷⁴ Paragraph 4.17

¹⁷⁵ We presume he intended the relevant rules indicated by “x to x” to be the remainder in the same table, being his amended numbers 30.4.2 to 30.4.8

¹⁷⁶ Joint Witness Statement at paragraph 2.1(b).

¹⁷⁷ Submissions 251, 635 and 805

- *Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 1 metre of the base of the support pole being replaced;*
- *Addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;*
- *The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period, except in the Rural Zone;*
- *Replacement of conductors or lines provided they do not exceed 30mm in diameter or the bundling together of any wire, cable or similar conductor provided that the bundle does not exceed 30mm in diameter;*
- *Re-sagging of existing lines;*
- *Replacement of insulators provided they are less or similar in length; and*
- *Addition of lightning rods, earth-peaks and earth-wires.*

222. Seven submissions¹⁷⁸ sought amendments to this definition. Mr Barr discussed these submissions in his Section 42A Report¹⁷⁹, noting that the majority of the relief sought was consistent with definitions used in other district plans¹⁸⁰. He recommended accepting the following components:

- a. the addition of lines;
- b. removing diameter requirements¹⁸¹;
- c. introduction of re-sagging and bonding of conductors;
- d. the replacement of insulators with more efficient ones; and
- e. the removal of three additional support structures as a minor upgrade.

223. Ms Justice¹⁸² largely supported Mr Barr's proposed amendments, but sought the additional inclusion of:

- a. provision for replacement of poles in defined circumstances;
- b. replacement of lines or bundling of lines provided they do not exceed 30cm in diameter; and
- c. replacement of equipment of similar intensity and scale.

224. Ms Justice also noted that the ODP contained a practical provision that allowed a replacement pole to be erected prior to removal of an existing pole, and suggested this should be retained.

225. Ms Dowd¹⁸³ considered that the definition as notified would require utility companies to obtain unnecessary consents. She largely supported Mr Barr's revised definition, but also sought an additional clause to allow for the increase in height of support structures of up to 15% where required to maintain compliance with NZECP 34:2001, and the retention of the clause allowing for an extension of line length, but for up to four new support structures.

¹⁷⁸ Submissions 179 (supported by FS1121 and FS1301, opposed by FS1132), 191 (supported by FS1121 and FS1301, opposed by FS1132), 251, 421, 635 (supported by FS1301, opposed by FS1132), 781 (supported by FS1121 and FS1342) and 805

¹⁷⁹ Paragraphs 9.41 to 9.43

¹⁸⁰ He gave the examples of Wellington City District Plan and the Tauranga City District Plan

¹⁸¹ Noting that he considered these too difficult to monitor, and there is a requirement for minor upgrades to be of a similar scale and intensity.

¹⁸² Megan Justice, EIC, paragraphs 4.10 to 4.15

¹⁸³ Joanne Dowd, EIC, paragraphs 31-36

226. Ms McLeod considered Mr Barr's redraft was satisfactory, with the one exception being that she considered the same clause regarding additional height Ms Dowd sought be included, be added to the definition. Ms McLeod noted that such increases in height provide for health and safety of the community, and that the clause mirrors similar regulations in the NESETA 2012.
227. Mr Barr reconsidered the definition in detail in his Reply Statement¹⁸⁴ and recommended acceptance of most of the points raised in the evidence discussed. In particular, he accepted that replacement support structures should be allowed within 2 metres of the existing structure, rather than the 5 m sought by Aurora, and that lines may be extended by up to three new support structures, rather than the 4 sought by Aurora, within any 5 year period, including within the Rural Zone.
228. We agree with Mr Barr's reasoning and recommend to the Stream 10 Panel that the definition of "minor upgrading" be as follows:

Minor upgrading Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale, and includes the following:

- a. Addition of lines, circuits and conductors;
- b. Reconducting of the line with higher capacity conductors;
- c. Re-sagging of conductors;
- d. Bonding of conductors;
- e. Addition or replacement of longer or more efficient insulators;
- f. Addition of electrical fittings or ancillary telecommunications equipment;
- g. Addition of earth-wires which may contain lightning rods, and earth-peaks;
- h. Support structure replacement within the same location as the support structure that is to be replaced;
- i. Addition or replacement of existing cross-arms with cross-arms of an alternative design; and
- j. Replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced;
- k. Addition of a single support structure for the purpose of providing a service connection to a site, except in the Rural Zone;
- l. The addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.

229. With that understanding as to what Rule 30.4.9 is permitting, we recommend it remain as notified. As part of our re-arrangement of the rules, we have separated the various types of utility activities. The consequence of this is that the rule is repeated as 30.5.3.1 for the National Grid, 30.5.5.1 for electricity distribution, and 30.5.6.1 for telecommunications and other communication activities.

5.15. Rule 30.4.10

230. This rule classified as permitted activities, buildings, other than those for National Grid Sensitive Activities, structures and earthworks within the National Grid Corridor, provided they complied with standards in Rules 30.5.10 and 30.5.11.

¹⁸⁴ Paragraphs 14.4-14.9

231. Aurora¹⁸⁵ sought amendments to this rule as part of its submission seeking special provision for parts of its network. We have already given our reasons for not accepting that submission so discuss it no further here.
232. Transpower¹⁸⁶ sought a complete rewrite of this rule and the associated standards to create a single rule containing all the conditions to be met for an activity to be permitted.
233. To understand both the effect of this rule, and what was being sought by Transpower, it is appropriate to consider it in conjunction with the relevant standards: Rules 30.5.10 and 30.5.11. Rule 30.5.10 set the following standards for buildings and structures within the National Grid Corridor, and set non-compliance with the standards a non-complying activity:
- 30.5.10.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*
- 30.5.10.2 Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.*
- 30.5.10.3 Any new non-habitable building less than 2.5m high and 10m² in floor area.*
- 30.5.10.4 Any non-habitable building or structure used for agricultural activities provided that they are:*
- a. less than 2.5m high*
 - b. Located at least 12m from a National Grid Support Structure*
 - c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
 - d. Alterations to existing buildings that do not alter the building envelope less than 2.5m high*
 - e. Located at least 12m from a National Grid Support Structure*
 - f. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse.*
- 30.5.10.5 Alterations to existing buildings that do not alter the building envelope.*
234. Rule 30.5.11 set standards for earthworks within the National Grid Yard and made non-compliance with those standards a discretionary activity. The standards as notified were:
- 30.5.11.1 Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall be no deeper than 300mm.*
- 30.5.11.2 Earthworks between 2.2 metres to 5 metres of a National Grid pole support structure or stay wire shall be no deeper than 750mm.*
- 30.5.11.3 Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Tower Support Structure shall be no deeper than 300mm.*
- 30.5.11.4 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Tower Support structure shall be no deeper than 3 metres.*

¹⁸⁵ Submission 635

¹⁸⁶ Submission 805

30.5.11.5 *Earthworks shall not create an unstable batter that will affect a transmission support structure.*

30.5.11.6 *Earthworks shall not result in a reduction in the existing conductor clearance distance below what is required by the New Zealand Electrical Code of Practice 34:2001.*

235. Rule 30.5.11 also listed the following exemptions from this rule:

30.5.11.7 *Earthworks undertaken in the course of constructing or maintaining utilities*

30.5.11.8 *Earthworks undertaken as part of agricultural activities or domestic gardening*

30.5.11.9 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*

236. As notified, the PDP also contained definitions for National Grid Corridor, National Grid Yard, National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor, each of which is relevant to these rules.

237. The submissions on these three rules and the four definitions are all inter-related and need to be considered together.

238. Federated Farmers sought the retention of Rules 30.5.10 and 30.5.11¹⁸⁷. Aurora¹⁸⁸ sought minor amendments for clarification to Rule 30.5.10, but otherwise supported it, and supported Rule 30.5.11. Transpower¹⁸⁹ sought the replacement of both rules in section 30.5 so that they were consistent with its approach to managing activities in close proximity to the National Grid.

239. The Council¹⁹⁰ sought clarification as to whether the definitions of National Grid Sensitive Activities and Sensitive Activities – Transmission Corridor were both necessary. Arcadian Triangle Ltd¹⁹¹ sought the review and amendment of all definitions related to the National Grid. Transpower sought the deletion of the definition of Sensitive Activities – Transmission Corridor and amendments to the definitions of National Grid Corridor and National Grid Yard. Transpower also sought the inclusion of the following new definitions related to these provisions:

- a. Artificial crop protection structure;
- b. Crop support structure;
- c. Earthworks within the National Grid Yard;
- d. National Grid; and
- e. Protective canopy.

240. Mr Barr considered the new definitions proposed by Transpower in his Section 42A Report. He only supported the inclusion of the National Grid definition. Mr Barr agreed with the Arcadian Triangle submission and recommended amendments to the definitions to increase consistency. He also recommended the amendment sought to the title of National Grid Corridor, changing it to National Grid Subdivision Corridor, to make it clear that corridor

¹⁸⁷ Submission 600, supported by FS1209, opposed by FS1034

¹⁸⁸ Submission 635

¹⁸⁹ Submission 805

¹⁹⁰ Submission 383

¹⁹¹ Submission 836

applied only to subdivision activities, while the National Grid Yard applied to all activities. Mr Barr also recommended acceptance of the amendment to 30.5.10 sought by Aurora.

241. Ms McLeod identified a series of differences between the relief sought by Transpower and the rules as recommended by Mr Barr¹⁹². In her view, the rule framework should clearly establish that activities sensitive to the National Grid are not provided for in the National Grid Yard because such an approach is firmly directed by NPSET 2008 Policy 11¹⁹³. She also explained why various setbacks she proposed were appropriate. She concluded this part of her evidence by suggesting a single rule for “Buildings, Structures and National Grid Sensitive Activities within the National Grid Yard”¹⁹⁴. This rule made all such activities non-complying, except for a list of exceptions in the rule, which would be permitted. In the same paragraph, as a separate rule, she recommended that all earthworks in the National Grid Yard that complied with rule 30.5.11 be permitted.
242. Ms McLeod took us in detail through her concerns with the standards for earthworks in Rule 30.5.11 and suggested a replacement set of standards¹⁹⁵.
243. Mr Barr, in his Reply Statement, generally accepted the changes proposed by Ms McLeod¹⁹⁶, although he did not agree with the rule structure she proposed.
244. We agree with the recommendation of Mr Barr that the activities in relation to the National Grid be contained in their own two tables: one relating to activities, the second to standards. Given that there was no real difference in opinion between Mr Barr and Ms McLeod by the end of the hearing, we accept their reasoning as to the standards to be achieved and the relevant activity classifications. We also note that there was no real difference between Mr Barr and Ms McLeod as to the definitions to be included, nor how those terms were defined. Additionally, we note that although Transpower sought that the term National Grid Corridor be rephrased National Grid Subdivision Corridor, Ms McLeod did support that wording change. We accept her evidence on that point.
245. As a result, we recommend that (noting that items b. to g. are recommendations to the Stream 10 Hearing Panel):
- a. Rules 30.4.10, 30.5.10 and 30.5.11 be replaced with Rules 30.5.3.2, 30.5.3.3, 30.5.4.1 and 30.5.4.2 as set out below;
 - b. The definition of Sensitive Activities – Transmission Corridor be deleted;
 - c. The definition of National Grid set out below be included;
 - d. The definition of National Grid Corridor refer to the diagram referred to next;
 - e. The diagram illustrating the dimensions of the National Grid Corridor and National Grid Yard, plus the setback distances from various poles and tower structures be replaced with that included below;
 - f. The definition of National Grid Yard remain unaltered; and
 - g. The definition of National Grid Sensitive Activities be amended to read as set out below.

Rules:

30.5.3.2 *Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor – Permitted activities*

¹⁹² Ainsley McLeod, EiC, paragraph 50

¹⁹³ *ibid*, paragraph 51

¹⁹⁴ *ibid*, paragraph 59

¹⁹⁵ *ibid*, paragraphs 71-80

¹⁹⁶ Craig Barr, Reply, Section 9

Subject to compliance with Rules 30.5.4.1 and 30.5.4.2

30.5.3.3 Earthworks within the National Grid Yard – Permitted activities
Subject to compliance with Rule 30.5.4.2

30.5.4.1 Buildings and Structures permitted within the National Grid Yard:

30.5.4.1.1 *A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.*

30.5.4.14.2 *Any network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.*

30.5.4.1.3 *Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid Support Structure.*

30.5.4.1.4 *Any non-habitable building or structure used for agricultural activities provided that they are:*
a. less than 2.5m high
b. Located at least 12m from a National Grid Support Structure
c. Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm.

30.5.4.1.5 *Alterations to existing buildings that do not alter the building envelope.*

30.5.4.1.6 *An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.*

Note – Refer to the Definitions for illustration of the National Grid Yard.

246. Non-compliance with this standard would require consent as a non-complying activity.

30.5.4.2 Earthworks permitted within the National Grid Yard:

30.5.4.2.1 *Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.*

30.5.4.2.2 *Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support structure must be no deeper than 3 metres.*

30.5.4.2.3 *Earthworks must not create an unstable batter that will affect a transmission support structure.*

30.5.4.2.4 *Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by NZECP34:2001.*

The following earthworks are exempt from the rules above:

30.5.4.2.5 *Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.*

30.5.4.2.6 *Earthworks undertaken as part of agricultural activities or domestic gardening*

30.5.4.2.7 *Repair sealing, resealing of an existing road, footpath, farm track or driveway*

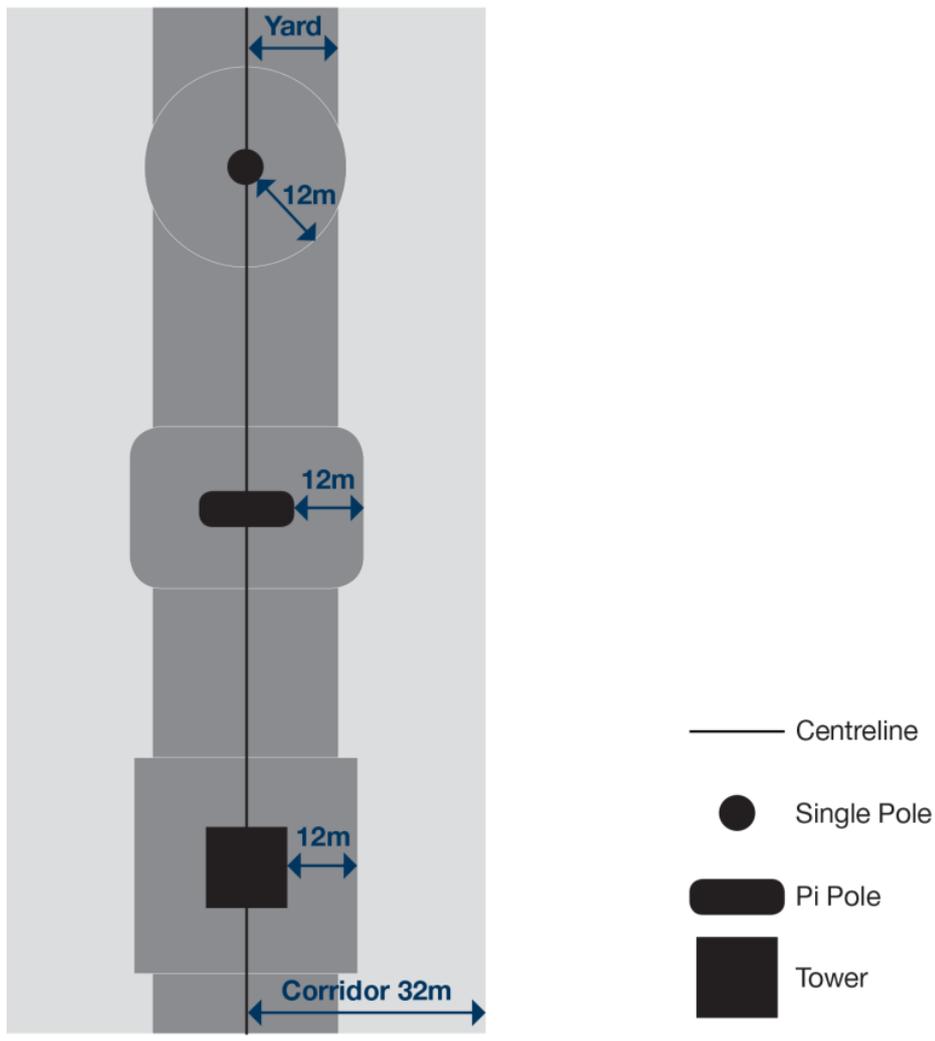
Note – Refer to the Definitions for illustration of the National Grid Yard.

247. Non-compliance with this standard would require consent as a non-complying activity.

Definitions:

National Grid *Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.*

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



National Grid Sensitive Activities Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:

- Day Care facility;
- Educational facility;
- Healthcare facility;
- Papakainga;
- Any residential activity; or
- Visitor accommodation.

5.16. New Utility Rule

248. Transpower¹⁹⁷ sought a new rule making it a restricted discretionary activity for any building or intensive development to locate within 150m of the National Grid substation so as to protect the substation from reverse sensitivity effects.

¹⁹⁷ Submission 805

249. Mr Barr did not consider another reverse sensitivity rule was justified¹⁹⁸. At the hearing, we heard from Mr Renton, Senior Principal Engineer at Transpower. He outlined in detail for us the risks associated with substations¹⁹⁹. Applying his experience in dealing with such risks, he detailed how he considered they could be managed at the Frankton substation²⁰⁰. Mr Renton helpfully described to us at the hearing the nature of the risks: noise and voltage surge. He also identified that it was how the activities occurred within the 45m setback that was more important than necessarily excluding them.
250. In her pre-lodged evidence, based on Mr Renton's evidence, Ms McLeod concluded that the provisions recommended in the Section 42A Report would be inadequate to protect the Frankton substation. She considered that a 45m setback and restricted discretionary consent required for buildings, hazardous facility or sensitive activity to establish with the set back²⁰¹.
251. At the hearing, following Mr Renton's explanation of the nature of the limitations that would actually be required on an adjoining property, we explored with Ms McLeod whether this could not be dealt with through the notice of requirement process. She agreed that was an option, but maintained her position that it was a matter that should be managed through the resource consent process. However, she did concede that, based on Mr Renton's evidence, that the matter could be managed through a controlled activity. She offered to draft a proposed rule, which was submitted by memorandum of counsel on 16 September 2016. Ms McLeod considered this rule would be better located in the relevant zone provisions rather than the Utilities Chapter, and counsel advised that Transpower supported the rule's inclusion in the Rural Zone, Medium Density Residential zone and the Frankton Flat Special Zone rules.
252. At this point we note that, following receipt of this memorandum containing Ms McLeod's redrafted rule, the Hearing Panel received a memorandum from counsel for Peter and Mary Arnott, who were the registered proprietors of a property immediately adjoining the Frankton substation. Counsel suggested there was no jurisdiction for the Panel to consider the rules proposed by Ms McLeod as there was no submission or further submission seeking such rules.
253. We agree with counsel that there are no submissions or further submissions seeking the inclusion of such a rule in the Rural, Medium Density Residential or Frankton Flats Special Zones. However, we are satisfied that the controlled activity rule is within the scope of the submission of Transpower seeking a restricted discretionary activity applying to a wider area and, thus, we are able to consider this rule for inclusion in Chapter 30.
254. Having heard Mr Renton's helpful evidence and having had a useful discussion with Ms McLeod concerning the regulatory options available, we have concluded that the controlled activity rule drafted by Ms McLeod provides a careful balance of ensuring neighbours' safety without unduly restricting the use of their land. We note that this circumstance is distinguishable from the Aurora request discussed above in that the purpose of the rule is not to restrict buildings and other structures, or to alert Transpower that a building or structure is proposed, but rather ensure the form and method of construction do not cause safety issues. We recommend the rule be included, reading as follows:

30.5.3.4 Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation

¹⁹⁸ Craig Barr, Section 42A Report, paragraphs 14.41 and 14.42

¹⁹⁹ Andrew Renton, EiC, paragraphs 55 to 66

²⁰⁰ *ibid*, paragraphs 72 to 77

²⁰¹ Ainsley McLeod, EiC, paragraphs 69 to 70

Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to:

- a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance, upgrading and development of the substation;*
- b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and*
- c. measures proposed to avoid or mitigate potential adverse effects.*

Controlled activity.

5.17. **Rules 30.4.11 and 30.4.12**

255. As notified, Rule 30.4.11 provided that lines and support structures be a controlled activity. The rule limited the lines to:

A conductor line, or support structure for overhead lines, to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purpose including telecommunications.

256. Control was reserved to: location; route; height; appearance, scale and visual effects; and *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated¹.*

257. Three submissions sought amendments to this rule²⁰². PowerNet sought to distinguish the overhead lines provided for in this rule from underground lines. Aurora sought amendments to exclude minor upgrading from this rule, and to delete the final two matters of control. Transpower sought to include a permitted activity provision, with non-compliance with the standards triggering a controlled activity consent.

258. Mr Barr recommended amendments to this rule, relying on the submissions of the Telecommunication Companies, to clarify it and amending the matter of control relating to natural hazards consistent with his recommendations on Rule 30.4.15²⁰³. In his Section 42A Report he explained why he disagreed with the removal of the matter of control "Appearance, scale and visual effects" sought by Aurora²⁰⁴. In response to PowerNet's submission, he recommended a rule making underground lines/cables a permitted activity²⁰⁵.

259. In her evidence, Ms Dowd queried why there was a distinction between the provisions for overhead lines for telecommunications and those for electricity²⁰⁶. She also set out the reasons Aurora was concerned with the control in respect of appearance, scale and visual effects²⁰⁷.

²⁰² Submissions 251, 635 and 805 (supported by FS1121)

²⁰³ Sought by Submission 383

²⁰⁴ Section 42A Report, paragraph 11.9

²⁰⁵ Section 42A Report version rule 30.4.22

²⁰⁶ Joanne Dowd, EIC, paragraph 30

²⁰⁷ *ibid*, paragraph 31

260. Ms McLeod considered that the overall approach of Chapter 30, which did not provide for electricity lines, at any scale, without the need for a resource consent to not:
- a. *Give effect to Policy 2 of the NPSET 2008;*
 - b. *Have regard to Policy 3.6.4208 of the Proposed RPS;*
 - c. *Give effect to various policies within Chapter 30.209*
261. Mr Barr, in his Reply Statement, discussed this issue mainly in relation to how the activities (along with other telecommunications activities) would be controlled in the Rural Zone²¹⁰. He recommended the rules for electricity lines and telecommunication lines be located in separate tables. Within those tables, he recommended lines and support structures within “formed legal road”²¹¹ and underground cables²¹² be permitted activities. Finally, Mr Barr recommended the deletion of the matter of control related to natural hazards²¹³.
262. We consider Mr Barr’s revised version of this rule, along with the addition permitted activity rules and separating the rules for electricity lines and telecommunication lines, achieves the right balance between the competing objectives and policies, both in the PDP and in the superior statutory instruments, seeking to provide for utilities on one hand, while minimising adverse effects on the environment on the other.
263. Turning to Rule 30.4.12, as notified this provided for lines and supporting structures as discretionary activities where it involved any of 5 conditions. Those conditions read:
- 30.4.12.1 *Erecting any lattice towers for overhead lines to convey electricity in all zones.*
 - 30.4.12.2 *Erecting any support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zone.*
 - 30.4.12.3 *Erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA); or overhead lines for any other purposes including telecommunications in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.*
 - 30.4.12.4 *Utilising any existing support structures for the erection of cable television aerials and connections.*
 - 30.4.12.5 *Erecting any support structures for overhead lines for any purpose in the area in Frankton known as the “Shotover Business Park”, except where any new poles are solely for the purpose of providing street lighting.*

²⁰⁸ Policy 4.4.4 in the Decisions Versions of the proposed RPS

²⁰⁹ Ainsley McLeod, EiC, paragraph 44

²¹⁰ Craig Barr, Reply Statement, Section 11

²¹¹ Reply Version rules 30.4.32 and 30.4.42

²¹² Reply version rules 30.4.33 and 30.4.43

²¹³ Craig Barr, Reply Statement, Section 12

264. Two submissions²¹⁴ sought the retention of this rule, one²¹⁵ sought that clause 3 contain an exclusion for minor upgrading, and one sought that the activity status be changed to controlled²¹⁶.
265. Without any specific discussion in his Section 42A Report but relying on the general Telecommunications Companies submission, Mr Barr recommended two changes to this rule²¹⁷:
- a. Deleting 30.4.12.1 and inserting the words “lines, lattice towers or” immediately before “support structures” in 30.4.12.2;
 - b. Deleting 30.4.12.4.
266. Ms McLeod confirmed her support for the Transpower relief²¹⁸, but did not discuss the rule in any detail.
267. Again there was no discussion of this rule by Mr Barr in his Reply Statement, but he recommended various changes to it in Appendix 1 attached to the reply:
- a. Deleting 30.4.12.2, but transferring it to the National Grid Table;
 - b. Deleting “including telecommunications” from 30.4.12.3, but creating a new equivalent rule in the telecommunications table with the same activity standard;
 - c. Deleting 30.4.12.5.
268. We do not think the changes made by Mr Barr cause any change to the regulatory effect of the rule, but do assist in understanding how lines are controlled in particular circumstances. We also note that we consider the deletion of 30.4.12.5 appropriate as that provision only applied to a zone which is not part of Stage 1 of the PDP. Thus it was of nugatory effect.
269. Amendments recommended by Mr Barr and Mr McCallum-Clark to ensure consistency with the NESTF 2016 involved minor wording changes with little effect on meaning. The only substantive change recommended was providing that new lines on existing structures be permitted in all instances²¹⁹.
270. The overall effect of the changes recommended to Rules 30.4.11 and 30.4.12 are:
- a. The National Grid is a permitted activity in the National Grid Corridor;
 - b. Any new high voltage (over 110kV with a capacity over 100MVA) line is a discretionary activity in all zones;
 - c. Underground electricity cables are a permitted activity in all zones, subject to ground surface re-instatement;
 - d. Electricity lines and supporting structures within the reserves of formed roads are permitted activities;
 - e. Electricity lines, other than high voltage lines, are a controlled activity provided they are not located with an ONL, on an ONF, or within a Significant Natural Area;
 - f. Electricity lines (including new high voltage lines by virtue of b. above) located with an ONL, on an ONF, or within a Significant Natural Area are discretionary activities;
 - g. Underground telecommunication lines are permitted activity in all zones, subject to ground surface re-instatement;

²¹⁴ Submissions 251 (supported by FS1085) and 580

²¹⁵ Submission 635

²¹⁶ Submission 805

²¹⁷ In Appendix 1 to the Section 42A Report

²¹⁸ Ainsley McLeod, EiC, paragraph 46

²¹⁹ Joint Witness Statement, 25 September 2017, at paragraph 2.1(h)

- h. New telecommunication lines and supporting structures within the reserves of formed roads along with new lines on existing structures are permitted activities;
- i. New telecommunication lines and supporting structures outside formed road reserve are a controlled activity provided they are not located within an ONL, on an ONF, or within a Significant Natural Area; and
- j. New telecommunication lines and supporting structures located within an ONL, on an ONF, or within a Significant Natural Area are discretionary activities.

271. We recommend that this arrangement be adopted for the reasons set out above. Rather than repeat all the relevant rules here, we will just list the relevant rule numbers from our recommended version of Chapter 30 set out in Appendix 1 to this report. The relevant rules (in the same order as above) are:

- a. Rule 30.5.3.2;
- b. Rule 30.5.3.5;
- c. Rule 30.5.5.3;
- d. Rule 30.5.5.2;
- e. Rule 30.5.5.6;
- f. Rule 30.5.5.7;
- g. Rule 30.5.6.3;
- h. Rule 30.5.6.2;
- i. Rule 30.5.6.4; and
- j. Rule 30.5.6.5.

5.18. Rules 30.4.13 and 30.4.14

272. As notified these two rules applied to “Telecommunication Facility and Radio communication Facilities Navigation, Metrological Facilities” (Rule 30.4.13, slightly different grammar in rule 30.4.14). By Rule 30.4.13 these activities were controlled activities where they involved erecting:

- 30.4.13.1 *Within the Rural Zone any mast greater than 8m but less than or equal to 15m in height.*
- 30.4.13.2 *Within the Town Centre Zones any mast greater than 8m but less than or equal to 10m in height.*
- 30.4.13.3 *in zones with a maximum building height of less than 8m (except for the Business and Industrial Zones), a mast greater than the maximum height permitted for buildings of the zone or activity area in which it is located.*
- 30.4.13.4 *If circular shaped an antenna greater than 1.2m in diameter but less than 2.4m in diameter. If another shape, an antenna greater than 1.2m in length or breadth but less than 2.4m in length and breadth.*

273. Control was reserved to:

- a. *Site location*
- b. *External appearance*
- c. *Access and parking*
- d. *Visual amenity impacts*
- e. *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property,*

*whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated*¹**Error! Bookmark not defined.**

274. Rule 30.4.14 provided that the following activities were discretionary activities:
- 30.4.14.1 *Erecting any mast, or erecting any antenna greater than 1.2m in diameter (if circular in shape) or 1.2m in length or breadth (if another shape) in:*
- *Any Outstanding Natural Landscape or Outstanding Natural Feature*
 - *Significant Natural Area*
 - *The Arrowtown Residential Historic Management Zone.*
 - *Any open space and landscape buffer areas identified on any of the Special Zone structure plans*
 - *Town Centre Special Character Areas*
 - *Heritage Features and Landscapes.*
- 30.4.14.2 *Erecting antenna greater than 2.4m in diameter or 3m in length or breadth, except omni directional (or “whip) antenna which shall not exceed 4m length, in the following zones: Residential (other than the Arrowtown Residential Historic Management Zone), Rural Lifestyle, Rural Residential, Township, Resort, Airport Mixed Use, Visitor, Town Centre, Corner Shopping Centre, Bendemeer, Penrith Park and Business Zones.*
- 30.4.14.3 *Erecting any antenna greater than 2.4m in diameter length or breadth and/or 4m in length if a whip antenna, in the Rural Zone.*
- 30.4.14.4 *Erecting a mast which is over 15m in height in the Rural Zone.*
- 30.4.14.5 *In all other zones including the Town Centre Zones with a maximum building height of less than 8m (except the Business and Industrial Zones) and erecting a mast which is over 10m in height.*
- 30.4.14.6 *In the Business and Industrial Zones, and in all other zones with a maximum building height of 8m or greater, erecting a mast which exceeds the maximum height of buildings in the zone it is located by more than 5m.*
275. Two submissions²²⁰ sought amendments to Rule 30.4.13.4 to increase the diameter of circular shaped antenna and to exclude earthworks associated with such facilities. The Telecommunication Companies²²¹ sought a complete rewrite such that most telecommunications poles, masts, antenna and ancillary equipment were permitted activities up to greater heights than provided for in Rule 13.4.13. The companies sought that erecting masts in the sensitive locations specified in rule 30.4.14.1 be a restricted discretionary activity, as would be larger antenna and masts at heights greater than provided for in their permitted activity rule. There were no other submissions on Rule 30.4.14.
276. In his Section 42A Report Mr Barr identified that the Telecommunication Companies’ submissions were lodged in anticipation of the (then) proposed NESTF 2016. At that stage, while noting that the PDP could not be more lenient than an NES, Mr Barr was only prepared to recommend minor changes. The changes proposed permitted activity status for facilities

²²⁰ Submissions 607 and 615 (supported by FS1105 and FS1137)

²²¹ Submissions 179, 191, 421 and 781

up to specified heights, controlled activity status to a higher specified height, and full discretionary status in the sensitive locations.

277. Following conferencing between Mr Barr and Mr McCallum on ensuring consistency between the PDP rules and the NESTF 2016, the one area of disagreement between Mr Barr and Mr McCallum-Clark related to the application of Regulation 47 of the NESTF 2016 as it related to the height of poles in the Rural Zone outside of an ONL or ONF. Regulation 47 reads:

47 Visual amenity landscapes

- a. *This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to visual amenity landscape rules.*
- b. *This regulation is complied with if the regulated activity is carried out in accordance with the visual amenity landscape rules that apply in that place.*
- c. *In this regulation, visual amenity landscape rules means district rules about the protection of landscape features (such as view shafts or ridge lines) identified as having special visual amenity values (however described).*

278. The Joint Witness Statement explained the issue as follows:²²²

Rule 30.4.6, as drafted in the Council's recommended Reply version, limits the height of poles in the Rural Zone (outside of an ONF or ONL) to 15 metres in height. The NESTF 2-16 permits poles in these areas up to 25 metres in height, except where Regulation 47 is applicable and the rules in the District Plan prevail.

279. Mr Barr's position was based on the findings of the landscape reports which formed the basis for the section 32 analysis for the Rural Zone; in particular, the finding that rural land not otherwise identified as an ONL or ONF was a visual amenity landscape in terms of section 7 of the Act²²³. Thus, in his view, in those parts of the Rural Zone identified as Rural Character Landscape²²⁴ are subject to visual amenity landscape rules in terms of Regulation 47 of the NESTF 2016.

280. It was Mr McCallum-Clark's view that clause 3 of Regulation 47 set out a higher bar than a general rural amenity protection rule²²⁵. It was his view that while Regulation 47 would apply to an ONL, it would not apply to the Rural Character Landscape portions of the Rural Zone.

281. We do not think Mr McCallum-Clark is correct to suggest that an ONL would qualify under Regulation 47. Regulation 50 specifically provides for the application of ONL and ONF provisions to regulated activities. In our view, Regulation 47 must, therefore, be aimed at a lower order of landscape significance.

282. On the other hand, we consider Mr Barr's interpretation to take too broad a view of what Regulation 47(3) defines as visual amenity landscape rules. That regulation states that such rules are to be for the protection of landscape features having special visual amenity values. Strategic Objective 3.2.5.2 refers to the values of Rural Character Landscapes being "*rural character and visual amenity values*" and the relevant Strategic Policies in Chapter 3, as well as the policies in Chapter 6, do not suggest that the Rural Character Landscapes have any more

²²² C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.3

²²³ *ibid*, at paragraph 3.4

²²⁴ The term we are recommending replace Rural Landscapes Classification.

²²⁵ C Barr & M McCallum-Clark, Joint Witness Statement dated 25 September 2017, at paragraph 3.5

than general visual amenity value, albeit that parts may have higher visual amenity value than others. Notably, the PDP does not specifically identify any landscape feature within the district that is not within an ONL or ONF.

283. Consequently, we do not agree with Mr Barr's recommendation. We recommend the relevant rule provide for poles in the Rural Zone to have a maximum height of 25 m as a permitted activity. With that amendment, we agree with the approach recommended by Mr Barr in his Reply Statement, notably replacing notified rules 30.4.13 and 30.4.14 with a permitted regime for poles to a certain height, thence discretionary. We recommend these rules read (incorporating amendments to ensure consistency with the NESTF 2016):

30.5.6.6 Poles

With a maximum height no greater than:

- 25m Rural Zone;*
- 15m in the Business Mixed Use Zone (Queenstown);*
- 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Mixed Use zones;*
- 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones;*
- 11m in any other zone; and*
- 8m in any identified Outstanding Natural Landscape.*

Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, poles must be finished in colours with a light reflectance value of less than 16%.

Permitted activity.

30.5.6.7 Poles

Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in

- a. any identified Outstanding Natural Feature;*
- b. the Arrowtown Residential Historic Management Zone;*
- c. Arrowtown Town Centre;*
- d. Queenstown Special Character Area;*
- e. Significant Natural Area;*
- f. Sites containing a Heritage Feature; and*
- g. Heritage Overlay Areas.*

Discretionary activity.

5.19. **Antennas**

284. As notified, the PDP provided rules for antennas in Rules 30.4.13 and 30.4.14. Although not discussed within his Section 42A Report, Mr Barr did recommend in Appendix 1 to that report three new rules be included providing for antennas:
- a. Providing for smaller antennas as a permitted activity (his Rule 30.4.19);
 - b. Medium scale antennas as a controlled activity (his Rule 30.4.20); and
 - c. Larger antennas and those located sensitive areas as discretionary activities (his Rule 30.4.21).

285. Mr Barr relied on the Telecommunication Companies' submissions for scope to include these. In addition, they were in part drawn from notified Rules 30.4.13 and 30.4.14.
286. Mr McCallum-Clark described these recommended rules as a rather historically-based set of dimensions which did not enable technological changes to be easily adopted²²⁶. He suggested amended provisions based on the surface area of the antennas, again split into permitted, controlled and discretionary activities.
287. In large part, in his Reply Statement, Mr Barr accepted the suggestions of Mr McCallum-Clark. In addition, in his re-arrangement to separate Electricity Distribution Activities from Telecommunication Activities, he recommended separate rules for antennas under each group of activities (being Reply Rules 30.4.36, 30.4.37, 30.4.38, 30.4.48, 30.4.49 and 30.4.50).
288. Following the conferencing of Mr Barr and Mr McCallum-Clark, they recommended minor amendments to Reply Rules 30.4.48, 30.4.49 and 30.4.50 so as to align them with Regulations 29 and 31 of NESTF 2016²²⁷.
289. The result of the various permutations the rules have gone through is that we have two sets of slightly different rules relating to antennas: those recommended by Mr Barr in his Reply in the Electricity Distribution Activities table; and those recommended by Mr Barr and Mr McCallum-Clark in the Telecommunications, Radio Communication, Navigation or Metrological Communication activities table. We did not understand that antennas would be used for electricity distribution. Rather, we understood the purpose of including the rules in that table was because electricity distributors rely in part on radio and telecommunication activities to maintain their operations. It seems to us that the rules describe the activities, not the operators, so it is irrelevant whether the user of an antenna is an electricity distributor or a telecommunications company, the rule relates to the telecommunication or radio communication (which are the same thing in reality) ability of the antenna. We conclude that these rules only need be located in the Telecommunications table.
290. We agree with the evidence of Mr Barr and Mr McCallum-Clark regarding the structure of the rules relating to antennas. We recommend the following three rules be included:

30.5.6.8 Antennas, and ancillary equipment

Provided that for panel antennas the maximum width is 0.7m and for all other antenna types the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.

Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennas must be finished in colours with a light reflectance value of less than 16%.

Permitted activity.

30.5.6.9 Antennas, and ancillary equipment

Subject to Rule 30.5.6.10, provided that for panel antennas the maximum width is between 0.7m and 1.0m and for all other antenna types the surface

²²⁶ M McCallum-Clark, EiC at paragraph 36

²²⁷ Joint Witness Statement at paragraph 2.1(k) and Appendix 1

area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.

Control is reserved to:

- a. Location
- b. appearance, colour and visual effects

Controlled activity.

30.5.6.10 Any antennas located in the following:

- a. any identified Outstanding Natural Feature;
- b. the Arrowtown Residential Historic Management Zone;
- c. Arrowtown Town Centre;
- d. Queenstown Special Character Area;
- e. Significant Natural Areas; and
- f. Heritage, Features and Heritage Overlay Areas.

Discretionary activity.

5.20. Rules 30.4.15 and 30.4.16

291. These rules, as notified, related to buildings larger than 10m² in area and 3m in height associated with utilities, other than masts for telecommunication and radio facilities, navigation or meteorological communication facility or supporting structures for lines. Under Rule 30.4.15 such buildings were a controlled activity with control reserved to:

- Location
- External appearance and visual effects
- Associated earthworks
- Parking and access
- Landscaping
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.

292. Rule 30.4.16 classified such buildings as discretionary activities where they were located in: any significant natural area; the Arrowtown Residential Historic Management Zone; or the Remarkables Park Zone. Both rules contained the following clause:

However, this rule shall not apply where the provisions of the underlying zone or a District Wide matter specify a more restrictive activity status.

293. Three submissions²²⁸ sought amendments to Rule 30.4.15, while two²²⁹ sought amendments to Rule 30.4.16. PowerNet sought that Rule 30.4.15 apply to structures as well as buildings, and, along with Aurora, sought the deletion of the provision quoted in the previous paragraph applying more restrictive zone standards. PowerNet also sought that it be clarified that smaller buildings were permitted. Ms Chin and Mr Vautier sought that such buildings be permitted where the zone provisions provided for similar scale buildings to be permitted.

²²⁸ Submissions 251, 368 and 635

²²⁹ Submissions 251 (supported by FS1117, FS1121 and FS1097) and 635

294. PowerNet sought the deletion of the application of more restrictive zone provisions from Rule 30.4.16, while Aurora sought that electricity cabinets and kiosks be exempt from this rule.
295. Although he did not specifically discuss these two rules in his Section 42A report, Mr Barr did recommend the deletion of the clause applying more restrictive provisions, from each rule. He also recommended that a permitted activity provision be included for buildings smaller than those covered by these rules, as well as some amendments to the natural hazard matter of control under Rule 30.4.15.
296. Ms Justice²³⁰ considered that the additional permitted activity rule satisfied PowerNet's concerns. Ms Dowd provided us with photographic examples of the types of equipment Aurora wanted exempted from Rule 30.4.16. It was her opinion that such equipment could be considered as controlled activities²³¹.
297. In his Reply Statement, Mr Barr continued to recommend the three rules he recommended in the Section 42A Report with only minor amendments. He deleted the matter of control relating to natural hazards consistent with his treatment of other rules, and he deleted the reference to the Remarkables Park Zone in Rule 30.4.16²³² and, as a result of him accepting that provision should be made for wind electricity generation discussed above, he included an exclusion of wind electricity generation masts from these rules.
298. We are largely in agreement with the rules as presented by Mr Barr in his reply. We do not consider that providing for utility buildings of the type proposed by Aurora, even as controlled activities, in significant natural areas or the Arrowtown Residential Historic Management Zone would be consistent with the objectives and policies in the strategic chapters of this Plan, nor with the relevant provisions of s.6 of the Act.
299. The one matter where we disagree with Mr Barr is in relation to his inclusion of wind electricity masts in the rules. The rules explicitly state that they only relate to buildings associated with a utility. Electricity generation does not fall within the definition of utility. It is only equipment and lines for the transmission and distribution of electricity that fall within that definition. Thus, in our view his inclusion is unnecessary. If it were necessary, we would have also included an exemption for free-standing solar electricity generation and solar water heating.
300. Mr Barr and Mr McCallum-Clark agreed that to ensure consistency with the NESTF 2016, the exclusions should be rather more clearly expressed in each rule. We agree and have incorporated those changes.
301. Consequently, subject to some minor grammatical changes for clarification purposes, we recommend the following three rules replace Rules 30.4.15 and 30.4.16:

30.5.1.1 Buildings associated with a Utility

Any building or cabinet or structure of 10m² or less in total footprint and 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.

This rule does not apply to:

- a. Masts or poles for navigation or meteorology;*

²³⁰ Megan Justice, EiC, paragraph 4.16

²³¹ Joanne Dowd, EiC, paragraph 42

²³² As this zone has been formally excluded from the PDP by the Council its deletion was automatic in any event

- b. *Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. *Lines and support structures.*

Permitted activity

30.5.1.3 Buildings associated with a Utility

The addition, alteration or construction of buildings greater than 10m² in total footprint or 3m in height, other than buildings located in the areas listed in Rule 30.5.1.4.

This rule does not apply to:

- a. *Masts or poles for navigation or meteorology;*
- b. *Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. *Lines and support structures.*

Control is reserved to:

- a. *location;*
- b. *external appearance and visual effects;*
- c. *associated earthworks;*
- d. *parking and access;*
- e. *landscaping.*

Controlled activity.

30.5.1.4 Buildings associated with a utility

The addition, alteration or construction of buildings in:

- a. *Any Significant Natural Area*
- b. *The Arrowtown Residential Historic Management Area.*

This rule does not apply to:

- c. *Masts or poles for navigation or meteorology;*
- d. *Poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- e. *Lines and support structures.*

Discretionary activity.

5.21. Rules 30.4.17 and 30.4.18

302. As notified, these rules provided for flood protection works. Rule 30.4.17 was a permitted activity described as follows:

Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of:

- *maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works*
- *fill works undertaken within Activity Area 1f of the Shotover Country Special Zone*

303. Rule 30.4.18 classified all other flood protection works as a discretionary activity.
304. Two submissions²³³ on Rule 30.4.17 both sought that the rule simply state: **Flood Protection Works** for the maintenance, reinstatement, repair or replacement of existing flood protection works. The sole submission on Rule 30.4.18 noted that the definition of utility did not include flood protection works and queried the location of the rule.
305. Mr Barr neither mentioned these rules, nor recommended any change to them, in his Section 42A Report, and we heard no evidence on them. Mr Barr did respond to submission 806 and recommend including flood protection works within the definition of utility²³⁴. The only amendment recommended by Mr Barr in his reply was to clarify the relationship between the two rules.
306. We have considered the amendments sought to Rule 30.4.17. It is clear that the rule only applies to existing flood protection works, and while the term “maintenance, reinstatement, repair or replacement” could be said to encompass the condition “maintaining the flood carrying capacity of water courses and/or maintaining the integrity of the existing river protection works”, we consider the purpose of the condition is to limit the scope of permitted works, and is therefore necessary. However, we do not understand how the second condition is relevant to this rule. It relates to an area in a zone which has not been notified in Stage 1 of the PDP, and there is no evidence that the zone will ever become part of the PDP. We agree with the submitters that it should be deleted.
307. We note that Shotover Country Limited²³⁵ opposed Submission 615 on the basis that there was no jurisdiction to remove the part of the rule related to the Shotover Country Special Zone as that zone had not been included in Stage 1 of the Review. We find that logic rather unusual. As we have explained above, we consider the reverse to be correct. The rule should not have been included in the PDP in the first place.
308. We recommend these rules be adopted as notified with the exception that the phrase “fill works undertaken within Activity Area 1f of the Shotover Country Special Zone” be deleted from Rule 30.4.17, and that the rules be renumbered 30.5.1.2 and 30.5.1.5 respectively.
- 5.22. **Rules 30.4.19, 30.4.20 and 30.4.21**
309. There were no submissions on Rules 30.4.19 and 30.4.20. The only submission²³⁶ on Rule 30.4.21 sought its deletion.
310. Mr Barr recommended the deletion of Rule 30.4.21 in his Reply Version. We agree with that recommendation and note that as the Council has withdrawn the Remarkables Park Zone from the PDP²³⁷, this rule has automatically been removed.
311. We recommend that Rules 30.4.19 and 30.4.20 be adopted without alteration subject to being renumbered 30.5.1.6 and 30.5.1.7 respectively.

²³³ Submissions 607 and 635 (supported by FS1105 and FS1137, opposed by FS1294)

²³⁴ Section 42A report, paragraph 9.53. Also note Submission 383 also sought the inclusion of flood protection works in the definition of utility.

²³⁵ Further submission 1294

²³⁶ Submission 251

²³⁷ Minutes of full Council, 25 May 2017

5.23. Rule 30.5.6

312. This standard required that where a utility was a building, it needed to be set back from internal and road boundaries in accordance with the setback requirements for accessory buildings in the relevant zone. Non-compliance required consent as a discretionary activity.
313. There were three submissions on this rule, one seeking its retention²³⁸. PowerNet²³⁹ sought that the non-compliance status changed to restricted discretionary activity. Ms Chin and Mr Vautier²⁴⁰ sought that the rule take account of building platforms, although it was unclear how it was intended this occur.
314. Mr Barr made no comments or recommendations in respect of this rule, other than changing its number in the re-arrangement proposed in the Reply Version. Ms Justice maintained her view that restricted discretionary activity status was appropriate and suggested a matter of discretion that she considered would be suitable²⁴¹. Unfortunately, as Ms Justice did not attend the hearing, we were unable to discuss her proposal with her, nor explore with her whether it covered all the matters that may be relevant.
315. Mr Barr and Mr McCallum-Clark recommended²⁴² that, to ensure consistency with the NESTF 2016, the rule should explicitly exclude:
- a. Poles, antennas, and associated cabinets (up to 10m² in area and 3m in height) for telecommunication and radio communication; and
 - b. Lines and support structures for telecommunications.
316. We agree with that recommendation.
317. In the absence of clear evidence on how the rule could be changed and still implement the relevant policies, we recommend it be adopted as notified subject to amending “shall” to “must”, inserting the exclusions recommended by Mr Barr and Mr McCallum-Clark, and changing the rule number to 30.5.2.1.

5.24. Rule 30.5.7

318. This standard set a maximum building size of 10m² in area and 3m in height for all utility buildings in ONLs and on ONFs. Non-compliance required a discretionary activity consent.
319. The four Telecommunication Companies²⁴³ sought that the rule be deleted, while PowerNet²⁴⁴ sought that it be retained.
320. Mr Barr discussed in detail the issue of utilities locating in ONLs and on ONFs in his Section 42A Report²⁴⁵. While this discussion covered the relevant objectives and policies, and several of the rules, he did not refer to this rule directly. It was not referred to by any of the other witnesses we heard from either.

²³⁸ Submission 635

²³⁹ Submission 251

²⁴⁰ Submission 368

²⁴¹ Megan Justice, EiC, paragraph 4.20

²⁴² Joint Witness Statement, dated 25 September 2017, at paragraph 2.1(k)

²⁴³ Submissions 179, 191, 421 (supported by FS1121) and 781

²⁴⁴ Submission 251, supported by FS1121

²⁴⁵ Issue 4, Section 11

321. In his Reply Statement, Mr Barr discussed the issue of utilities locating in ONLs and on ONFs again, and recommended a series of rule amendments which he considered provided appropriate management of utilities while still providing safeguards to manage the adverse effects of them, particularly where matters under section 6 of the Act were at issue²⁴⁶. His conclusion in respect of this rule was to amend it only by excluding masts and supporting structures for lines, for which he was recommending separate controls.
322. We agree with Mr Barr's reasoning and largely accept his recommendation regarding this rule. Mr Barr and Mr McCallum-Clark also recommended²⁴⁷ amending the exclusions consistent with Rules 30.5.1.1 [notified 30.4.15] and 30.5.1.3 [notified 30.4.16]. We agree with those amendments also.
323. We recommend some minor wording changes consistent with our wording of other rules in this chapter, such that it reads:

30.5.2.2 Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)

Any building within an ONL or ONF must be less than 10m² in area and less than 3m in height.

This rule does not apply to:

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

5.25. Rule 30.5.8

324. This rule provided that all buildings and structures, other than masts and antennas, had to comply with the relevant maximum height limits of the zone they were located in. Non-compliance required consent as a discretionary activity.
325. Five submissions sought the deletion of this rule²⁴⁸, and two sought amendments²⁴⁹. The submissions seeking amendments both sought exclusion of line supporting structures from the rule.
326. Mr Barr did not discuss this rule in his Section 42A Report and did not recommend any changes to it. While Mr McCallum-Clark recommended deletion of the rule, he did not clearly set out in his evidence reasons in support of that deletion. Ms Justice²⁵⁰ explained that, in terms of support structures, the Electricity Industry Standards and Regulations set out minimum safety separation distances which control the height of support structures, and that no utility provider would use support structures higher than necessary.
327. Mr Barr did not discuss this in his Reply Statement and the only amendment he recommended was a re-ordering of the exemption wording in the rule.

²⁴⁶ Craig Barr, Reply Statement, Section 11

²⁴⁷ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

²⁴⁸ Submissions 179, 191, 368, 421 (supported by FS1121) and 781 (supported by FS1342)

²⁴⁹ Submissions 251 and 638

²⁵⁰ Megan Justice, EIC, paragraph 4.21

328. We agree with PowerNet and Aurora that support structures should be exempt from this rule in the same way that masts and antennas are. We note, in coming to this conclusion, that as there is no underlying zoning of roads, there is effectively no height limit on line support structures when they are located in the road reserve due to the operation of s.9 of the Act. It would seem inconsistent to provide that support structures within the road reserve have no height restriction, but if they need to locate outside of the road reserve they need to reduce height to that applying to buildings in the relevant zone (or obtain a consent). We also agree that achieving appropriate safety separation distances for electricity lines is important, and that electricity lines companies are unlikely to use support structures taller than necessary.
329. Mr Barr and Mr McCallum-Clark recommended²⁵¹ the exclusion be worded consistent with that recommended for the previous rule. We agree that such consistency is appropriate.
330. For those reasons we recommend this rule read:

30.5.2.3 Height

All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.

This rule does not apply to:

- a. masts or poles for navigation or meteorology;*
- b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for any telecommunication and radio communication;*
- c. lines and support structures.*

Non-compliance requires a discretionary activity consent.

5.26. Rule 30.5.9

331. This rule required that all utilities' development comply with NZS4404:2011. Non-compliance required consent as a discretionary activity.
332. Four submissions sought that rule be deleted²⁵², while PowerNet²⁵³ sought that the consent required for non-compliance be changed to restricted discretionary activity.
333. Although not discussed in his Section 42A Report, Mr Barr recommended deletion of the rule. It is our understanding that the relevant standard applies to earthworks related to subdivision²⁵⁴. There does not seem to be any direct relationship to utilities' development. We agree with the QLDC submission²⁵⁵ that compliance with such standards, to the extent it is required, would be achieved through other legislation.
334. We recommend the rule be deleted.

5.27. New Rules Relating to Telecommunications

335. The evidence provided by the Telecommunications Companies²⁵⁶ was that the changing technology of telecommunications, combined with the increasing demand for mobile services,

²⁵¹ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(d)

²⁵² Submissions 179, 191, 383, 421 (supported by FS1121) and 781

²⁵³ Submission 251

²⁵⁴ Reasons given in Submissions 179, 191, 421 and 781

²⁵⁵ Submission 383.

²⁵⁶ G McCarrison and C Clune, Joint EiC, and M McCallum-Clark, EiC at paragraph 34

meant there was a move to small and microcells. Mr McCallum-Clark identified that if specific provision was not made for such infrastructure there was a risk that it would default to discretionary status, which, he considered, would be inappropriate.

336. Mr McCallum-Clark proposed two new activity rules²⁵⁷:
- Permitted activity status for small cells with a volume of no greater than 0.11m³; and
 - Controlled activity status for cells with a volume of between 0.11m³ and 2.5m³, with control reserved to appearance, colour and visual effects.
337. Mr Barr largely agreed with Mr McCallum-Clark's proposal²⁵⁸, although he considered that such cells should require a discretionary activity consent when located within a heritage precinct. His proposed rules²⁵⁹ also provided that any small cell with a volume exceeding 2.5m³ would require discretionary activity consent.
338. Following caucusing, Mr Barr and Mr McCallum-Clark recommended further changes to these rules²⁶⁰. First, they recommended that the permitted activity refer to "small cell unit" consistent with the use of the term in the NESTF 2016 (Regulation 38), and that a definition of "small cell unit" the same as that in the NESTF 2016 be included in the PDP. They also recommended that the reference to "small cell" in the other two rules be changed to "microcell".
339. We agree with the reasoning of Mr McCallum-Clark and Mr Barr in respect of these three proposed rules and the proposed definition, with one exception. Mr Barr's reply version provided that small cell units (as defined in the NESTF 2016) would be a discretionary activity when located within a heritage precinct. That is consistent with Regulations 38 and 46 of the NESTF 2016. However, the wording changes proposed in the Joint Witness Statement, although described as being "a minor clarification"²⁶¹ have the effect of making small cell units a permitted activity in heritage precincts. Given the lack of explanation for this change in the Joint Witness Statement we do not consider that was intended, nor do we consider it appropriate as it does not give effect to the objectives and policies of the PDP as they apply to heritage precincts.
340. Consequently we recommend the following three new rules be inserted:

30.5.6.11 Small Cell Units

Provided that the small cell unit is not located within a Heritage Precinct

Permitted activity

30.5.6.12 Microcells

A microcell and associated antennas with a volume of between 0.11m³ and 2.5m³.

Provided that the microcell is not located within a Heritage Precinct

Control is reserved to:

- appearance;*
- colour; and*

²⁵⁷ Proposed Rules 30.4.28 and 30.4.29 in the amended version of Chapter 30 attached to his EIC
²⁵⁸ C Barr, Reply Statement at paragraph 10.1
²⁵⁹ C Barr, Reply Statement, Appendix 1, Rules 30.4.51, 30.4.52 and 30.4.53
²⁶⁰ Joint Witness Statement dated 25 September 2017, at paragraphs 2.1(l), 2.1(m), 2.1(n) and 2.1(o)
²⁶¹ *ibid* at paragraph 2.1(o)

c. *visual effects*

Controlled activity

30.5.6.13 **Small Cell Units and Microcells**

30.5.13.6.1 *A microcell and associated antennas with a volume more than 2.5m³*

OR

30.5.6.13.2 *A small cell unit or microcell located within a Heritage Precinct*

Discretionary activity

341. We also recommend to the Stream 10 Hearing Panel that a new definition of “small cell unit”, as defined in the NESTF 2016, be included in Chapter 2.

5.28. **Rule 30.6**

342. This rule set out the situations in which resource consent applications for activities that would not require written consent of other person and not be notified or limited notified.

343. There were two submissions on this rule. One submission²⁶² sought that where it applied to small and community scale distributed electricity generation, it only apply to proposals having a rated capacity of less than 3.5kW. The second²⁶³ sought that notification occur for renewable energy systems over 1.2m in height.

344. Mr Barr discussed this in detail in his Section 42A Report. He noted that stand alone power systems and small and community scale distributed electricity generation are to be controlled through a series of performance standards. Non-compliance with those performance standards could have adverse effects on neighbours. He recommended deleting stand-alone power systems and small and community scale distributed electricity generation from this rule, leaving the circumstances of each application to determine whether an application be notified or not.

345. We agree with Mr Barr. We add that the proposed location of such activities in one of the sensitive locations listed in [notified] Rule 30.4.3 may also justify public notification, depending upon the circumstances of the proposal. We note that the further submission by Queenstown Park Limited opposing Submission 20 gave as its reasons that applications for utilities should generally not be notified. The activities the submission refers to are not utilities, rather they are renewable electricity generation activities.

346. In his Reply Statement, Mr Barr recommended two exceptions to the proposed rule (30.6.1.3) exempting controlled activity applications from notification, both related to activities near the National Grid. The additional wording recommended by Mr Barr read:

... except for applications when within the National Grid Corridor or within 45 m of the designated boundary of Transpower New Zealand Limited’s Frankton substation.

347. We understood from Mr Renton, as we have discussed above in Section 5.16, that Transpower preferred to work with landowners to ensure buildings and structures close to the Frankton

²⁶² Submission 383

²⁶³ Submission 20 opposed by FS1097.

Substation could be erected. It was the nature of materials and way buildings and structures were erected that was critical. From that understanding, we agree that applications under our recommended Rule 30.5.3.4 not be exempt from notification. There is value in Transpower having the ability to be involved in any such application.

348. The exemption is relation to applications in the National Grid Corridor recommended by Mr Barr is superfluous as there are no rules that we are recommending that are controlled activities in that corridor. Under recommended Rules 30.5.3.2 and 30.5.3.3 certain activities are permitted. Activities not meeting the standards applicable to those permitted activities requires consent as a non-complying activity (Rules 30.5.4.1 and 30.5.4.2).
349. Consequently, we recommend that 30.6.1.1 and 30.6.1.2 be deleted from Rule 30.6 and the remaining two clauses be renumbered, and what is now 30.6.1.1 read:

Controlled activities except for applications when within 45 m of the designated boundary of Transpower New Zealand Limited's Frankton substation.

5.29. Summary of Conclusions on Rules

350. We have set out in full in Appendix 1 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that these rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 30, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

6. CHANGES SOUGHT TO DEFINITIONS

6.1. Introduction

351. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.
352. We note that we have already dealt with the following definitions relevant to the rules relating to the National Grid in Section 5.15 above:
- a. National Grid Corridor;
 - b. National Grid Yard;
 - c. National Grid Sensitive Activities;
 - d. Sensitive Activities – Transmission corridor;
 - e. Artificial crop protection structure;
 - f. Crop support structure;
 - g. Earthworks within the National Grid Yard; and
 - h. Protective canopy.

We do not discuss those further.

353. In Section 5.14 above we dealt with the definition of “minor upgrading”.
354. Transpower²⁶⁴ lodged submissions supporting the definitions of “amenity” and “structure”. As both are terms defined in s.2 of the Act we consider no further discussion of these submissions is warranted. We recommend the submissions be accepted.
355. Aurora²⁶⁵ lodged a submission supporting the definition of “development”. In the context of this chapter, we recommend that submission be accepted.
356. The Telecommunication Companies²⁶⁶ lodged submissions supporting the definition of “height” and sought its retention. In the context of this chapter, we recommend those submissions be accepted.
357. Two of the definitions sought by Aurora²⁶⁷ were directly related to its submission seeking rules to impose setbacks from certain of its lines. We discussed this part of Aurora’s submission in detail in Section 2.2 above and recommended that it not be adopted. As the two definitions would only need to be included in the PDP if we had accepted that submission, we recommend that the submission seeking the inclusion of definitions for “critical electricity lines” and “electricity distribution line corridor” be rejected.

6.2. Building

358. As notified, this was defined as:

Building *Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:*

- *Fences and walls not exceeding 2m in height.*
- *Retaining walls that support no more than 2 vertical metres of earthworks.*
- *Structures less than 5m² in area and in addition less than 2m in height above ground level.*
- *Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.*
- *Uncovered terraces or decks that are no greater than 1m above ground level.*
- *The upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works that involve underground piping of the Arrow Irrigation Race.*
- *Flagpoles not exceeding 7m in height.*
- *Building profile poles, required as part of the notification of Resource Consent applications.*
- *Public outdoor art installations sited on Council-owned land.*
- *Pergolas less than 2.5 metres in height either attached or detached to a building.*
- *Notwithstanding the definition set out in the Building Act 2004, a building shall include:*

²⁶⁴ Submission 805

²⁶⁵ Submission 635

²⁶⁶ Submissions 179, 181, 421 and 781

²⁶⁷ Submission 635

- *Any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for residential accommodation for a period exceeding 2 months.*

359. The Telecommunication Companies²⁶⁸ sought that this be amended to refer to the Building Act 2004 definition. Their submission was that the inclusion of a number standards in the definition caused confusion and that such standards should be included in the rules rather than the definition. Transpower²⁶⁹ supported the notified definition.

360. Mr Barr agreed with the further submission by Arcadian Triangle Ltd²⁷⁰ that the definition had been used in the ODP for at least 20 years and that it was preferable to have the exemptions listed in one place, rather than scattered repeatedly through the rules. Mr McCallum-Clark did not address this issue in his evidence and omitted this definition from his list of recommended changes to definitions²⁷¹.

361. In the absence of any evidence in support of this definition being amended, we recommend the submissions of the Telecommunication Companies and the further submissions in support be rejected, and Transpower’s submission and the further submissions in opposition by Arcadian Triangle Ltd be accepted.

6.3. Telecommunications Facility

362. As notified, this read:

Telecommunications Facility *Means devices, such as aerials, dishes, antennae, wires, cables, casings, tunnels and associated equipment and support structures, and equipment shelters, such as towers, masts and poles, and equipment buildings and telephone boxes, used for the transmitting, emission or receiving of communications.*

363. The Telecommunication Companies²⁷² sought minor amendments to the wording of this definition. Mr Barr noted²⁷³ that with the replacement of the word ‘facilities’ with the word ‘mast’ in the relevant rules, this definition becomes redundant and should be deleted.

364. We agree with Mr Barr’s assessment and recommend the definition be deleted.

6.4. Utility

365. As notified, this read:

Utility *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- *transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*
- *pipes and necessary incidental structures and equipment for transmitting and distributing gas;*

²⁶⁸ Submissions 179 (supported by FS1097, opposed by FS1255), 191 (supported by FS1097, opposed by FS1255), 421 (opposed by FS1117 and FS1097) and 781

²⁶⁹ Submission 805

²⁷⁰ FS1255

²⁷¹ Matthew McCallum-Clark, EiC, Appendix

²⁷² Submissions 179, 191, 421 and 781 (supported by FS1342)

²⁷³ C Barr, Reply Statement, paragraph 14.1

- *storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;*
- *water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);*
- *structures, facilities, plant and equipment for the treatment of water;*
- *structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);*
- *structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;*
- *structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.*
- *structures, facilities, plant and equipment necessary for navigation by water or air;*
- *waste management facilities; and*
- *Anything described as a network utility operation in s166 of the Resource Management act 1991*
- *Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.*

366. Seven submissions on this definition sought the following changes:
- a. Add “flood protection works”²⁷⁴;
 - b. Include “substations”²⁷⁵;
 - c. Include “temporary emergency generators” by excluding them from the exclusion of electricity generation facilities²⁷⁶;
 - d. Add “antennas, lines (including cables)” to the 6th bullet point²⁷⁷ or alternatively delete the definition and replace with the definition of “infrastructure” from the Act; and
 - e. Add “structures for transport on land by cycleways, rail, roads, walkway, or any other means”²⁷⁸.
367. Transpower²⁷⁹ supported the definition but sought a minor grammatical change to refer to transmission of electricity in the singular.
368. In his Section 42A Report²⁸⁰, Mr Barr recommended that substations and flood protection works be included in the definition, but that other submissions be rejected. Mr MacColl, appearing for NZTA, disagreed with Mr Barr’s assessment that structures for land transport were not utilities²⁸¹. He noted that NZTA was a network utility operator and thus its roading network, through the inclusion in the definition of anything described as a network utility operation by the Act, was a utility. Queenstown Park Ltd supported the NZTA amendment

²⁷⁴ Submission 383

²⁷⁵ Submission 635 supported by FS1301

²⁷⁶ Submission 635

²⁷⁷ Submissions 179 (opposed by FS1132), 191 (supported by FS1121, FS1097), 421 and 781 (supported by FS1342)

²⁷⁸ Submission 719 supported by FS1097

²⁷⁹ Submission 805

²⁸⁰ Craig Barr, Section 42A Report, paragraphs 9.53 to 9.57

²⁸¹ Anthony MacColl, EiC, paragraphs 21 to 22

provided it included gondolas²⁸². Mr Fitzpatrick appeared in support of this further submission and Mr Young filed written legal submissions.

369. In his Reply Statement, Mr Barr expressed the concern that the definition of utilities was potentially too enabling, as it could allow any person to apply the utility chapter to their activities, irrespective of whether it was an essential service to the community. He considered that the definition should simply confirm that the chapter applies only to network utility operators²⁸³. Otherwise, he did not recommend any further amendments to the definition.
370. We have some sympathy with the concerns expressed by Mr Barr in his Reply Statement. When looked at closely, for the most part the definition repeats, although with different wording, the activities described in s.166 of the Act which are undertaken by network utility operators. There are some additional activities included such as works for protection from natural hazards, waste management facilities, and facilities for meteorological activities. However, the phrase used to include reference to s.166 actually refers to the operations listed, and is not limited to network utility operators. This means, for instance, that the private operation of a road would be deemed a utility for the purposes of Chapter 30. It is exemplified by the submissions of Queenstown Park Limited suggesting that a gondola proposal of the company's should be considered a utility because it would offer a form of land transport.
371. We agree with Mr Barr that there is no scope to modify the definition to deal with this matter. We do recommend that the Council review this definition and consider, in the context of the provisions of Chapter 30 as we are recommending them, whether it is actually providing for the operations they expect it to be providing for.
372. As for the definition itself, we agree with Mr Barr that flood protection works and substations should be included. We do not consider it necessary to exclude temporary emergency generators from the exclusion as we have recommended rules in the Energy Section of the chapter to provide for such activities as generation activities. We do not consider the inclusion the NZTA sought is necessary. Rather, we consider retaining their operations through the wording of s.166 is preferable to widening it in the way the NZTA submission sought.
373. We consider the addition sought by the Telecommunication companies to be a "belts and braces" approach. The definition of Telecommunication Facilities includes those terms. It would actually be cleaner to just replace the entire 6th bullet point with the term Telecommunication Facilities, but we do consider there to be scope to make such a change.
374. We additionally note, however, for the reasons discussed in Section 4.3 above, that in our view the Council should initiate a variation to exclude airport activities and airport related activities occurring within the Airport Mixed Use zone from the definition of Utility.
375. For all of those reasons we recommend the definition of utility be as follows²⁸⁴:

Utility *Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:*

- a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*

²⁸² Further submission 1097

²⁸³ Craig Barr, Reply Statement, paragraphs 14.11 to 14.13

²⁸⁴ We have changed the bullet points to an alphabetic list for ease of future reference

- b. pipes and necessary incidental structures and equipment for transmitting and distributing gas;
- c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;
- d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);
- e. structures, facilities, plant and equipment for the treatment of water;
- f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities);
- g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;
- h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.
- i. structures, facilities, plant and equipment necessary for navigation by water or air;
- j. waste management facilities;
- k. flood protection works; and
- l. Anything described as a network utility operation in s166 of the Resource Management act 1991
- m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.

6.5. Energy Activities

376. QLDC²⁸⁵ sought the inclusion of a new definition of energy activities to read:

Energy Activities

- *Small and Community-Scale Distributed Electricity Generation and Solar Water Heating*
- *Renewable Electricity Generation*
- *Non-renewable Electricity Generation*
- *Wind Electricity Generation*
- *Solar Electricity Generation*
- *Solar Water Heating*
- *Stand-Alone Power Systems (SAPS)*
- *Biomass Electricity Generation*
- *Hydro Generation Activity*
- *Mini and Micro Hydro Electricity Generation*

377. Mr Barr recommended inclusion of this submission so as to provide clarity on which activities would be intended covered by the rules on energy activities, and that it would limit the possibility for unintended activities to be applicable²⁸⁶. There were no further submissions and no other evidence on this submission.

378. We agree with Mr Barr’s reasoning, but note that in his suggested wording he has added “Includes the following” before the list of activities. Those words undermine his rationale for

²⁸⁵ Submission 383

²⁸⁶ Craig Barr, Section 42A Report, paragraphs 9.24 and 9.25

the definition by allowing for other non-listed activities to be included. We also doubt that there is scope to widen the definition in that way. We agree the definition needs some introductory words but consider that such words should limit the term “energy activities” to those in the list and no others. Therefore, we recommend the definition read:

Energy Activities means the following activities:

- a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating;
- b. Renewable Electricity Generation;
- c. Non-renewable Electricity Generation;
- d. Wind Electricity Generation;
- e. Solar Electricity Generation;
- f. Solar Water Heating;
- g. Stand-Alone Power Systems (SAPS);
- h. Biomass Electricity Generation;
- i. Hydro Generation Activity;
- j. Mini and Micro Hydro Electricity Generation.

6.6. Electricity Distribution

379. Aurora²⁸⁷ sought the inclusion of a new definition of electricity distribution to read as follows:

Electricity Distribution Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator. For the avoidance of doubt, this includes, but is not limited to Aurora Energy Limited assets shown on the planning maps.

380. Mr Barr noted that Federated Farmers opposition was to the critical lines network provisions we dealt with earlier in this report, and they did support the notion of clarifying the lines which were not part of the national grid. Transpower supported the submission for similar reasons. Mr Barr supported the inclusion of a definition to achieve that distinction and recommended the Aurora definition be adopted, subject to deletion of the last sentence. We heard no other evidence on this definition.

381. We agree that it would be useful for the PDP to include a definition distinguishing those electricity lines that do not form part of the national grid. We recommend the definition, as modified by Mr Barr, be adopted.

6.7. Regionally Significant Infrastructure

382. Two submissions²⁸⁸ sought the inclusion of a definition of regionally significant infrastructure. Each definition was different so we do not repeat them here.

383. Mr Barr identified that this definition had been considered in the Stream 1B hearing²⁸⁹. He adopted the definition recommended by Mr Paetz in that hearing, but modified it to include reference to the sub-transmission network (Mr Barr’s term for Aurora’s “critical electricity lines”).

384. The only submissions in relation to this definition were from Mr Young on behalf of Queenstown Park Ltd. He submitted that if the gondola QPL intends to construct proceeded,

²⁸⁷ Submission 635 supported by FS1301, opposed by FS1132

²⁸⁸ Submissions 635 (supported by FS1077, FS1211, FS1097, opposed by FS1132) and 805 (supported by FS1121, FS1159, FS1340, FS1077, FS1106, FS1208, FS1211, FS1253)

²⁸⁹ Craig Barr, Section 42A Report, paragraphs 9.2 to 9.8.

it would be a significant addition to Queenstown’s tourist offering. However, we cannot see how that, nor the connection of the Remarkables Park Zone to the Remarkables ski field as referred to by Mr Young, are regionally significant. In our view, for infrastructure to be regionally significant it must do more than just serve this district.

385. We have considered the Recommendation Report of the Stream 1B Panel and agree with that Panel’s conclusion²⁹⁰ that the identification of regionally significant infrastructure is primarily a matter for the Regional Council, except where the proposed RPS might be considered ambiguous or inapplicable. We adopt that Panel’s reasoning and recommend the definition be worded as that Panel recommended.

6.8. Support Structure

386. Aurora²⁹¹ sought the inclusion of a definition of support structure reading as follows:

Support Structure Means a utility pole or tower that forms part of the electricity distribution network or National Grid that supports conductors as part of an electricity distribution line or transmission line. This includes any ancillary equipment, such as communication equipment or transformers, used in the conveyance of electricity.

387. Mr Barr agreed that adding this definition would add clarity to the rules as the term is used in several places²⁹². He also considered whether it should be limited to electricity lines and concluded that as telecommunication lines have their own definition such a limitation would be satisfactory. He did recommend some minor word changes of a non-substantive nature.

388. The difficulty that we can see with the inclusion of the definition as recommended is that the term “support structures” is, as Mr Barr noted, used in the definition of telecommunication facility. The inclusion of this definition would mean that the reference in telecommunication facility would be limited to electricity lines, which is not what is intended. If “support structure” is to have a definition in the PDP it must be a definition which can be applied every time the term “support structure” is used.

389. We have examined our recommended text of Chapter 30 and related definitions and found that “support structure” is used both in relation to electricity lines and telecommunication lines, as well as other telecommunication facilities. We do not think that a satisfactory definition could be created to encompass all the actual uses of the term that would improve on the ordinary natural meaning of the words. We therefore recommend that this submission be rejected.

6.9. Reverse Sensitivity

390. Transpower²⁹³ sought the inclusion of a definition of reverse sensitivity worded as follows:

Reverse Sensitivity: is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The ‘sensitivity’ is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity.

²⁹⁰ Recommendation Report 3, paragraph 768

²⁹¹ Submission 635, supported by FS1301, opposed by FS1132

²⁹² Craig Barr, Section 42A Report, paragraphs 9.26 to 9.27

²⁹³ Submission 805, supported by FS1211, opposed by FS1077

391. Mr Barr was hesitant to recommend this definition as it essentially stated caselaw from a 2008 Environment Court decision and could be subject to further refinement by the courts²⁹⁴.
392. Ms McLeod accepted Mr Barr's opinion and did not consider the definition was necessary²⁹⁵. The New Zealand Defence Force²⁹⁶ tabled a letter accepting the recommendations in the Section 42A Report.
393. We accept that agreement between the parties and recommend that Transpower's submission seeking the reverse sensitivity definition be rejected.

6.10. Small Cell Unit

394. We have explained our reasons for including this new definition in Section 5.27 above. We agree with Mr Barr and Mr McCallum-Clark²⁹⁷ that scope for the inclusion of this definition is provided by the submissions of the Telecommunications Companies²⁹⁸. We recommend that the definition read:

Small Cell Unit means a device:

- a. *that receives or transmits radiocommunication or telecommunication signals; and*
- b. *the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m³.*

²⁹⁴ Craig Barr, Section 42A Report, paragraphs 9.35 to 9.37

²⁹⁵ Ainsley McLeod, EiC, p.29

²⁹⁶ Further Submission FS1211

²⁹⁷ Joint Witness Statement dated 25 September 2017 at paragraph 2.1(o)

²⁹⁸ Submissions 179, 191, 421 and 781

PART C: CHAPTER 35 - TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS

7. PRELIMINARY

7.1. General Submissions

395. Two submissions²⁹⁹ supported the Chapter generally. No reasons were given by either submitter. As we recommend changes to various provisions in the chapter, we recommend these submissions be accepted in part.

396. Millbrook Country Club Ltd³⁰⁰ supported the temporary activity provisions in the Chapter and considered the use of permitted activity standards was particularly efficient. Sean and Jane McLeod³⁰¹ also supported the temporary activity rules, but provided no explanation. They also generally supported the objectives and policies for temporary activities. Again, as we do recommend changes to these provisions, we recommend these submissions be accepted in part.

7.2. 35.1 – Purpose

397. There were no submissions specifically on this section, other than the general submissions discussed above. One consequential amendment is required as a result of recommendations on submissions on relocated buildings, but we will discuss that when dealing with those submissions.

398. On reviewing the section we have identified potential ambiguities in the first paragraph which need clarification. The first sentence sets out the purpose of the temporary activity provisions as being to enable a number of activities. The list commences with “temporary events”, then lists three activities which are by their nature temporary: filming; construction activities and military training. However, it then lists “utilities” and “storage”.

399. As we understand it, having considered the objectives, policies and rules in the Chapter, the intention is that provision is made for temporary utilities and temporary storage. We consider the purpose statement should be clarified by inserting temporary before each of “utilities” and “storage” so as to avoid any misunderstanding as to the effect of this chapter. We consider such an amendment to be a minor change of no substantive effect under Clause 16(2).

8. 35.2 OBJECTIVES AND POLICIES

8.1. Objective 35.2.1 and Policies

400. As notified these read:

Objective *Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.*

35.2.1.1 *Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.*

35.2.1.2 *Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.*

²⁹⁹ Submissions 19 and 21

³⁰⁰ Submission 696

³⁰¹ Submission 391, supported by FS1211

- 35.2.1.3 *Recognise that purpose-built event facilities are designed to cater for temporary activities.*
- 35.2.1.4 *Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.*
- 35.2.1.5 *Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.*
- 35.2.1.6 *Ensure temporary activities do not place an undue restriction on public access.*
- 35.2.1.7 *Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.*
- 35.2.1.8 *Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.*
- 35.2.1.9 *Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.*

401. The submissions on this objective and related policies were as follows:

- a. Support/retain Objective 35.2.1³⁰²;
- b. Retain Policy 35.2.1.1³⁰³;
- c. Amend Policy 35.2.1.2 by including “weddings” and “temporary functions” and deleting the daytime hours limitation³⁰⁴;
- d. Retain Policy 35.2.1.5³⁰⁵;
- e. Amend Policy 35.2.1.7 so it is aimed at protecting residential activities in residential zones rather than residential amenities³⁰⁶;
- f. Retain Policy 35.2.1.8³⁰⁷;
- g. Include a new policy concerning airspace around Queenstown and Wanaka airports³⁰⁸.

402. Ms Banks explained that the inclusion of weddings and temporary functions in Policy 35.2.1.2 was unnecessary as they fell within the definition of temporary activities³⁰⁹. She also explained that Policy 35.2.1.2, as notified, was designed to support the rule framework that specifies circumstances in which temporary activities can be exempt from noise limits. In her opinion, to delete the daytime hours limitation would undermine that framework and potentially make all temporary activities subject to noise rules of the zone they were located in³¹⁰. She did not support those changes. Ms Black appeared in support of Submissions 607, 615 and 621 but

³⁰² Submissions 197 and 433 (opposed by FS1097, FS1117)

³⁰³ Submission 433, opposed by FS1097, FS1117

³⁰⁴ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁵ Submission 719

³⁰⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁰⁷ Submission 719

³⁰⁸ Submission 433, supported by FS1077, opposed by FS1097, FS1117

³⁰⁹ Kimberley Banks, Section 42A Report, paragraph 11.20

³¹⁰ *ibid*, paragraph 11.21

did not discuss any of the amendments sought by those submissions to Policy 35.2.1.2 or to Policy 35.2.1.7.

403. Turning to the issue of the airspace around Queenstown and Wanaka airports, as well as seeking a new policy, the submission also sought the inclusion of a new rule requiring restricted discretionary activity consent for temporary activities to breach the airports' obstacle limitation surfaces ("OLSs"). We deal with the policy and the rule as one issue.
404. Ms Banks questioned the need for specific restrictions in this chapter relating to the OLSs around the two airports when designations were in place to protect those OLSs³¹¹. Ms O'Sullivan, appearing in support of Submission 433, generally agreed with Ms Banks' conclusion, but suggested that an advice note could be included in the Chapter to advise those contemplating undertaking temporary activities that breaching the OLSs at Queenstown and Wanaka airports would require consent of the relevant requiring authority.
405. In her Reply Statement, Ms Banks accepted the suggestion of an advice note in Section 35.3.2 and helpfully suggested that showing the OLSs for Queenstown airport on the Planning Maps would also assist users. She included a draft version of the maps showing the various surfaces.
406. We agree that it is helpful to include information where plan users are likely to see it, but we consider the mapping solution proposed by Ms Banks would lead to the maps being too cluttered with information to be helpful. The inclusion of a note in this Chapter would be more practical. We recommend to the Council that the additional policy and rule sought not be accepted, but that the following advice note be included in Section 35.3.2:

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

407. In the absence of any evidence in respect of the other submissions seeking changes to these policies, we recommend that Objective 35.2.1 and associated policies be adopted as notified.

8.2. **Objective 35.2.2 and Policies**

408. As notified, these read:

Objective Temporary activities necessary to complete building and construction

35.2.2.1 *Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.*

35.2.2.2 *Provide for small-scale retail activity to serve the needs of building and construction workers.*

35.2.2.3 *Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.*

³¹¹ *ibid*, Section 9

409. The only submission³¹² on these provisions supported the retention of the objective. We recommend that submission be accepted and Objective 35.2.2 and associated policies be adopted as notified.

8.3. **Objective 35.2.3 and Policy 35.2.3.1**

410. As notified, these read:

Objective *Temporary Military Training is provided for to meet the needs of the New Zealand Defence Force.*

35.2.3.1 *Enable temporary military training to be undertaken within the District.*

411. The only submissions³¹³ on these supported the provisions. Ms Banks recommended an amendment to the objective so as to make it outcome focussed. We agree that her recommended objective is phrased as an objective and the changes are no more than minor grammatical changes. We recommend those changes be made in accordance with Clause 16(2) such that Objective 35.2.3 reads:

Objective *Temporary Military Training Activities are provided for.*

412. We recommend that Policy 35.2.3.1 be adopted as notified.

8.4. **Objective 35.2.4 and Policy 35.2.4.1**

413. As notified, these read:

Objective *Temporary Utilities needed for other temporary activities or for emergencies are provided for.*

35.2.4.1 *Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.*

414. The only submissions on these supported them and sought their retention³¹⁴. We recommend they be adopted as notified.

8.5. **Objective 35.2.5 and Policies**

415. As notified these read:

Objective *Temporary Storage is provided for in rural areas.*

35.2.5.1 *Permit temporary storage related to farming activity.*

35.2.5.2 *Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.*

416. Submissions on these sought:

- a. Support Objective 35.2.5³¹⁵;
- b. Amend Objective 35.2.5 to include visitor and resort zones³¹⁶;
- c. Support Policy 35.2.5.1³¹⁷;

³¹² Submission 197

³¹³ Submissions 197 (supported by FS1211) and 1365

³¹⁴ Submissions 635 (supported by FS1211) and 1365

³¹⁵ Submission 197

³¹⁶ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³¹⁷ Submission 600, supported by FS1209, opposed by FS1034

- d. Amend Policy 35.2.5.1 to permit storage for exploration and prospecting³¹⁸;
 - e. Amend Policy 35.2.5.1 to permit storage for transport, tourism and visitor accommodation activities³¹⁹;
 - f. Amend Policy 35.2.5.2 to include reference to transport, tourism and visitor accommodation activities³²⁰.
417. Ms Banks discussed the submissions by the Real Journeys group³²¹ and concluded that the objective was too limiting in that it restricted temporary storage to rural areas. She did not consider any change was needed to the policies. Ms Black supported the amendment to the objective.
418. We heard no evidence in respect of the amendment sought by NZ Tungsten Mining Limited³²².
419. We agree with Ms Banks' recommended amendment to the objective. When the policies are viewed in the context of the rule to implement them (Rule 35.4.16) it is apparent that the rule and policies in combination apply in all zones. We are also of the view that there is no need to amend the policies in the manner suggested by the Real Journeys group. The policies provide a distinction that means that there is to be no limitation on storage for farming purposes, but limitations on storage for other purposes.
420. It is useful to consider Rule 35.4.16 at this time. As notified this rule provided for the following as a permitted activity:
Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.
- Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.*
421. Three submissions on this rule sought that the note also exclude the Rural Visitor Zone Walter Peak and the Cardrona Ski Activity Area³²³. Ms Banks considered that the purpose of this Chapter was to provide for temporary activities throughout the district, not include or exempt certain zones³²⁴.
422. We agree with Ms Banks that the provisions should be designed for general application. Matters specific to a zone should be included in the provisions of that zone. We also note that to accept the submitters' relief would mean they could not rely on it for temporary storage in the locations specified. We doubt that was the submitters' intention.
423. We do have some concerns with the construction of this rule. It is clear that it provides for non-farming activities to have temporary storage of goods subject to the time and area limitations in the rule. That clearly implements Policy 35.2.5.2. What the rule does not do is implement temporary storage related to farming, and it appears that, by application of Rules

³¹⁸ Submission 519, supported by FS1015, opposed by FS1356

³¹⁹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁰ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²¹ Submissions 607, 615 and 621

³²² Submission 519

³²³ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³²⁴ Kimberley Banks, Section 42A Report, paragraph 11.30

35.4.1, such activity is actually a discretionary activity. That represents a failure to implement Policy 35.2.5.1.

424. We also are concerned about the use of an advice note to effectively state the non-compliance status of an activity failing to meet a standard. In our view this rule needs to be reviewed and rewritten to implement the relevant policies and to clearly state as a rule at what point specific zone rules apply. There is no scope in the submissions that enable us to recommend any changes to correct these problems. We recommend the Council consider a variation to remedy them.

425. Returning to Objective 35.2.5, we recommend it read:
Objective Temporary Storage is provided for.

426. We recommend the policies be adopted as notified.

8.6. Relocated Buildings

427. It is sensible to consider the objectives, policies and rules for relocated buildings in a single discussion. House Movers³²⁵ lodged a broad submission seeking the replacement of provisions relating to relocated buildings, focused on reducing the complexity of obtaining consents for relocated buildings in the District. Mr Leece and Ms Koblenia³²⁶, on the contrary, sought that the objective and rules be focussed on minimising the effects on residential amenity values from relocated buildings being located in the District.

428. As notified, the objective (35.2.6) and policies relevant to this topic read:
Objective Relocated buildings are located and designed to maintain amenity and provides a positive contribution to the environment.

35.2.6.1 *Relocated buildings provide a quality external appearance, and are compatible with the amenity of the surrounding environment.*

35.2.6.2 *Provision of wastewater, stormwater and water infrastructure minimises adverse effects.*

429. As notified, the rules provided for two tiers of relocated buildings in residential zones:

- a. The following were provided for as permitted activities:
 - i. a new build relocated residential unit that has been purpose built for relocation
 - ii. a shipping container
 - iii. an accessory building under 30m² in gross floor area that is not a shipping container
 - iv. the repositioning of an existing lawfully established residential unit, residential flat or accessory building within its own site.
- b. The relocation of any building that had previously been designed, built and used for residential purposes (but not purpose built for relocation) was a controlled activity with the matters of control reserved to:
 - i. the reinstatement works that are to be completed to the exterior of the building
 - ii. the timeframe for placing the building on permanent foundations and the closing in of those foundations

³²⁵ Submission 496, opposed by FS1340

³²⁶ Submission 126

- iii. the nature of other works to be undertaken to ensure the building is compatible with the amenity values of the area
 - iv. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.
430. In a rural zone, all relocated buildings and shipping containers, to a maximum of one per site, were a controlled activity with the matters of control as for the residential controlled activity.
431. In addition to the broad submissions noted above:
- a. One submission supported Objective 35.2.6³²⁷;
 - b. One submissions supported Rule 35.4.4³²⁸; and
 - c. One submissions sought the rewrite of Rule 35.4.2 and the deletion of Rules 35.4.3 and 35.4.4³²⁹;
 - d. One submissions sought the deletion of the term “shipping containers” from Rule 35.4.4³³⁰.
432. The relief sought by Submission 383 was that all relocated buildings, other than a shipping container or an accessory building smaller than 36m², would be controlled activities in all zones.
433. Ms Banks discussed these provisions at some length in her Section 42A Report³³¹. It was her conclusion at that point that:
- a. Relocated buildings should be treated the same across all zones;
 - b. Controlled activity consent should be required for all relocated buildings;
 - c. Shipping containers should be removed from these rules and treated as buildings (as per the definition of “building”);
 - d. The definition of “relocated building” exclude pre-fabricated buildings delivered dismantled to a site;
 - e. The concern of QAC³³² that relocated buildings be appropriately insulated was covered by the requirement that the provisions of the relevant zone apply in addition to the relocation provisions.
434. At the hearing, Mr Ryan presented submissions on behalf of House Movers, and Mr Scobie tabled a brief of evidence. Mr Ryan’s submissions were, in essence, that relocated buildings should be provided for as permitted activities subject to a number of performance standards, relying on the Environment Court’s decision³³³ in Central Otago District regarding rules for relocated dwellings. In that decision, the Environment Court concluded that, in the absence of identifiable differences in effects, relocated buildings should not be treated differently to *in situ* built housing.

³²⁷ Submission 197

³²⁸ Submission 600, supported by FS1209, opposed by FS1034

³²⁹ Submission 383

³³⁰ Submission 519, supported by FS1015, opposed by FS1356

³³¹ Pages 10 -24

³³² FS1340

³³³ New Zealand Heavy Haulage Association Inc v Central Otago District Council, C45/2004

435. The performance standards Mr Ryan submitted should apply to the a permitted activity for relocated buildings were³³⁴:
- a. *Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been previously designed, built and used as a dwelling.*
 - b. *A building pre-inspection report prepared by a licenced building practitioner shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the buildings.*
 - c. *The building shall be located on permanent foundations approved by building consent, no later than 2 months of the building being moved to the site.*
 - d. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Without limiting (b) (above) reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*
 - e. *The proposed owner of the relocated building must certify to the Council that the reinstatement work will be completed within the 12 month period.*
436. It was Mr Ryan’s submission that the standards were enforceable, had the advantage of being known in advance, and had lower transaction fees than a consent application. Of particular concern of the House Movers was the QLDC submission³³⁵ seeking the imposition of financial bonds. Mr Ryan did agree that relocated buildings should comply with the applicable zone standards, including noise insulation where required. He thus accepted the point raised by QAC.
437. Mr Scobie’s evidence described the house moving process and provided us with an example “Building Pre-Inspection Report for Relocation”. Mr Scobie also attached to his evidence a map showing the activity status for relocated building for each district in the country.
438. In her Reply Statement, Ms Banks maintained her opinion that relocated buildings should be a controlled activity. She had undertaken a review of consents for relocated buildings since 2014. These numbered 30, and were generally subject to fairly standard conditions. These usually required reinstatement within a 6-month timeframe. She was not satisfied that the pre-inspection report proposed by Mr Ryan would be an effective way of managing the defined issues the controlled activity rule is designed to address. She also was concerned that enforcement of standards for a permitted activity would require a high level of monitoring.
439. We have given this issue considerable thought. As the district has a high cost of housing, we do not want to discourage activities which may facilitate the provision of more affordable homes. However, we can see that the regime promoted by House Movers may have consequences for the Council that may not occur in other districts. We agree with Ms Banks that permitted activities should not require monitoring or processing effort to ensure that standards are complied with. While we recognise that the PDP contains a number of standards for permitted activities, when one is dealing with buildings, those generally relate to the location of the building on the site, and in some instances exterior finishes. Those matters are readily dealt with off building permit plans. However, the performance standards proposed by House Movers would require the Council to undertake monitoring for up to 12 months to

³³⁴ Adapted from the C45/2004

³³⁵ Submission 383

ensure the reinstatement work had been carried out, at the Council's cost, with no ability to recoup that cost.

440. We also note that the controlled activity process gives the applicant the opportunity to propose or request conditions that may be more appropriate to their circumstances than the fixed performance regime would do. Under that regime, to vary any of the standards would require a full discretionary activity consent. We note at this point that House Movers' submission did suggest that failure to meet the permitted activity standards should require a non-notified controlled activity consent. This was not covered in Mr Ryan's submissions and we conclude he chose not to pursue that part of the submission. We cannot see how a failure to meet performance standards can be satisfactorily managed by the Council through a consent process which requires the grant of consent and application of conditions limited to pre-stated matters, which would most likely restate the performance standards.

441. Ms Banks recommended that Objective 35.2.6 be rephrased as

Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

442. We consider that captures succinctly the purpose of the Council's involvement in the process of relocation. We did not understand Mr Ryan to suggest that relocated buildings should not achieve that outcome. We understood his submission to be that the outcome could be achieved by the performance standards he proposed

443. We consider the controlled activity rule as proposed by Ms Banks in her Reply Version provides the appropriate balance between the need for certainty by the applicant along with minimal transaction costs, and the ability of the Council to adequately manage the resources of the District, both in terms of achieving the objectives the PDP sets out, and in fulfilling its monitoring role. We consider it the most effective and efficient means of achieving the reworded objective.

444. Having concluded that the controlled activity regime is the most appropriate means of managing relocated buildings, we agree with Ms Banks' recommended wording for Policy 35.2.6.1 and her redrafted Rule 35.4.2. We recommend the Council adopt the wording of Objective 35.2.6 as set out above, and the wording of Policy 35.2.6.1 as set out below. We recommend that Policy 35.2.6.2 be deleted as unnecessary.

35.2.6.1 Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

445. We recommend that Relocated Buildings be listed in Rule 35.4.2 as controlled activities, with control reserved to:

- a. *The reinstatement works required to the exterior of the building and the timeline to execute such works;*
- b. *The timeframe for placing the building on permanent foundations and the closing in of those foundations;*
- c. *The nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.*

446. Consistent with our general approach of listing permitted activities first, we recommend this rule be renumbered to 35.4.13. We have set out the provisions in full in Appendix 2.

8.7. Summary

447. We have set out in Appendix 2 the recommended objectives and policies. In summary, we regard the combination of objectives recommended as being the most appropriate way to achieve the purpose of the Act in this context, while giving effect to, and taking into account, the relevant higher order documents, the Strategic Direction Chapters and the alternatives open to us. The suggested new policies are, in our view, the most appropriate way to achieve those objectives.

8.8. 35.3 – Other Provisions and Rules

448. There were three submissions on this section:

- a. Delete 35.3.2.4 as it duplicates Rule 35.4.2³³⁶;
- b. Provide that any activity that is a permitted activity under this Chapter is not required to comply with the applicable zone rules³³⁷;
- c. Clarify that other District Wide Rules do not apply to temporary activities³³⁸;

449. Ms Banks considered these three submissions and concluded that:

- a. It was more helpful to have all the clarifications in one place;
- b. The notified wording of 35.3.2.3 made it clear that temporary activities did not need consents under zone rules; and
- c. That it would be useful to include a further clarification confirming that the Chapter 36 Noise provisions applied in circumstances specified by the temporary activity rules³³⁹.

450. In her Reply Statement Ms Banks additionally suggested further advice notes:

- a. Advising that the pre-fabricated buildings delivered dismantled to a site were not considered relocated buildings;
- b. Advising that food and beverages, and the sale of alcohol, were not regulated by the temporary event rules;
- c. The advice note regarding the OLSs discussed above.

451. Our amendments to this section are minor points of clarification consistent with the overall approach taken in other chapters. We agree with Ms Banks' response to the submissions and the addition of advice notes. We have changed Ms Banks' note regarding relocated buildings to make it clear that a newly built house constructed off-site and moved on to a site does not fall within the definition of relocated building. Her definition's reference to "dismantled" seemed to imply that pre-fabricated buildings needed to be dismantled again and re-fabricated on-site. We are sure that was not the intention.

452. Our other clarification, as with other chapters, is to identify that 35.3.2.1 through to 35.2.3.5 are rules for explanatory purposes, as opposed to the advice notes that follow the rules.

³³⁶ Submission 383

³³⁷ Submission 837, supported by FS1211, FS1342

³³⁸ Submission 1365

³³⁹ Kimberley Banks, Section 42A Report, Section 15

9. 35.4 – RULES - ACTIVITIES

9.1. Rule 35.4.1

453. This rule, as notified, set as a discretionary activity:
Any other Activity not listed in this table.

454. There were no submissions directly on this rule, although as noted in the discussion on relocated buildings above, House Movers did seek a different provision in respect of relocated buildings not complying with the standards proposed by that submitter.

455. In response to our questioning during the hearing, Ms Banks carefully considered the relationship of this rule and the non-compliance status of standards in Section 35.5 in some detail in her Reply Statement³⁴⁰. As a consequence of that analysis, she concluded plan users would be assisted by some modifications to this rule to make it clear that it was where an activity was a temporary activity or relocated building that did not satisfy the requirements of the table in Rule 35.4 that this rule took effect. She considered this a clarification that did not make any substantive regulatory changes.

456. We agree with Ms Banks that some amendment to this rule is helpful. We agree with her that the amendments are for clarification purposes and come within Clause 16(2). We have modified her wording a little to make the intent clearer. We recommend the rule be reworded as follows:

Any Temporary Activity or Relocated Building not otherwise listed as a permitted or controlled activity in this table.

457. We recommend that rule remain a discretionary activity. Consistent with our overall approach listing the rules with permitted activities first, followed by the more restrictive categories, we recommend this rule be the final rule in the table rather than the first, and consequently renumbered as 35.4.14.

9.2. Rules 35.4.2 to 35.4.4

458. These have been dealt with in our discussion of relocated buildings in section 8.6 above.

9.3. Rule 35.4.5 – Temporary Events

459. As notified, this rule made it a permitted activity for temporary events to occur on public conservation land subject to a valid concession for the event being held. The rule specified that the relevant noise standards for the zone did not apply.

460. The only submission on this rule supported its retention³⁴¹, and there were no recommended amendments from Ms Banks. We recommend a minor grammatical change in relation to the application of noise standards such that it states “do not apply” in place of “shall not apply”. We consider this to be a minor change with no change in regulatory effect which can be made under Clause 16(2). Other than that change, we recommend the rule be adopted as notified and renumbered 35.4.1.

9.4. Rule 35.4.6 – Temporary Events

461. As notified this rule provided as a permitted activity for temporary events held with permanent, purpose built, hotel complexes, conference centres or civic buildings.

³⁴⁰ Kimberley Banks, Reply Statement, Section 3

³⁴¹ Submission 373

462. There were no submissions on this rule and we recommend it be adopted as notified, but renumbered as 35.4.2.

9.5. **Rule 35.4.7 – Temporary Events**

463. As notified this rule provided for, as a permitted activity, temporary events held on Council-owned public recreation land. The activity did not need to comply with the zone noise rules, however “noise events” were not to occur during hours when the night-time noise rules of the relevant zone were in effect, other than on New Year’s Eve.

464. “Noise event” is defined in Chapter 2 as

Noise Event Means an event, or any particular part of an event, whereby amplified sound, music, vocals or similar noise is emitted by the activity, but excludes people noise.

Where amplified noise ceases during a particular event, the event is not longer considered a noise event.

465. There were no submissions in respect of this rule or the definition of noise event. Ms Banks recommended that the exclusion of the activity from zone noise standards be amended to refer to noise limits to ensure consistency throughout the Plan. We are unsure why she has recommended this alteration be made to this rule, but not to the previous rule, nor the following three rules.

466. We recommend the term remain “standard”. We do, however, consider the phrase needs to be changed to read “do not apply” consistent with our recommendation on rule 35.4.5.

467. Other than that amendment, which can be made under Clause 16(2), we recommend Rule 35.4.7 be adopted as notified, subject to being renumbered as 35.4.3.

468. We have Identified that the definition of Noise Event contains a typographical error in the second sentence, where the statement “the event is not longer” should read “the event is no longer”. We recommend to the Stream 10 Hearing Panel that this be corrected as a minor amendment using Clause 16(2).

9.6. **Rule 35.4.8 – Other Temporary Events**

469. As notified, this rule provided, as a permitted activity, for other temporary events subject to the following restrictions:

- a. *The number of persons (including staff) participating does not exceed 500 persons at any one time*
- b. *The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down)*
- c. *The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted*
- d. *No site shall be used for any temporary event more than 12 times in any calendar 12 month period*
- e. *All structures and equipment are removed from the site within 3 working days of the completion of the event*
- f. *For the purpose of this rule the relevant noise standards of the Zone shall not apply.*

470. Submissions on this rule sought the following:

- i. Retain the rule³⁴²;

³⁴² Submissions 438 and 719

- ii. Amend the noise exemption³⁴³
- iii. Extend the permitted hours of the activity³⁴⁴;
- iv. Exclude activities carried out in the Cardrona Ski Activity Area or Walter Peak Rural Visitor Zone³⁴⁵;
- v. Amend the fourth bullet point to limit activity to 7 times per year³⁴⁶;
- vi. Amend fourth bullet point to increase frequency permitted to 24 times per year³⁴⁷.

471. Ms Banks discussed these in her Section 42A Report. The only amendment she recommended was that the frequency of temporary events be reduced to 7 times per calendar year as requested by QLDC.
472. We agree with Ms Banks that the relief sought by the Real Journeys group³⁴⁸, that the Cardrona ski area and the Walter Peak Station Rural Visitor Zone be excluded from the rule, could lead to an excessive level of activity at either location relying on that activity being a temporary event. Ms Black, appearing for Real Journeys Ltd and Te Anau Developments Ltd, limited her discussion of this rule to the second bullet point. She contended that the 3 day limit, including set up and pack down was too short, pointing to activities such as the Queenstown Winter Festival or the Winter Games. We note that neither of these examples relates to the Walter Peak Rural Visitor Zone.
473. In our view, the Real Journeys group have misconstrued the purpose of this rule. It is to provide for truly temporary events locating in places where the temporary events are not the everyday activity for the site. Hence the list of limitations applying. As a permitted activity, we would not expect this rule to provide for every event an organisation may wish to hold. We consider that in circumstances where events do not meet the criteria listed in this rule, and they do not comply with the zone rules, it is appropriate for a consent to be required so that potential adverse effects on the environment can be appropriately managed. Finally on this issue, we note that the Walter Peak Rural Visitor Zone is an ODP zone and this Chapter does not apply to that zone.
474. Mr Buckham's submission³⁴⁹ sought to limit the period that temporary activities were exempt from the zone noise standards to 0800 hours to 2000 hours, and require compliance with the noise standards outside of those hours, while extending the permitted evening hours (third bullet point) from 8pm to 12:30am. He also sought to increase the frequency permitted to 24 per calendar year.
475. Dealing with frequency first, we note Ms Banks' comments that as notified, the rule could allow 6 days or more (including set up and pack down) per month and be beyond the scope of a temporary event³⁵⁰. We agree that if a single site is being used for events at that frequency and for that duration, it is not temporary. To double that, as Mr Buckham seeks, could lead to half the working days each month being dedicated to such events.

³⁴³ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁴ *ibid*

³⁴⁵ Submissions 607, 615 (supported by FS1105, FS1137), 621

³⁴⁶ Submission 383

³⁴⁷ Submission 837, supported by FS1342, opposed by FS1127

³⁴⁸ Submissions 607, 615 and 621

³⁴⁹ Submission 837

³⁵⁰ Kimberley Banks, Section 42A Report, Section 13, p.37

476. We accept Ms Banks' recommendation that 7 times per calendar year is a reasonable level of temporary activity as a permitted activity.
477. We did not have the benefit of hearing from Mr Buckham, but perceive that his aim concerning the hours and noise limit amendments was to allow such activities to occur longer subject to compliance with noise standards. That was the rationale stated in the further submission by Te Anau Developments Ltd³⁵¹, although that was stated as applying to events going later than 10pm. Ms Black did not elaborate on this issue.
478. In the absence of any evidence in support of these changes justifying the need for them, or the adequacy of the proposed rules to ensure adverse effects do not spill over onto adjoining land, we see no reason to change them.
479. As a consequence, the only amendments we recommend to this rule are:
- a. Amend the fourth bullet point to limit occurrence to no more than 7 times per calendar year;
 - b. Consistent with our amendments to other rules, amend the final bullet point to say "do not apply" (under Clause 16(2));
 - c. Change bullet points to an alphanumeric list; and
 - d. Renumber the rule to 35.4.4.
480. The two relevant bullet points are recommended to read:
- d. *no site shall be used for any temporary event more than 7 times in any calendar year;*
 - f. *for the purpose of this rule the relevant noise standards of the Zone do not apply.*

9.7. Rule 35.4.9 – Temporary Events – Informal Airports

481. Although titled "Temporary Events" this rule actually provides for informal airports for rotary wing aircraft flights in association with the use of the site for temporary public events as a permitted activity. The activity is subject to the following criteria:
- *The informal airport is only used during the hours of 0800 – 2000*
 - *No site shall be used for an informal airport for more than 7 days in any calendar year*
 - *No site shall be used for an informal airport more than one day in any calendar month*
 - *The aircraft operator has notified the Council's Planning Department concerning the use of the informal airport.*
 - *The temporary community event must be open to the general public to attend (whether ticketed or not).*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply.

482. There was on one submission on this rule³⁵². This sought that the activity be extended to all temporary events, be allowed to operate for 20 days per year, with no limit per month. No evidence was received in support of this submission.
483. In the absence of evidence, we are not prepared to extend this aspect of temporary events in the manner suggested by the submitter. We are satisfied that the Council has achieved a satisfactory balance with the combination of restrictions included in the rule.

³⁵¹ FS1342

³⁵² Submission 837, opposed by FS1127

484. Ms Banks did suggest some minor wording changes for clarification purposes. She suggested replacing “temporary public events” with “temporary events that are open to the general public” in the description of the activity. While we agree that clarifies the nature of the event, it brings into question whether the last bullet point is necessary if that change is made.
485. Ms Banks also recommended inserting “a total of” before “7 days” in the second bullet point. She considered this necessary to clarify that it was not intended that the days be consecutive³⁵³. We do not consider this change is necessary in this rule.
486. The only changes we recommend to this rule are minor grammatical and clarification changes relying on Clause 16(2). We recommend the rule, renumbered 34.5.5, read:
Informal airports for rotary wing aircraft flights in association with the use of a site for temporary public events that are open to the general public provided that:
- a. *The informal airport is only used during the hours of 0800 – 2000;*
 - b. *No site shall be used for an informal airport for more than 7 days in any calendar year;*
 - c. *No site shall be used for an informal airport more than one day in any calendar month;*
 - d. *The aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport.*

For the purpose of this Rule the relevant noise standards of the Zone do not apply.

9.8. Rule 35.4.10 – Temporary Filming

487. As notified, this rule provided for temporary filming activities on public conservation land, including use as an informal airport, as a permitted activity provided a valid concession was held for the temporary filming.
488. This rule was supported by the Director-General, Department of Conservation³⁵⁴. Although a further submission in opposition to this submission was listed in the Schedule of Submissions³⁵⁵, that was directed to an unrelated matter.
489. We recommend the rule be adopted as notified subject to renumbering as 35.4.6.

9.9. Rule 35.4.11 – Temporary Filming

490. This rule provided, as a permitted activity, for temporary filming on land other than conservation land, including using land as an informal airport as part of the filming activity, subject to the following limitations:
- *The number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone*
 - *Within the Rural Zone, any temporary filming activity does not occur on a site, or in a location within a site, for a period longer than 30 days, in any 12 month period.*
 - *In any other Zone, any temporary filming activity does not occur on a site for a period longer than 30 days (in any 12 month period) with the maximum duration of film shooting not exceeding 7 days in any 12 month period.*
 - *All building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated.*

³⁵³ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁴ Submission 373

³⁵⁵ Section 42A Report, Appendix 2

- *The use of land as an informal airport as part of filming activity is restricted to the Rural Zone.*

For the purpose of this Rule:

The relevant noise standards of the Zone shall not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.

491. There were no submissions on this rule and Ms Banks initially made no recommendations to change it. However, following our questions as to the meaning of the second and third bullet points, Ms Banks recommended the wording of those clauses be amended to clarify that there is no requirement that days be consecutive³⁵⁶. We agree with her recommended wording and agree that it a minor change that falls within the ambit of Clause 16(2). Subject to those changes, changing “shall” to “do” in the last clause, changing the bullet points to an alphanumeric list, and renumbering the rule as 35.4.7, we recommend the rule be adopted as notified. The full text is set out in Appendix 2.

9.10. **Rule 35.4.12 – Temporary Construction-Related Activities**

492. This rule provided for temporary construction-related activities, such as buildings, scaffolding and cranes, ancillary to a construction project as permitted activities.

493. The only submissions on this rule were from the Real Journeys group³⁵⁷. Their submissions sought that

- a. The rule also provide for construction of vessel survey undertaken in relation to the TSS Earnslaw and other associated structures; and
- b. Associated with construction of buildings, structure and infrastructure at Cardrona ski area and Walter Peak Rural Visitor Zone.

494. We are unsure of the rationale of the submitters given that the rule provides for temporary construction works as a permitted activity. Ms Black did not deal with this matter when she provided evidence.

495. In the absence of evidence we would only be speculating as to the intention of the submitters. We recommend the submissions be rejected and the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and renumbering as 35.4.8.

9.11. **Rule 35.4.13 – Temporary Construction-Related Activities**

496. This rule provided for, as a permitted activity, the provision of temporary food/beverage retail activities for the direct purpose of serving workers of an active building or construction site.

497. Again the only submitters were the Real Journeys group³⁵⁸. The submissions sought the inclusion of the words so that the activity was “for the direct purpose of serving people at temporary events and functions or workers of an active building or construction project”.

498. As with the previous rule, no evidence was led by the submitter on this rule. We consider the submitters have misconceived the purpose of the rule and appear to be attempting to alter it to create a totally different activity.

³⁵⁶ Kimberley Banks, Reply Statement, paragraph 7.3

³⁵⁷ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁵⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

499. We recommend the submissions be rejected and the rule be adopted as notified, subject to renumbering as 35.4.9.

9.12. **Rule 35.4.14 – Temporary Military Training**

500. This rule provided for temporary military training as a permitted activity. The sole submission sought the retention of the rule³⁵⁹.

501. We agree and recommend the rule be adopted as notified, subject to being renumbered 35.4.10.

9.13. **Rule 35.4.15 – Temporary Utilities**

502. This rule provided for temporary utilities as a permitted activity. The sole submission sought the retention of the rule³⁶⁰.

503. We agree and recommend the rule be adopted as notified, subject to changing the bullet points to an alphanumeric list and the rule being renumbered 35.4.11.

9.14. **Rule 35.4.16 – Temporary Storage**

504. We have dealt with this in Section 8.5 above. We recommend that it be adopted as notified subject to being renumbered 35.4.12.

9.15. **Additional Rules Sought**

505. The Real Journeys group³⁶¹ sought the inclusion of two new activity rules:

- a. To permit temporary activities (including storage) carried out within the Cardrona ski area and the Walter Peak Rural Visitor Zone; and
- b. Provide a new Temporary food/beverage retail activity rule to permit the serving of people at temporary events and functions.

506. Ms Banks, in her Section 42A Report spent considerable time dealing with the various submissions by the Real Journeys group, including these two additional provisions³⁶². In contrast, Real Journeys group presented nothing to us at the hearing on these submissions. As we have noted above, Ms Black's evidence was limited to supporting Ms Banks' recommended change to Objective 35.2.5 and one clause of Rule 35.4.6. The lack of evidence has not assisted us in understanding what the submitters are either concerned about, or what they seek that is different from what the PDP provides.

507. In our view, the simple answer is that the temporary activity provisions as we are recommending them will apply in the Cardrona ski area. As the Walter Peak Rural Visitor Zone was not notified in Stage 1, these provisions will not immediately have effect on that land as it is not included in the PDP at present (nor, should we say, would any rule we could recommend specifically apply to that zone). At a subsequent stage, when the Walter Peak area is given a zoning in the PDP, then the temporary activity rules will apply there also. Thus, in one location what is sought in (a) is unnecessary, and in the other, it cannot be provided at present in any event.

³⁵⁹ Submission 1365

³⁶⁰ Submission 635

³⁶¹ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶² Kimberley Banks, Section 42A Report, Section 11

508. As to (b), we do not understand why there needs to be an additional rule specifying that people can serve food and beverages at temporary events such as weddings. In our view, such serving is part of the event.
509. We recommend both of these submission points be rejected in all three submissions.
510. QPL³⁶³ sought that a consistent management approach be provided for all temporary events, whether on conservation land or private land. While a new rule was not explicitly sought, this seems the appropriate location to deal with this issue. As we understand it, where a temporary activity, whether an event or filming, is to be held on conservation land, a valid concession must be obtained. It seems appropriate to us that the applicants for such concessions need not apply additionally to the Council for a resource consent to have the same or similar matters dealt with.
511. Mr Young's submissions on this matter seems to imply that private land owners should be granted the same rights as the Council or Department of Conservation in hosting temporary events. Mr Young did not discuss the effect the Reserves Act or Conservation Act would have on applications to the Council or Department for temporary events on private land. Unfortunately, he did not attend the hearing so we were unable to discuss this matter with him, or how he his client saw that temporary events on private land were disadvantaged. Mr Fitzpatrick did not raise this matter when he appeared.
512. Ms Banks dealt with this matter in her Reply Statement³⁶⁴. She set out the process applicants for temporary events on Council reserve land must go through. It was her opinion, that the provisions in the PDP relating to temporary events on private land were more enabling than in the ODP, and that no further changes were required in response to this submission.
513. We agree with her assessment and recommend that this submission be rejected.

10. 35.5 – RULES – STANDARDS

10.1. Rule 35.5.1

514. As notified this rule set a requirement for shipping containers used as relocated buildings to have signage removed and to be painted where used on a site for more than 2 months. Non-compliance required consent as a non-complying activity.
515. The only submissions³⁶⁵ on this standard sought that the two months be changed to three months.
516. Ms Banks set out in the Section 42A Report why she considered shipping containers should not be considered different from any other building and noted that the definition of building in the PDP includes the use of shipping containers as buildings in certain circumstances³⁶⁶. She recommended this rule be deleted (along with other provisions relating to shipping containers) and that they be managed by the relevant zone rules. She identified that the House Movers submission provided scope for this deletion.

³⁶³ Submission 806

³⁶⁴ Kimberley Banks, Reply Statement, Section 8

³⁶⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁶⁶ Kimberley Banks, Section 42A Report, paragraphs 7.40 to 7.50

517. We agree with Ms Banks' assessment of the issue. The rule appears anomalous when a controlled activity consent is required for any relocated building, and the matters of control include the external appearance. We recommend that the standard be deleted, accepting in part the submissions by the Real Journeys group.

10.2. Rule 35.5.2

518. This standard requires that all fixed exterior lighting be directed away from adjacent sites and roads. Failure to comply requires consent as a restricted discretionary activity with the Council's discretion limited to the effect of lighting on the amenity of adjoining properties.

519. The only submissions³⁶⁷ on this standard sought that it not apply to "glare from lighting used for health and safety purposes". The submitters also suggested the inclusion of an additional rule stating that the glare from such lighting was a permitted activity.

520. Ms Banks did not discuss this in her Section 42A Report, but did recommend deleting "fixed exterior" from the rule based on Submission 607 and FS1097.

521. We are unsure what this standard is designed to regulate. The Section 32 Assessment suggests it is related to temporary activities³⁶⁸ but one would not expect temporary activities to have fixed exterior lighting. Rather, one would expect temporary lighting.

522. We do not agree with Ms Banks' recommendation as that appears to do the opposite to what the submitters sought, by widening the effect of the standard to apply to all lighting. We doubt that there is scope for such a change.

523. The submitters presented no evidence or comment on this provision. We are hesitant to provide a blanket exemption for a category of lighting that is for "health and safety purposes" as that could include all lighting at a temporary event.

524. The only amendment we recommend is a minor grammatical change relying on Clause 16(2) to change "shall" to "must". In our view, the imperative of "must" is more appropriate language in a standard.

525. We recommend the rule be adopted as notified, subject the minor amendment described above and renumbering it as 35.5.1, but that the Council re-examine what the purpose of the standard is, and in the light of the results of that consideration, whether it is necessary or appropriately framed.

10.3. Rules 35.5.3 and 35.5.4

526. These rules provide standards for, respectively, waste management and sanitation. There were no submissions on these standards. Again we recommend the term "shall" be changed to "must", but otherwise recommend they be adopted as notified and renumbered 35.5.2 and 35.5.3 respectively.

11. RULES – NON-NOTIFICATION

527. This provision exempts temporary filming from requiring the written consent of other persons and from limited or public notification.

³⁶⁷ Submissions 607 (supported by FS1097), 615 (supported by FS1105, FS1137) and 621
³⁶⁸ page 40

528. The only submission on this was by QAC³⁶⁹ in relation to the issue of temporary activities piercing the OLSs. We have dealt with the issue above in Section 8.1 and concluded an advice note was the appropriate solution to the issue and that deals with QAC's submission on this provision as well.

529. We recommend the provision be adopted as notified.

11.1. Summary of Conclusions on Rules

530. We have set out in Appendix 2 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 35, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

12. CHANGES SOUGHT TO DEFINITIONS

12.1. Introduction

531. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

532. We have already dealt with the definition of "Noise Event", which was not subject to any submissions. We will not repeat that discussion here.

12.2. Relocated Buildings

533. As notified, Chapter 2 contained the following definitions relevant to relocated buildings:
Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes new buildings that are purpose built for relocation.

Relocatable Means not constructed for permanent location on any particular site and readily capable of removal to another site.

Relocation In relation to a building, means the removal and resiting of any building from any site to another site.

534. House Movers³⁷⁰ sought the PDP include the following definitions, which the submitter stated was consistent with the industry's usage:

Relocated Building means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any pre-fabricated building which is delivered dismantled to a site for erection on that site.

Removal of a Building means the shifting of a building off a site.^[17]

³⁶⁹ Submission 433, opposed by FS1097, FS1117

³⁷⁰ Submission 496

Relocation of a Building means the placement of a relocated building on its destination site.³⁷¹

Re-siting of a Building means shifting a building within a site.

535. Ms Banks discussed these proposed definitions and considered adoption of them in part would assist in alleviating interpretation difficulties that have arisen under the ODP using the definitions as notified³⁷¹. Mr Ryan³⁷² did not take any issue with Ms Banks' modified definitions at the hearing.
536. We largely agree with Ms Banks' opinion on the value of amending these definitions. We do also recommend some further minor changes to the definition of Relocated Building. We consider the exclusion of pre-fabricated buildings needs to be clarified such that it applies to newly created prefabricated buildings, and that the requirement they be dismantled for transport be removed. While "dismantled" may mean a small degree of dismantling, we would not want such a term to be construed as requiring a prefabricated building be deconstructed for transport then re-fabricated on site. That would amount to placing such buildings in the same category as prefabricated roof trusses. We consider the definition is less open to perverse interpretations if the exclusion reads "any newly prefabricated building which is delivered to a site for erection on that site".
537. We do not agree with Ms Banks that it unnecessary to replace the notified definition of "Relocation". Given the recommended new definition of "Re-siting", the use of that term within the definition of "Relocation" will create further ambiguity and confusion. We consider that deleting "and resiting" from that definition removes that potential problem.
538. As a result, we recommend to the Stream 10 Panel that the definitions of "Relocated Building" and "Relocation" be amended as set out below, and that new definitions of "Removal" and "Re-siting" be included in Chapter 2 in the form set out below.

Relocated/Relocatable Building means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting

Relocation In relation to a building, means the removal of any building from any site to another site.

Removal of a Building means the shifting of a building off a site.

Re-siting of a Building means shifting a building within a site.

12.3. Temporary Activities

539. The notified definition reads:
- Temporary Activities Means the use of land, buildings, vehicles and structures for activities of short duration and are outside the usual use of a site, that include the following:*
- Temporary events

³⁷¹ Kimberley Banks, Section 42A Report, paragraphs 16.1 to 16.7

³⁷² Submissions of Counsel for House Movers, dated 14 September 2016

- Temporary filming
- Temporary activities *related to building and construction*
- Temporary military *training*
- Temporary storage
- Temporary *utilities*
- Temporary *use of a site as an airport for certain community events*
- *A temporary activity does not include the extension of an activity authorised by a resource consent where in contravention to any conditions of the resource consent.*

540. Submissions on this definition sought:

- a. Improve the wording³⁷³;
- b. Include airshows³⁷⁴;
- c. Include “temporary exploration and prospecting”³⁷⁵;
- d. Retain³⁷⁶.

541. Related to this definition, submissions also sought the inclusion of definitions of:

- a. Temporary Military Training Activity³⁷⁷; and
- b. Temporary Storage³⁷⁸.

542. Ms Banks agreed that the wording of the definition of “Temporary Activities” could be improved and recommended modification of the last bullet point and deletion of the final paragraph³⁷⁹. She also considered that the QAC request to include airshows should be provided for in the relevant zone, rather than in this definition³⁸⁰.

543. In response to our questioning at the hearing, Ms Banks undertook a further evaluation of the definition, including examining how the activity has been defined in other districts in New Zealand and Australia³⁸¹. She concluded that the definition should not attempt to define the duration of temporary activities, rather that should be left to the rules. She did, however, conclude that further improvements could be made to the wording.

544. Before turning to Ms Banks’ recommended wording, we need to deal with the submission seeking the inclusion of “temporary exploration and prospecting” in the definition. We heard no evidence regarding this from either Ms Banks, the submitter or the further submitters.

545. New Zealand Tungsten Mining Ltd also sought the inclusion of definitions of “exploration” and “prospecting”. Reviewing those as requested, we do see that those activities are implicitly temporary. We make no recommendation on those requests by the submitter, but are

³⁷³ Submission 243

³⁷⁴ Submission 433

³⁷⁵ Submission 519, supported by FS1015, opposed by FS1356

³⁷⁶ Submission 635

³⁷⁷ Submission 1365

³⁷⁸ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁷⁹ Kimberley Banks, Section 42A Report, paragraph 16.10

³⁸⁰ *ibid*, paragraph 16.11

³⁸¹ Kimberley Banks, Reply Statement, Section 2

satisfied that there is no value in amending the definition of “temporary activities” to refer to them. We recommend to the Stream 10 Panel that submission be refused.

546. The amended definition of “temporary activities” recommended by Ms Banks read:
Temporary Activities Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and outside the regular day-to-day use of a site:
- a. Temporary events
 - b. Temporary filming
 - c. Temporary activities related to building and construction
 - d. Temporary military training
 - e. Temporary storage
 - f. Temporary utilities
 - g. Temporary use of a site as an informal airport
547. In large part we agree with Ms Banks that this wording is clearer as to what falls within the range of temporary activities. Our one concern is the amendment in respect of informal airports. As we read the rules in Section 35.4, the intention for informal airports is that they are allowed as a temporary activity when they are a component of a temporary event (Rule 35.4.5 as amended). Ms Banks’ amendment appears to widen that scope to include any temporary use of a site as an informal airport. We do not consider that change would have been contemplated by someone reading the submissions on this definition, so do not consider there is scope for such a broad amendment. We also doubt that it is a desirable outcome, but have no evidence one way or the other.
548. As a consequence, we agree with Ms Banks’ amendment save for the last bullet point, which we recommend should read:
549. *Temporary use of a site as an informal airport as a part of a temporary event*
550. We agree with Ms Banks that Ms Byrch’s submission³⁸² provides scope for this amendment. We recommend to the Stream 10 Panel that the definition of “temporary activities” be amended in accordance with Ms Banks’ recommendation subject to our revision to the final bullet point. We also recommend the Panel consider whether the use of alphanumeric lists should replace bulleted lists.
551. Associated with this definition is the request for a definition of “Temporary Military Training Activity”³⁸³. Ms Banks³⁸⁴ noted that notified Objective 35.2.3 stated that temporary military training is provided for (and our revised Objective 35.2.3 does not alter that outcome) and that the definition of “Temporary Activities” includes “temporary military training”, but nowhere is that defined. She agreed with the submitter that a new definition be included which read:
Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. The term ‘defence purpose’ is as described in the Defence Act 1990
552. We agree, for the same reasons, that the new definition should be included. However, we consider the wording can be improved by removing repetition and improving grammar. We also note that the Defence Act 1990 does not explicitly describe ‘defence purposes’. Taking

³⁸² Submission 243

³⁸³ Submission 1365

³⁸⁴ Kimberley Banks, Section 42A Report, paragraphs 16.8 and 16.9

account of this, we recommend to the Stream 10 Panel that a new definition of Temporary Military Training Activity be included in the Plan and that it read:

Temporary Military Training Activity (TMTA) means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.

553. The Real Journeys group³⁸⁵ sought that a new definition of “temporary storage” be included in Chapter 2. The submissions did not provide a proposed wording and Ms Black did not provide any explanation in her evidence. We are satisfied that Rule 35.4.12 (revised number) adequately explains what temporary storage is. We recommend to the Stream 10 Panel that these submissions be rejected.

12.4. Temporary Events

554. There were no submissions on this definition, but Ms Banks recommended the addition of an advice note to clarify that the sale of alcohol, and food and beverage hygiene standards and regulations, were not regulated by the PDP³⁸⁶. She recommended the addition of the following note:

Note - The following activities associated with Temporary Events are not regulated by the PDP:

- a. Food and Beverage
- b. Sale of Alcohol

555. We accept that is a helpful clarification and consider it is an amendment that can be made relying on Clause 16(2). We recommend to the Stream 10 Panel that this note be added to the definition of “Temporary Events”.

12.5. Definition of Building

556. In response to our questions at the hearing, Ms Banks undertook a careful consideration of the relationship of shipping containers to the definition of building³⁸⁷. Her final conclusion was that an additional exemption should be included in the definition of “Building” as follows:

- *Shipping containers temporarily located on a site for less than 2 months*

557. We are not in a position to know whether there is scope for such a change and do no more than bring the matter to the attention of the Stream 10 Panel for its consideration.

³⁸⁵ Submissions 607, 615 (supported by FS1105, FS1137) and 621

³⁸⁶ Kimberley Banks, Reply Statement, paragraph 8.9

³⁸⁷ *ibid*, Section 10

PART D: CHAPTER 36 - NOISE

13. PRELIMINARY

13.1. Stage 2 Variations

558. On 23 November 2016 the Council notified Stage 2 of the PDP and variations. That proposed the inclusion of new rules in this chapter providing noise controls for the Wakatipu Basin Zone and the Open Space and Recreation Zones.

559. We have left space for these rules in locations we consider appropriate for the respective rules. The rules do not form part of our recommendations and we discuss them no further.

13.2. General Submissions

560. Two submissions³⁸⁸ generally supported this Chapter. As we recommend changes to this Chapter, we recommend those submissions be accepted in part.

561. Submission 115 stated that the landscape values of the District can be spoilt by noise from motor boats and lawnmowers. The submitter sought that the Plan institute a quiet day each week. Ms Evans considered that the PDP provisions set appropriate standards for the receipt of noise in a way that managed amenity standards³⁸⁹. We agree with Ms Evans' opinion. We also consider it would be both impractical and inconsistent with the general expectations of the people of the District to impose a noise ban on a weekly basis. We recommend this submission be rejected.

562. Submission 159 was concerned with noise from late night parties and sought increased monitoring. We agree with Ms Evans' analysis that the noise standards provide a basis for monitoring and enforcement³⁹⁰. The PDP cannot do any more than that. We recommend this submission be rejected.

13.3. 36.1 –Purpose

563. There were four submissions in relation to this section. These sought:

- a. the retention of the section unaltered³⁹¹;
- b. the retention of the third paragraph³⁹²;
- c. amendment to exclude application of this chapter to the Town Centre Zone³⁹³; and
- d. amend to apply appropriate and consistent terminology³⁹⁴.

564. Ms Evans agreed with the wording changes sought by the Southern District Health Board³⁹⁵ for the reasons given in the submission³⁹⁶. She did not agree that the Chapter did not relate to the Town Centre Zones, noting that rules in Chapter 36 imposed restrictions on noise generated in that zone and received in residential zones, as well as imposing ventilation requirements in the Queenstown and Wanaka Town Centre zones. As a result, she recommended a series of minor word changes to the purpose statement in her Section 42A

³⁸⁸ Submissions 19 and 21

³⁸⁹ Ruth Evans, Section 42A Report, page 28

³⁹⁰ *ibid*, page 28

³⁹¹ Submission 433, supported by FS1211, opposed by FS1097 and FS1117

³⁹² Submission 1365

³⁹³ Submission 714

³⁹⁴ Submission 649

³⁹⁵ Submission 649

³⁹⁶ Ruth Evans, Section 42A Report, page 11

Report. The only substantive change she recommended in her Reply Statement was to amend the reference to the Civil Aviation Act to refer to the correct section.

565. We agree with Ms Evans (and the Southern District Health Board) that the amendments she has proposed to this section improve clarity and understanding of the purpose of the chapter. We also agree with her that the amendments she has proposed that are outside of the scope of the submissions lodged are minor with no substantive effect, or improve grammar, and therefore can be made under Clause 16(2).
566. The Stream 8 Hearing Panel has recommended to us³⁹⁷ a further amendment to clarify that certain forms of noise (from music, voices and loudspeakers) generated in the Queenstown and Wanaka Town Centres are not managed under this Chapter. We recommend that change be made for the reasons given by the Stream 8 Panel.
567. We recommend the Section 36.1 be adopted as worded in Appendix 3 to this report, and the submissions be accepted in part.

14. 36.2 – OBJECTIVES AND POLICIES

14.1. Objective 36.2.1 and Policies

568. As notified, these read:

Objective *Control the adverse effects of noise emissions to a reasonable level and manage the potential for conflict arising from adverse noise effects between land use activities.*

36.2.1.1 Manage subdivision, land use and development activities in a manner that avoids, remedies or mitigates the adverse effects of unreasonable noise.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

569. The submissions on these sought:

- a. Retain all as notified³⁹⁸;
- b. Retain the objective³⁹⁹;
- c. Retain Policy 2⁴⁰⁰;
- d. Amend Policy 2 to discourage noise sensitive activities establishing in the vicinity of consented or existing noise generating activities.⁴⁰¹

570. In her Section 42A Report, Ms Evans recommended minor changes to the objective to make it more outcome focussed. Following our questioning at the hearing, she recommended further changes to the objective and Policy 1 in her Reply Statement.

³⁹⁷ Report 11, Section 8.11

³⁹⁸ Submissions 197, 649 (supported by FS1211) and 1365

³⁹⁹ Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029), 719 and 847 (supported by FS1207)

⁴⁰⁰ Submission 719

⁴⁰¹ Submissions 717 (supported by FS1211 and FS1270, opposed by FS1029) and 847 (supported by FS1207)

571. Ms Evans considered the submissions seeking amendments to Policy 2 and concluded that the policy did not need to be altered as it does not distinguish between new or established noise sensitive activities leading to reverse sensitivity effects⁴⁰².
572. The only evidence we heard on these provisions was from Mr MacColl⁴⁰³ who supported Policy 2 as notified and agreed with Ms Evans' conclusions in respect of that policy.
573. We do not think Policy 2 provides any guidance as to how to achieve the objective, but we consider the wording proposed by Submitters 717 and 847 does not particularly assist. Without evidence we are not inclined to amend this policy.
574. We consider the word changes recommended by Ms Evans to the objective and Policy 1 improve their clarity without altering the meaning. We agree that those changes are minor non-substantive amendments that the Council can make under Clause 16(2).
575. We note that Policy 1 fails to provide any guidance as to how to it is to achieve the objective, in the same manner as Policy 2.
576. We recommend that the Council amend the objectives and policies under Clause 16(2) so that they read:
Objective *The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.*
- 36.2.1.1 *Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.*
- 36.2.1.2 *Avoid, remedy or mitigate adverse noise reverse sensitivity effects.*
577. We also recommend that the Council review the two policies with a view to providing clearer guidance as to how the objective is to be achieved. We do not consider that parroting s.5(2)(c) of the Act assists.

15. 36.3 – OTHER PROVISIONS

15.1. 36.3.1 – District Wide

578. There were no submissions on this section. The only changes we recommend to it are to make it consistent with the same section in other chapters. We consider this to be a minor amendment that can be made under Clause 16(2).
579. We recommend the Council amend this section as shown in Appendix 3 as a minor, non-substantive amendment under Clause 16(2).

15.2. 36.3.2 – Clarification

580. As notified this section contained 10 clauses, the first two of which, consistent with other chapters, described when a consent was required and the abbreviations used in the tables. The following eight clauses read:
 36.3.2.3 *Sound levels shall be measured and assessed in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and NZS 6802:2008 Acoustics -*

⁴⁰² Ruth Evans, Section 42A Report, page 12

⁴⁰³ Anthony MacColl, EiC, page 7

Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.

- 36.3.2.4 *Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.*
- 36.3.2.5 *In addition to the above, the noise from the following activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.*
- 36.3.2.6 *Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall be subject to the rules in the applicable zones.*
- 36.3.2.7 *Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.*
- 36.3.2.8 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport.*
- 36.3.2.9 *Noise standards for Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16.*
- 36.3.2.10 *The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.*

581. Submissions on this section sought the following:

- a. Support the provisions⁴⁰⁴;
- b. Amend 36.3.2.7 so as to exclude the temporary operation of emergency and backup generators from the noise limits⁴⁰⁵;
- c. Include reference to Wanaka Airport in 36.3.2.8⁴⁰⁶;
- d. Include an additional clarification stating that activities in the Rural Zone established at the time of the Review will be administered for noise purposes in accordance with the rules at the time the activity was established or consented⁴⁰⁷.

582. Ms Evans agreed that reference to Wanaka Airport should be included in 36.3.2.8. Ms Evans also noted that the noise of aircraft at that airport, as for Queenstown Airport, is controlled by the designation⁴⁰⁸. We agree with that conclusion.

⁴⁰⁴ Submissions 649 (supported by FS1211) and 1365

⁴⁰⁵ Submission 635

⁴⁰⁶ Submission 433, opposed by FS1097 and FS1117

⁴⁰⁷ Submissions 717 (supported by FS1270, opposed by FS1029) and 847 (supported by FS1270).

⁴⁰⁸ Ruth Evans, Section 42A Report, page 13

583. Ms Evans considered that the additional clarification sought (item (d)) was unnecessary as provision was made in the Act to protect lawfully established existing uses⁴⁰⁹. We agree with her assessment. We heard no evidence from the submitters so our understanding of their reasoning is that contained in the submission. That reasoning is clearly focussed on restating existing use provisions from the Act in the PDP. We cannot understand why, if such provisions were to be included, they should be limited to the Rural Zone. We recommend those submissions be rejected.
584. The submission by Aurora concerning the temporary operation of emergency and backup generators included a proposal to include such operations in Table 1 as a permitted activity. It is appropriate to consider both parts of the submission together.
585. Dr Chiles assessed this submission⁴¹⁰. It was his opinion that, in terms of emergency generators, people are prepared to tolerate the noise of them because it is an emergency, and by definition, temporary. He also noted that where emergency generators are fixed installations they need to be tested regularly. He recommended that emergency generators be provided for as a permitted activity in Table 1, along with an allowance for testing. He considered that amendment to 36.3.2.7 was unnecessary as 36.3.2.5 already identified that the activities in Table 1 were exempt from compliance with Table 2 standards. Ms Evans adopted Dr Chiles evidence and recommended changes to Table 1 consistent with his opinion.
586. Ms Dowd, appearing for Aurora, supported this proposed rule⁴¹¹.
587. In response to our questioning, Ms Evans further refined the rule in Table 1 in her Reply Statement so as to clarify the circumstances when it applied to backup generation⁴¹².
588. We accept the advice of Dr Chiles for the reasons he set out and recommend that a new permitted activity be included in Table 1, modified as proposed by Ms Evans in her Reply Statement subject to replacing “grid” with “network” so that the wording is consistent with that used in Chapter 30. We agree that it is unnecessary to make provision in 36.3.2.7 for an activity that listed in Table 1.
589. Ms Evans recommended some minor changes to 36.3.2.9 to properly identify the zones it applied to, and to note that activities in those zones were still required to meet the noise standards for noise received in other zones. The Stream 8 Panel has further recommended that this provision be amended to make it clear that noise from music, voices and loud speakers in the Wanaka and Queenstown Town Centre Zones (excluding the Queenstown town Centre Transition Sub-Zone) need not meet the noise standards set in this chapter.⁴¹³
590. Ms Evans also recommended minor changes to 36.3.2.1 to clarify the meaning and remove unnecessary words.
591. We agree that those amendments are helpful in providing clarity to the meaning of the relevant provision. We consider them to be minor changes that can be made under Clause 16(2). We recommend the amendments recommended by the Stream 8 Panel be adopted for the reasons that Panel has given.

⁴⁰⁹ *ibid*, page 12

⁴¹⁰ Dr Stephen Chiles, EIC, pages 9-10

⁴¹¹ Joanne Dowd, EIC, page 6

⁴¹² Ruth Evans, Reply Statement, paragraph 2.4

⁴¹³ Report 11, Section 8.11

592. We also recommend moving 36.3.2.2 to the end of the list so it more clearly relates to the tables that follow. As a consequence it becomes renumbered as 36.3.2.10 and clauses 3 to 10 are consequentially renumbered.
593. The Stream 13 Hearing Panel has recommended an amendment to notified 36.3.2.6 under Clause 16(2) to clarify the relationship of Rules 36.5.13 and 36.5.14 and the rules in the relevant zone chapters. We adopt their recommendation and include the amendment to recommended Rule 36.3.2.5 in Appendix 3.
594. For those reasons we recommend that Section 36.3.2 be titled “Rules – Explanation” and that clauses 1, 8 (renumbered as 7) and 9 (renumbered as 8) be amended to read as follows:
- 36.3.2.1 *Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance, but breaches a standard, requires resource consent as a Non-complying activity.*
- 36.3.2.7 *The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.*
- 36.3.2.8 *Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.*
595. We also recommend, as discussed above, that a new permitted activity be inserted in Rule 36.4 Table 1 to read as follows:
- Sound from emergency and backup generators:*
- a. *Operating for emergency purposes; or*
 - b. *Operating for testing and maintenance for less than 60 minutes each month during a*
 - c. *weekday between 0900 and 1700.*

For the purpose of this rule, backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).

16. 36.4 – RULES – ACTIVITIES

16.1. Table 1

596. As notified, this rule listed the following as permitted activities (exempt from the standards in Table 2):
- 36.4.1 *Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).*
- 36.4.2 *Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.*

36.4.3 *Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.*

36.4.4 *Sound from temporary military training activities.*

36.4.5 *In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.*

36.4.6 *Sound from aircraft movements within designated airports.*

36.4.7 *Sound from telecommunications cabinets in road reserve.*

597. Apart from the Aurora submission dealt with in the previous section, the submissions on this rule sought:

- a. Retain the rules⁴¹⁴;
- b. Retain Rule 36.4.3⁴¹⁵;
- c. Retain Rule 36.4.4⁴¹⁶;
- d. Delete Rule 36.4.6⁴¹⁷;
- e. Add new rule exempting noise from vessels⁴¹⁸.

598. Ms Evans agreed that Rule 36.4.6 could be deleted as such aircraft noise was covered by the designations, and deleting it was consistent with the amended 36.3.2.7 above⁴¹⁹. We agree with that analysis and recommend the submission be accepted and Rule 36.4.6 be deleted.

599. Dr Chiles provided detailed evidence on the noise effects of motorised craft⁴²⁰. We heard no contrary expert noise evidence on this issue. It was Dr Chiles' opinion that sound from motorised craft has the potential to cause significant adverse noise effects in terms of degradation of amenity and disturbance. Consequently, he did not consider it appropriate to provide a blanket permitted activity status for noise from motorised craft.

600. We accept Dr Chiles assessment and recommend the submissions seeking the inclusion of this rule be rejected.

601. In summary, therefore, we recommend that Rule 36.4.6 be deleted, Rule 36.4.7 be renumbered 36.4.6, and, as we recommended above, a new Rule 36.4.7 be inserted for emergency and backup electrical generators. For clarity purposes, we recommend the Table be titled "Permitted Activities". The revised Table 1 is set out in Appendix 3.

17. 36.5 – RULES – STANDARDS

17.1. Table 2 : General Standards

602. As notified, this table set out the noise standards that applied to all activities, other than those specifically exempted, when measured in the receiving environment. Non-compliance with the set standards were non-complying, except in two cases as discussed below.

⁴¹⁴ Submissions 649 (supported by FS1211) and 719

⁴¹⁵ Submissions 438 and 708

⁴¹⁶ Submission 1365

⁴¹⁷ Submission 433, opposed by FS1097 and FS1117

⁴¹⁸ Submissions 607 (supported by FS1097) and 621

⁴¹⁹ Ruth Evans, Section 42A Report, page 14

⁴²⁰ Dr Stephen Chiles, EiC, section 7

603. Ms Evans identified an error in the labelling of the table as notified⁴²¹. The second column heading as notified was “Activity or sound source”. Ms Evans advised that it should have been headed “Zones sound is received in” and she recommended it be so amended as a minor Clause 16(2) amendment. As the various standards do not make sense if the notified heading is applied, we agree with Ms Evans that it should be corrected. We do not consider such a change to be anything other than minor as any person reading the standards would immediately see that the column did not list activities or sound sources (except for Rule 36.5.2 which we discuss below). We recommend this change be made as a correction under Clause 16(2).
604. As noted, Rule 36.5.2 applied different standards in the residential zones and the Rural Zone for sound generated in the Queenstown Airport Mixed Use Zone. Rule 36.5.2 had the effect of allowing more noise to be generated within the Queenstown Airport Mixed Use Zone than could be generated by any other activity, where the noise was received in a residential zone or the Rural Zone. Non-compliance with this more generous standard required consent as a restricted discretionary activity.
605. The second situation where non-compliance was not specified as “Non-complying” was Rule 36.5.5, which set no limit for noise received in the Queenstown Airport Mixed Use Zone. Although the non-compliance column stated “permitted”, logically it was not possible to not comply with that standard.
606. The other matter in respect of this table we need to point out at the outset is that it included standards for a large number of zones which were not in Stage 1 of the Review, but are, rather, zones in the ODP. We note in this respect that a submission by Real Journeys Limited seeking to change the standard applying to the Rural Visitor Zone was identified by the reporting officer as being “out of scope”⁴²². We also note that by resolution of the Council the geographic areas of several of these have been withdrawn from the PDP⁴²³. As of the date of that resolution those zones (or parts of zones) have been removed from this rule.
607. We also note that, as notified, Rule 27.3.3.1 explicitly stated that the zones listed were not part of the PDP: Stage 1, and Rule 27.3.3.2 explicitly stated that all the Special Zones in Chapter 12 of the ODP other than Jacks Point, Waterfall Park and Millbrook, were excluded from the PDP subdivision chapter.
608. Ms Scott addressed this matter in her Reply Submissions. It was her submission that the provisions of Chapter 36 were, at notification, intended to apply district-wide, even to zones not included in Stage 1. She submitted that we could take a “flexible and pragmatic approach as to whether submissions are “on” Stage 2 matters, when they relate to types of activities addressed through one of the district-wide chapters”⁴²⁴.
609. We have previously advised the Council that we have serious concerns with the approach it has taken regarding the suggestion that provisions in the PDP:Stage 1 apply to land which does

⁴²¹ Ruth Evans, Section 42A Report, Paragraph 8.24

⁴²² Ruth Evans, Section 42A Report, Appendix 2, page 7

⁴²³ Resolution of the Council dated 25 May 2017 to withdraw the geographic areas of the following ODP zones from the PDP: Frankton Flats B, Remarkables Park, Shotover Country Estate, Northlake Special, Ballantyne Road Industrial and Residential (Change 46), Queenstown Town Centre extension (Change 50), Peninsula Bay North (Change 51), Mount Cardrona Station

⁴²⁴ Council Reply Submissions, paragraph 2.4

not have a Stage 1 zoning⁴²⁵. In this chapter, what have been listed in the rules are, in addition to the Stage 1 zones, ODP zones. Ms Scott submitted that it would be appropriate for us to direct that those provisions be transferred to Stage 2⁴²⁶.

610. There is no information before us to suggest that any of these zones (in the terms used in these rules) will become part of the PDP. While the geographic areas those ODP zones apply to may become part of the PDP in due course, it is not axiomatic that those areas will have the same ODP zones applied.
611. We also note that the only submission⁴²⁷ on these rules referring to the zones listed in Ms Scott's submissions sought the deletion of "Industrial Zones" on the basis that those zones were not in Stage 1 and should not, therefore, be included in the rule at this stage. This raises the question for us as to whether the public understood that the Council was expecting the submission period in 2015 to be the one time a submission could be lodged in respect of noise received in any of these zones. We also have a concern that, if we were simply to direct that they be transferred to Stage 2, that would not automatically confer any submission rights in respect of these rules at Stage 2. Such submission rights will only be conferred if the Stage 2 process involves a change to the PDP to include such areas or zones.
612. We note at this point that the Stream 13 Hearing Panel is recommending the inclusion of the Coneburn Industrial Zone in the PDP. No noise limits were proposed within this zone, but the policies proposed included:

*To minimise the adverse effects of noise, glare, dust and pollution.*⁴²⁸

613. It may be that the submitter assumed that the provisions in Chapter 36 would apply, both within and outside the zone. On the face of it, the inclusion of the Coneburn Industrial Zone within the PDP would support the retention of notified Rule 36.5.7 as it applies to Industrial Zones. However, when the rule is examined, it only sets limits within Activity Areas 2, 2a, 3, 4, 5, 6, 7 and 8. It is unclear what this specification relates to, but it is clear that the rule as notified would not apply in the Coneburn Industrial Zone even if Rule 36.5.7 remained in the District Plan.. We do note that activities in the Coneburn Industrial Zone, while not needing to meet noise limits within the zone, would still need to meet the standards for noise received in the adjoining Rural Zone, or the nearby Jacks Point Zone.
614. Given the above, including the position the Council took in the reply, we have come to the conclusion that listing of the following zones in Rule 36.5 is an error:
- a. Township Zones;
 - b. Rural Visitor Zones;
 - c. Quail Rise Special Zone;
 - d. Meadow Park Special Zone;
 - e. Ballantyne Road Special Zone;
 - f. Penrith Park Special Zone;
 - g. Bendemeer Special Zone;
 - h. Kingston Village Special Zone;
 - i. Industrial Zones.

⁴²⁵ Minute Concerning Annotations on Maps, dated 12 June 2017

⁴²⁶ Council Reply Submissions, paragraph 4.1

⁴²⁷ Submission 746

⁴²⁸ Proposed Policy 18.2.1.5 in Revised Chapter 18 provided with Joint Witness Statement on 15 September 2017

615. Consequently, we recommend all references to those zones be deleted from Rule 36.5 to correct this error. In terms of item (i) Industrial Zones, we recommend accepting Submission 746. The remainder we consider can be deleted as errors requiring correction with no substantive effect under Clause 16(2). We also consider that without deleting these references, the Council may inadvertently deprive persons with land in geographic area covered by those zones the opportunity to submit on the noise rules which would affect them when those geographic areas are brought into the PDP.
616. We consider the proper course for the Council to follow in the future is, when a variation or plan change is initiated to include an additional geographic area in the PDP, where applicable, references to the zones applied can be included in these rules as appropriate. Obviously, if that land has a PDP zone applied, such a change would not be necessary.
617. Two submissions generally supported the entire rule⁴²⁹. We recommend those submissions be accepted in part.
618. There were no submissions on Rule 36.5.1 which sets the standards for noise received in the Rural and Gibbston Character Zones. We recommend this rule be adopted as notified.
619. There were no submissions on Rule 36.5.4, other than that by Real Journeys Limited⁴³⁰ which the Council identified as being out of scope. With our recommended amendments to this rule to correct the error of including references to ODP zones, the area that submission related to is no longer affected by the rule. We recommend that Rule 36.5.4 be adopted in the revised form shown in Appendix 3. We note that recommendations we make below will further amend this rule.
620. Following the Council's withdrawal of the geographic areas covered by the Shotover Country Special Zone and Mount Cardrona Special Zone, Rule 36.5.6 only applied to the Ballantyne Road Special Zone. Our recommendation that the error of including that zone in this rule be corrected by its deletion, would have the effect of deleting this rule, but Ms Evans has recommended the inclusion of other provisions within it. We will deal with that matter below.
- 17.2. **Rule 36.5.2**
621. Rule 36.5.2, which as we explained above, allowed a higher level of noise to emanate from the Queenstown Airport than from other activities, was subject to one submission⁴³¹ which sought that this rule be deleted and replaced with notified Rule 17.5.6. We note that the only substantive difference between those rules was that the night-time L_{max} was 5dB lower under Rule 17.5.6.
622. We were concerned these two rules were inconsistent with the general approach to managing noise in the District and there appeared to be no policy support for such a difference. Dr Chiles considered these limits to be inconsistent also, and it was his opinion that the inconsistencies undermine the level of amenity provided in surrounding locations by district wide noise limits⁴³².

⁴²⁹ Submissions 52 and 649

⁴³⁰ Submission 621

⁴³¹ Submission 433, opposed by FS1097 and FS1117

⁴³² Dr Stephen Chiles, EIC, paragraph 8.3

623. Mr Day did not address this inconsistency in his evidence. When questioned by the Panel, he answered that the residential areas around the airport are generally exposed to higher noise levels anyway.
624. Ms Evans, in her Reply Statement, noted that the noise limits were the same as in the ODP in respect of the Residential Zones, but have been extended to the Rural Zone also in the PDP. She recommended moving the standard to Table 3, which relates to specific noise sources, with a minor alteration to the wording to clarify the activities affected by the rule.
625. We agree with Dr Chiles that a separate and less onerous noise standard for Queenstown Airport is both inconsistent with the standards generally applied and undermines the amenity values the PDP is generally protecting in close-by residential areas. We also can find no basis for this differentiation in the objectives and policies of the PDP. However, with no submissions seeking the complete deletion of the standard, we cannot recommend its deletion. If there were a submission that sought such relief we would have recommended that submission be accepted. As it is, we largely agree with Ms Evans' proposed rule subject to two changes:
- a. clarification that it does not apply to sound from aircraft operations that are subject to Designation 2; and
 - b. Changing the night-time $L_{A_{\text{max}}}$ to 70dB as it was notified in Rule 17.5.6.
626. For the reasons set out, we recommend to the Stream 8 Hearing Panel that Rule 17.5.6 (as notified) be deleted, and recommend to the Council that Rule 36.5.2 be moved to become Rule 36.5.15 with the wording as set out in Appendix 3. We add that we cannot confirm that this rule meets the statutory tests of s.32AA.

17.3. Rule 36.5.3

627. This rule applies standards for noise received in the residential parts of the Jacks Point and Millbrook Resort Zones. We note that the former zone was incorrectly named in the rule, being termed a resort zone. We recommend that the zone name be changed by deleting "Resort" from "Jacks Point Resort Zone" so it has the zone name applied in the PDP. We consider this to be a minor correction under Clause 16(2).
628. Two submissions were received seeking:
- a. Include the Village Activity Area in the assessment locations⁴³³; and
 - b. Exclude the Village and EIC Activity Areas from column 2, and create a new rule making it a restricted discretionary activity for sounds from the Village and EIC Activity Areas to exceed the limits⁴³⁴.
629. We note that since hearing Stream 5, submitters on the Jacks Point Zone have sought the removal of the EIC Activity Area from that zone, and the Hearing Stream 9 Panel is recommending that change be accepted. Thus, we will not address that Activity Area further.
630. Ms Evans attempted to reconcile these two seemingly opposing submissions⁴³⁵. Dr Chiles was concerned that imposing the residential noise standards on the Village Activity Area would hinder the development of activities such as cafes with patrons sitting outside⁴³⁶. Ms Evans recommendation was to move both the Millbrook and Jacks Point provisions from Rule 36.5.3 to 36.5.4 on the basis that the standards would be the same for residential areas, and to

⁴³³ Submission 632, opposed by FS1219, FS1252, FS1275, FS1277, FS1283, FS1316

⁴³⁴ Submission 762, opposed by FS1316

⁴³⁵ Ruth Evans, Section 42A Report, paragraphs 8.28 to 8.31 inclusive

⁴³⁶ Dr Stephen Chiles, EIC, Section 9

include the Jacks Point Zone Village Activity Area in Rule 36.5.6 which provides for higher levels of received noise.

631. Mr Ferguson supported these changes but raised two matters:
- a. Clarification of how the noise standards are applied between the stipulated assessment locations and the zone or activity areas within it is received; and
 - b. The status of any breach of the noise standards⁴³⁷.
632. Mr Ferguson's first point was that the heading to Column 2 (as amended) referred to receiving zones, whereas in Jacks Point Zone at least, it was only within part of the zone that it applied. We consider this can be dealt with by amending the additional words after each zone to say "Residential (or Village) Activity Areas only" to make it clear it is only part of the zone within which the relevant rule controls the receipt of noise.
633. We have considered Mr Ferguson's opinion that non-compliance with the rules applicable to the Village Activity Area should require consent as a restricted discretionary activity. In our view the point of noise standards is to establish a bottom line for amenity values which should not be breached. The standards themselves, and the forms of measurement, provide for the rare or momentary exceedance of any fixed level. If an activity is proposing to create a level of noise that will always or regularly exceed the standard, then we consider it appropriate for the Council, on a resource consent application, to be able to firstly consider whether that activity meets the thresholds of s.104D, and if so, to undertake a full evaluation of the proposal under s.104. We agree with Ms Evans' evaluation of this matter in her Reply Statement.
634. In summary, we recommend that Rule 36.5.3 be deleted and the following be inserted in Column 2 of Rule 36.5.4 (consequently renumbered 36.5.2):
- Millbrook Resort Zone – Residential Activity Areas only*
Jacks Point Zone – Residential Activity Areas only
635. We additionally recommend that the following be inserted in Column 2 of Rule 36.5.6 (now renumbered 36.5.4):
- Jacks Point Zone – Village Activity Area only*
- 17.4. **Rule 36.5.5**
636. The only submission on this rule sought its retention⁴³⁸. As noted above, and agreed by Ms Evans⁴³⁹, there is no possibility of not complying with this rule, so the appropriate thing is to leave the Non-compliance Status Column blank. With that change, we recommend the rule be adopted.
- 17.5. **Table 3**
637. This table sets standards for noise from specified activities, including identifying any applicable special considerations. One submitter⁴⁴⁰ supported all of the rules in this table subject to amendments to Rule 36.5.11 which we deal with below. There were no other submissions on Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.17.
638. The only other submission⁴⁴¹ on Rule 36.5.15 sought that it be retained.

⁴³⁷ Christopher Ferguson, EiC, page 5

⁴³⁸ Submission 433, opposed by FS1097, FS1117

⁴³⁹ Ruth Evans, Reply Statement, Appendix 1

⁴⁴⁰ Submission 649

⁴⁴¹ Submission 580

639. Ms Evans recommended that Rule 36.5.17 be transferred to Chapter 41 as a rule applying to Jacks Point Zone. We agree with that recommendation and refer that rule to the Stream 9 Hearing Panel.

640. Subject to renumbering and altering the reference in Rule 36.5.8 to the NESTF 2016, we recommend that Rules 36.5.8, 36.5.9, 36.5.10, 36.5.12 and 36.5.15 be adopted as notified.

17.6. Rule 36.5.11

641. This rule controls noise from frost fans. The sole submission⁴⁴² sought that the L_{AFmax} limit failed to account for increased annoyance where there are special audible characteristics present. It sought that the limit be changed to 55 dB $L_{Aeq(15\ min)}$.

642. Dr Chiles⁴⁴³ agreed that the 85 dB L_{AFmax} would not adequately control noise effects. He considered that proposed in the submission to be adequate, although significantly more lenient than the general night-time noise limit of 40 dB $L_{Aeq(15\ min)}$. Ms Evans accepted Dr Chiles advice and recommended amending this rule as requested.

643. On the basis of that evidence we recommend that Rule 36.5.11 (renumbered as 36.5.8) be amended to set a noise limit of 55 dB $L_{Aeq(15\ min)}$.

17.7. Rule 36.5.13

644. This rule set the standard for noise from helicopters. Three submitters⁴⁴⁴ supported this rule. Other submissions sought:

- a. Delete the rule⁴⁴⁵;
- b. Measure L_{max} rather than L_{dn} ⁴⁴⁶;
- c. Delete the L_{dn} measurement⁴⁴⁷;
- d. Make non-compliance a discretionary activity⁴⁴⁸.

645. In addition, one submission sought the introduction of a separate rule for helicopters landing near the top of Skyline Access Road⁴⁴⁹.

646. It was Dr Chiles' evidence⁴⁵⁰ that the adverse effects of helicopters are related to both the sound level of individual helicopter movements, and also the frequency of movements. He noted that while there were some limitations with the use of an L_{dn} noise limit, it would control both factors. On the other hand, while a L_{AFmax} noise level would control the sound level, it would not control the number of movements. He also noted that there can be difficulty in obtaining reliable assessments of helicopter noise using the L_{AFmax} limit.

647. Dr Chiles also explained why he considered the L_{dn} control for helicopter noise in this rule, coupled with the additional controls on movement numbers in the Rural Zone, sets an appropriate noise limit to manage adverse noise effects. While he agreed that there was

⁴⁴² Submission 649

⁴⁴³ EIC, Section 12

⁴⁴⁴ Submissions 143 (opposed by FS1093), 433 (opposed by FS1097, FS1117) and 571

⁴⁴⁵ Submission 475, opposed by FS1245

⁴⁴⁶ Submissions 607, 626, 660, 713

⁴⁴⁷ Submission 243, opposed by FS1224, FS1245

⁴⁴⁸ Submission 607

⁴⁴⁹ Submission 574, opposed by FS1063

⁴⁵⁰ EIC, Section 13

justification for applying the noise limits recommended for commercial areas by NZS6807 to commercial areas in the PDP, as sought in Submission 574, he considered that limit not to be appropriate in the area specified in that submission. He advised us that a recent Environment Court decision⁴⁵¹ found that the commercial area noise limit from NZ6807 was not appropriate in that location. He advised that in considering that application, the Court found that a helicopter noise limit of 60 dB L_{dn} in conjunction with a limit of four helicopter flights a day to be appropriate. He was unaware of justification to insert specific and different noise limits for this location into the PDP.

648. Mr Dent appeared in support of Submission 574. It was his opinion that NZ6807 was the appropriate standard for measuring helicopter noise. He explained that the ODP rules effectively have no applicable noise rules for helicopters. Turning to the specific issue of the Skyline helicopter pad, he considered there was value in making provision for a helicopter pad to locate in the vicinity of Bobs Peak with a noise limit of 60 dB L_{dn} (less than the 65 dB L_{dn} sought in the submission).
649. In response to this evidence, Ms Evans proffered the opinion that if the Council were to include specific controls for a specific consented activity, the PDP would be littered with such special provisions. She also advised that the Environment Court only granted consent for 5 years, to enable review, whereas if it became a rule in the PDP then it would not be subject to review until the PDP were reviewed, and would, potentially, be there for the life of the activity⁴⁵².
650. There are three issues for us to deal with in regard to this rule:
- a. Whether helicopter noise limits be set using NZS6807 or in the same manner as other noise is generally controlled in the District;
 - b. The activity status of a resource consent for non-compliance; and
 - c. Whether special provision should be made for helicopter landing at Skyline.
651. All the expert evidence we heard advised us that NZS6807 is the appropriate standard to use of the assessment and control of helicopter noise. As that standard is specifically designed to deal with helicopter noise, that is unsurprising. Mr Dent assisted us by setting out a number of local consent hearings where the hearing commissioners had agreed with expert noise evidence that concluded the ODP noise rules were ineffective, or unable to control, helicopter noise. We accept all that evidence and conclude that Rule 36.5.13 as notified is fundamentally sound. We also agree with Ms Evans' recommendation that the Advice Note should specify Queenstown and Wanaka Airports.
652. Our views on the non-compliance status of any breach of this rule is consistent with those we gave above in respect of Rule 36.5.3 above. As it was, we heard no evidence on this from the submitter.
653. The Stream 10 Hearing Panel has recommended that the final clause in the notified definition of noise in Chapter be inserted in this rule. We agree that is a more appropriate location and is a non-substantive change under Clause 16(2).
654. For those reasons we recommend that Rule 36.5.13 (renumbered 36.5.10) be adopted as notified, with the addition of the phrase from Chapter 2 and a minor amendment to the advice note.

⁴⁵¹ ZJV (NZ) Limited v Queenstown Lakes District Council & Skyline Enterprises Limited [2015] NZEnvC 205

⁴⁵² Ruth Evans, Reply Statement, Section 9

655. We also note that, in addition to this rule, other rules in the Rural Zone relating to informal airports restrict the frequency of flights and impose setback requirements in certain situations. The combination of those rules should go some way to address the concerns of those submitters who sought the deletion or modification of this rule.

656. Turning to the Skyline issue, we agree with Ms Evans that turning a resource consent into district plan rules, when that consent is subject to a time limitation because of the potential adverse effects, is fraught with issues. We consider it would be poor resource management practice to create such a rule as it would restrict the Council's ability to adjust the terms of the activity if monitoring disclosed adverse environmental effects beyond those foreseen. In our view, if Skyline wishes to choose a better site for helicopter landing, and it requires a resource consent, then they should follow that process. We recommend that submission be rejected.

17.8. Rule 36.5.14

657. This rule sets noise limits for fixed wing aircraft using NZS6805 as the means of measuring and assessing aircraft noise. One submission⁴⁵³ sought the retention of this rule, while two submissions⁴⁵⁴ sought its replacement with an L_{max} limit and changing the non-compliance status to discretionary.

658. Again this issue is whether a standard specifically designed to measure and assess aircraft noise (NZS6805) should be used as the basis for setting the limits in this rule, or the general provisions used elsewhere in the District. We heard no evidence in support of the submissions seeking to amend this rule and see no reason to for there to be a different approach to setting noise limits for fixed wing aircraft from that used for setting noise limits for helicopters.

659. We recommend that Rule 36.5.14 (renumbered 36.5.11) be adopted as notified, and the advice note be amended to specify Queenstown and Wanaka Airports.

17.9. Rule 36.5.16 and Rule 36.8

660. Rule 36.5.16 set a noise limit of 77 dB L_{ASmax} for commercial motorised craft operating on the surface of lakes and rivers. Rule 36.8 set out the methods of measurement and assessment of such noise.

661. One submission⁴⁵⁵ sought the retention of Rule 36.8. Other submissions sought:

- Lower the limit in Rule 36.5.16 and include live commentary on vessel as well⁴⁵⁶;
- Exempt low or moderate speed passenger service vessels from 36.8⁴⁵⁷;
- Set the limit for jet boats competing in jet boat race events at 92 dB L_{ASmax} ⁴⁵⁸.

662. We note in respect of item (b) above, the same submitter sought that such vessels be permitted activities in Table 1. We have deal with that matter above and recommended rejecting that submission.

663. Dr Chiles discussed the issues that have arisen with administering the noise rules relating to motorised craft under the ODP. He recommended that deletion of the testing methodology

⁴⁵³ Submission 433, supported by FS1345 and opposed by FS1097, FS1117

⁴⁵⁴ Submissions 607 and 621

⁴⁵⁵ Submission 649

⁴⁵⁶ Submission 243, opposed by FS1224, FS1245

⁴⁵⁷ Submission 621

⁴⁵⁸ Submission 758

in Rule 36.8 would partly address concerns raised in Submission 621. Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8 which would include deletion of the testing methods.

664. Dr Chiles advised us that the level of 77 dB L_{ASmax} had operated successfully under the ODP. He considered that if it were reduced, it would restrict the ability of many vessels to operate on the surface of lakes and rivers in the District. He also considered it was not practicable to assess the sound of on-board commentary using the methods for assessing motorised craft. He considered the general noise standards (Rule 36.5.1 for instance) should apply to such noise.
665. It was Dr Chiles' opinion that the noise from jet boat racing should be assessed on a case by case basis via the resource consent process.
666. As alluded to above, Ms Evans recommended a consolidation of Rules 36.5.16 and 36.8. In doing this she incorporated Rule 36.8.1.2 into Rule 36.5.16. As notified, there was a potential conflict between these two rules, and, at minimum, an ambiguity. Rule 36.5.16 set a single noise limit, and in the "Time" Column stated "Refer 36.8". Rule 36.8.1.2 stated:
The measured sound pressure level shall not exceed a maximum A weighted level:
- 77 dB L_{ASmax} for vessels to be operated between the hours of 0800 and 2000;
 - 67 dB L_{ASmax} for vessels to be operated between the hours of 2000 and 0800.
667. In consolidating the rules, Ms Evans pulled the night-time level into Rule 36.5.16. We need to consider whether a plan user would have expected the night-time limits to apply given the notified version of Rule 36.5.16. As Ms Black's evidence, on behalf of Real Journeys Ltd, was concerned in part with the ability of her company's vessels to operate between 0700 and 0800, and 2000 and 2100, in accordance with the lower levels, we can be satisfied that submitters understood those lower limits to apply.
668. While Ms Black's evidence was mainly focussed on the permitted activity status sought, as discussed in an earlier section above, she did explain the nature of Real Journeys' vessel operations. We understood Dr Chiles' evidence to be that the PDP noise rules for vessels represented no change from those in the ODP for commercial vessels. There was nothing in Ms Black's evidence to suggest that meeting the ODP noise limits had been an issue for her company. For those reasons, we see no justification in altering the limits in Rule 36.5.16.
669. Mr McKenzie presented a statement on behalf of Jet Boating New Zealand Inc in respect of the request for a separate noise limit for jet boats taking part in jet boat race events. He attached to his evidence a noise report from 2005 for applications for a number of international jet boat races.
670. The fundamental difficulty this submitter has is that Rules 36.5.16 and 36.8 only relate to commercial vessels. We do not understand jet boats involved in jet boat races to fall into that category. In the absence of any other noise rules controlling vessels, non-commercial boating fall to be considered under the provisions of Table 2. Dr Chiles expressed the opinion that the same noise limits should apply to all motorised craft⁴⁵⁹. We agree and recommend that the Council initiate a variation to apply the noise limits in Rule 36.5.16 to all motorised craft. Jet Boating New Zealand Inc would have the opportunity to lodge a submission on such a variation if it considered it did not adequately provide for its members' activities.

⁴⁵⁹ Dr Stephen Chiles, EiC, paragraph 7.1

671. In summary, for the reasons set out above, we agree with the revised version of Rule 36.5.16 (renumbered 36.5.14) recommended by Ms Evans and recommend the Council adopt that version of the rule as set out in Appendix 3, and we recommend the deletion of Rule 36.8.

17.10. Rule 36.6

672. This rule contained provisions designed to protect nearby residents from the effects of airport noise. Rule 36.6.1 related specifically to a zone which was not part of PDP: Stage 1 – the Rural Visitor Zone. Rule 36.6.2 (Table 4) set the acceptable construction methods to meet the sound insulation requirements within the Air Noise Boundary of the Queenstown Airport. Rule 36.6.3 (Table 5) set out the ventilation requirements within the Outer Control Boundary and Air Noise Boundary of Queenstown and Wanaka Airports.

673. One submission supported the rules in full⁴⁶⁰, one supported Table 4 with a minor correction and replacement of Table 5⁴⁶¹, one sought amendments to address modern building solutions⁴⁶², and another sought that provision be made for requiring air conditioning⁴⁶³. Another submission⁴⁶⁴ was listed as being relevant to this rule, but on reading the submission we concluded it only related to the provision for informal airports in the rural chapters. We have taken no account of that submission and leave it to the Stream 2 Hearing Panel to deal with.

674. We consider Rule 36.6.1 creates the same issues as those we discussed above in relation to ODP zone names being listed in Rules 36.5.4, 36.5.6 and 36.5.7. In our view, for the purposes of the PDP, the Rural Visitor Zone does not exist. Thus, this rule is of no practical effect. We also note that this rule has not been mentioned in the Section 32 Report for Noise. In fact, that report does not mention the Rural Visitor Zone at all. We can only conclude that the inclusion of this rule is a mistake that should be corrected. For those reasons, we recommend Rule 36.6.1 be deleted as an error under Clause 16(2).

675. Dr Chiles provided useful evidence on the construction and ventilation requirements⁴⁶⁵. It was his advice that the glazing requirement in Table 4 be changed to double glazing with 4mm thick panes separated by a cavity at least 12mm wide. He also confirmed that ceiling plasterboard should be 9 mm, as sought in Submission 433.

676. In terms of ventilation, Dr Chiles advised that he had sought advice (for another client) on how ventilation rules could meet the aim of providing sufficient thermal comfort for occupants, so they have a free choice to leave windows closed if required to reduce adverse external sound. Based on that review, he recommended a specification that would replace Rule 36.6.3 (and also 36.7 which we deal with below). In his opinion, such a specification would give effect to Submission 80, but would only adopt the specification put forward in Submission 433 in part. Ms Evans redrafted Rule 36.6.3 based on Dr Chiles advice.

677. The only submitter heard from in respect of this rule was QAC. By the time of the hearing the only matters at issue related to Rule 36.6.3 – Table 5. These issues can be further narrowed to be, in essence:

- a. The appropriate standard for low rate ventilation;

⁴⁶⁰ Submission 649

⁴⁶¹ Submission 433, opposed by FS1097, FS1117

⁴⁶² Submission 383, opposed by FS1340

⁴⁶³ Submission 80, opposed by FS1077

⁴⁶⁴ Submission 310, opposed by FS1245

⁴⁶⁵ Dr Stephen Chiles, EIC, Section 14

- b. How many air changes per hour occurred at high setting on the ventilation system;
 - c. The need for passive relief venting; and
 - d. The measuring point for assessing the noise level of the ventilation system.
678. Mr Roberts provided expert ventilation evidence. He described the difficulties faced in implementing the ventilation system required by the notified rules. He also identified that some of the requirements, particularly that requiring 15 air changes per hour, were unnecessary in the Queenstown climate. His recommendation was that Table 5 should be amended so as to:
- a. *Reduce the high setting air changes so that there is no difference between Bedrooms and other Critical Listening Environments, for the purposes of rationalising the type, physical size and quantity of separate ventilation systems required to comply, and that those ventilation systems can readily achieve the difference between high and low setting air flow rates;*
 - b. *Provide the ability to use more modern and efficient plant, including heat pump air conditioning units; and*
 - c. *Simplify the system design in order that it can be readily designed to comply by local contractors.*⁴⁶⁶
679. In respect of the differences between the Council provisions and QAC provisions, he noted:
- a. The ventilation rates should not be linked to provisions of the NZ Building Code as those provisions are designed for different purposes;
 - b. While 6 air changes per hour proposed by the Council is very similar to the 5 air changes per hour he recommended, the extra change per hour would require an additional fan or complex air flow control system, with costs disproportionate to benefit;
 - c. High air change setting and cooling via heat pump cooling system could be provided as alternates;
 - d. The omission of a heating requirement from the Council proposal is possibly an error;
 - e. To ensure that combustion appliances can operate safely under the high air change requirement, additional passive relief venting is required;
 - f. There should be no need to duplicate heating, ventilation or cooling systems where they are already present and satisfy the requirements of the rule⁴⁶⁷.
680. Ms O’Sullivan attached a draft rule that, in her opinion, achieved the matters raised by Mr Roberts⁴⁶⁸.
681. The other outstanding matter was the point at which to measure the noise of the cooling system. The rule stated that noise levels were to be measure at a distance of 1 m to 2 m from any diffuser. Dr Chiles recommended that it be set at 1 m to remove ambiguity, while it was Mr Day’s evidence that this should be set at 2 m.
682. Ms Wolt submitted that there was no scope to set the measuring point at 1 m, while there was scope to set it at 2 m. In her Reply Statement, Ms Evans accepted that there may not be scope to set it at 1 m and recommended that it be set at 2 m, noting that it was likely that most persons measuring such noise would use the most lenient point.⁴⁶⁹

⁴⁶⁶ Scott Roberts, EiC, paragraph 17

⁴⁶⁷ *ibid*, paragraphs 28 - 38

⁴⁶⁸ Kirsty O’Sullivan, EiC, Appendix D

⁴⁶⁹ Ruth Evans, Reply Statement, paragraph 8.4

683. The evidence from the noise experts did not suggest that there was a difference between the ventilation rule options put to us in terms of protecting residents from aircraft noise. Given that lack of difference, we prefer the expert advice of Mr Roberts and accept that the rule drafted by Ms O'Sullivan, subject to minor amendments, is the most appropriate to include in the PDP. As amended, this rule explicitly provides for cooling as sought in Submission 80.
684. For those reasons, we recommend that Rule 36.6.3 (renumber 36.6.2) be adopted in the form shown in Appendix 3.

17.11. Rule 36.7

685. This rule provides ventilation requirements for critical listening environments in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Zones and the Business Mixed Use Zone. There were no submissions on this rule and the Council, therefore, has no scope to change it other than by variation. It was Dr Chiles' evidence that it did need changing, even if only to correct the low setting from 1-2 ac/hr to 0.5 ac/hr. We recommend the Council obtain expert ventilation advice on appropriate standards for these zones and implement a variation to implement that advice if required.

17.12. Consequential Amendments Recommended by Other Hearing Streams

686. In addition to the amendments recommended by the Stream 8 Panel in relation to Section 36.1 and Rule 36.3.2.8 discussed above, that Panel has also recommended consequential amendments to recommended Rules 36.5.1, 36.5.3, 36.5.4 and 36.5.14.
687. The amendment to Rule 36.5.1 is consequential on the recommended rezoning of Wanaka Airport from Rural to Airport Zone. We agree that listing the Airport Zone – Wanaka in this rule will continue the notified noise regime for the land and therefore it can be made as a non-substantive change under Clause 16(2).
688. The remaining amendments are consequential on changing the name of the Airport Mixed Use Zone to Airport Zone. Again such changes are non-substantive changes under Clause 16(2).
689. We recommend those amendments, as shown in Appendix 3, are adopted.

17.13. Summary of Conclusions on Rules

690. We have set out in Appendix 3 the rules we recommend the Council adopt. For all the reasons set out above, we are satisfied that the rules are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapter 36, and those in the Strategic Directions chapters. Where we have recommended rules not be included, that is because, as our reasons above show, we do not consider them to be efficient or effective.

18. CHANGES SOUGHT TO DEFINITIONS

18.1. Introduction

691. Submitters on this Chapter also lodged submissions on a number of notified definitions and also sought the inclusion of several new definitions. In accordance with the Hearing Panel's directions in its Second Procedural Minute dated 5 February 2016, we heard evidence on these definitions and have considered them in the context of the rules which apply them. However, to ensure a consistent outcome of consideration of definitions, given the same definition may be relevant to a number of hearing streams, our recommendations in this part of the report are to the Hearing Stream 10 Panel, who have overall responsibility for recommending the final form of the definitions to the Council. As the recommendations in this section are not

directly to the Council, we have listed the wording we are recommending for these definitions in Appendix 5.

18.2. Noise

692. One submission⁴⁷⁰ sought that L_{dn} be deleted from the definition of noise. The submission suggests that it is only there to allow helicopters and no special provision should be made for noise from helicopters.

693. In discussing Rule 36.5.13 above we noted that expert noise evidence advised that the L_{dn} method is the best for measuring noise from helicopters. We recommend to the Stream 10 Hearing Panel that this submission be rejected.

18.3. Notional Boundary

694. The Southern District Health Board⁴⁷¹ recommended that “façade” in this definition be replaced by “any side” on the basis that in rural areas, where notional boundaries are used for noise measurement, it is all sides of the building that are important. Using the term façade may imply that it is only that facing the road which is relevant.

695. We agree with that logic and recommend to the Stream 10 Hearing Panel that the definition of notional boundary be amended to read:

Notional boundary means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.

⁴⁷⁰ Submission 243, opposed by FS1340

⁴⁷¹ Submission 649

PART E: OVERALL RECOMMENDATION

696. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 30, in the form set out in Appendix 1, be adopted;
 - b. Chapter 35, in the form set out in Appendix 2, be adopted;
 - c. Chapter 36, in the form set out in Appendix 3, be adopted; and
 - d. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 4.
697. We recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 5 be included in Chapter 2 for the reasons set out above.
698. We further recommend that the Council consider initiating variations to deal with the following matters:
- a. Amend Objective 30.2.1 and associated policies as discussed in Section 3.1 above;
 - b. Delete Policy 30.2.5.4 as discussed in Section 3.5 above;
 - c. Amend definition of “utility” to exclude airport activities within the Airport Zone as discussed in Section 4.3 above;
 - d. Amend Rule 35.4.12 to make it consistent with Objective 35.2.5 and associated policies as discussed in Section 8.5 above;
 - e. Apply Rule 36.5.13 to all motorised craft as discussed in Section 19.9 above;
 - f. Amend Rule 36.7 as recommended to us by Dr Chiles and discussed in Section 19.11 above.

For the Hearing Panel



Denis Nugent, Chair
Date: 30 March 2018

Appendix 1: Chapter 30 as Recommended

30 ENERGY AND UTILITIES

30.1

Purpose

Energy and Utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation of electricity and the provision of essential infrastructure throughout the District.

30.1.1 Energy

Energy resources play a key role in the socio-economic wellbeing and growth of the District. Local energy needs may change over time and are dependent on the scale of demand, as well as measures to reduce demand through energy efficiency, conservation and small scale renewable generation.

In the future, there may be a need for new generation sources to meet demand. Electricity generation by renewable energy sources is desired over non-renewable sources and this is reinforced in the National Policy Statement on Renewable Electricity Generation 2011. The generation of electricity from non-renewable sources is generally discouraged. However, standby generation may be necessary for essential public, civic, community and health functions, or in areas not connected to the electricity distribution network.

Energy efficiency and conservation go hand in hand with renewable energy. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions. Small and community scale generation is encouraged and advantages of solar energy within the District are recognised. The benefits of solar energy may be realised through site design methods which promote solar efficient design, in addition to the inclusion of solar photovoltaic panels and solar hot water heating systems within buildings. Sustainable building forms which reduce energy demand and minimise heating costs are encouraged, including use of the Homestar™ rating system for residential buildings and Green Star tool for commercial buildings.

30.1.2 Utilities

Utilities are essential to the servicing and functioning of the District. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.

Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, the need for the establishment and on-going functioning, maintenance and upgrading of utilities is recognised. In addition, some utilities have specific locational needs that need to be accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.

It is recognised that while utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, some of which have been established long before the network utility. The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may lead to reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.

Energy

30.2.1 **Objective** - The sustainable management of the District’s resources benefits from the District’s renewable and non-renewable energy resources and the electricity generation facilities that utilise them.

- Policies
- 30.2.1.1** Recognise the national, regional and local benefits of the District’s renewable and non-renewable electricity generation activities.
 - 30.2.1.2** Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.

30.2.2 **Objective** - The use and development of renewable energy resources achieves the following:

- a. It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;**
- b. It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;**
- c. It assists in meeting international climate change obligations;**
- d. It reduces reliance on imported fuels for the purpose of generating electricity;**
- e. It helps with community resilience through development of local energy resources and networks.**

- Policies
- 30.2.2.1** Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that:
 - a. recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available;
 - b. recognises logistical and technical practicalities associated with renewable electricity generation activities;
 - c. provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.
 - 30.2.2.2** Enable new technologies using renewable energy resources to be investigated and established in the district.

30.2.3 **Objective - Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.**

- Policies
- 30.2.3.1** Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.
 - 30.2.3.2** Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.
 - 30.2.3.3** Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.
 - 30.2.3.4** Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:
 - a. landscape values and areas of significant indigenous flora or significant habitat for indigenous fauna;
 - b. recreation and cultural values, including relationships with tangata whenua;
 - c. amenity values;
 - d. the extent of public benefit and outcomes of location specific cost-benefit analysis.
 - 30.2.3.5** Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.
 - 30.2.3.6** To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental compensation including those which benefit the local environment and community affected.
 - 30.2.3.7** Consider non-renewable energy resources including standby power generation and Stand Alone Power systems where adverse effects can be mitigated.

30.2.4 **Objective - Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.**

- Policies
- 30.2.4.1** Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.
 - 30.2.4.2** Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.

- 30.2.4.3** Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.
- 30.2.4.4** Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.
- 30.2.4.5** Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.
- 30.2.4.6** Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.

Utilities

30.2.5 Objective - The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.

- Policies
- 30.2.5.1** Utilities are provided to service new development prior to buildings being occupied, and activities commencing.
 - 30.2.5.2** Ensure the efficient management of solid waste by:
 - a. encouraging methods of waste minimisation and reduction such as re-use and recycling;
 - b. providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
 - c. assessing trends in solid waste;
 - d. identifying solid waste sites for future needs;
 - e. consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source);
 - f. providing for the appropriate re-use of decommissioned landfill sites.
 - 30.2.5.3** Recognise the future needs of utilities and ensure their provision in conjunction with the provider.
 - 30.2.5.4** Assess the priorities for servicing established urban areas, which are developed but are not reticulated.
 - 30.2.5.5** Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.
 - 30.2.5.6** Encourage low impact design techniques which may reduce demands on local utilities.

30.2.6 **Objective** - The establishment, continued operation and maintenance of utilities supports the well-being of the community.

- Policies
- 30.2.6.1** Provide for the need for maintenance or upgrading of utilities including regionally significant infrastructure to ensure its on-going viability and efficiency subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.
 - 30.2.6.2** When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the locational, technical and operational requirements of the utility and the benefits associated with the utility.
 - 30.2.6.3** Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:
 - a. enabling enhancement of the quality of life and standard of living for people and communities;
 - b. providing for public health and safety;
 - c. enabling the functioning of businesses;
 - d. enabling economic growth;
 - e. enabling growth and development;
 - f. protecting and enhancing the environment;
 - g. enabling the transportation of freight, goods, people;
 - h. enabling interaction and communication.
 - 30.2.6.4** Encourage the co-location of facilities where operationally and technically feasible.
 - 30.2.6.5** Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

30.2.7 **Objective** - The adverse effects of utilities on the surrounding environments are avoided or minimised.

- Policies
- 30.2.7.1** Manage the adverse effects of utilities on the environment by:
 - a. avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;
 - b. encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;
 - c. ensuring that redundant utilities are removed;

- d. using landscaping and or colours and finishes to reduce visual effects;
- e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.

30.2.7.2 Require the undergrounding of services in new areas of development where technically feasible.

30.2.7.3 Encourage the replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services where technically feasible.

30.2.7.4 Take account of economic and operational needs in assessing the location and external appearance of utilities.

30.2.8 Objective - The ongoing operation, maintenance, development and upgrading of the National Grid subject to the adverse effects on the environment of the National Grid network being managed.

Policies

30.2.8.1 Enabling the use and development of the National Grid by managing its adverse effects by:

- a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;
- b. avoiding Sensitive Activities within the National Grid Yard;
- c. managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;
- d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.

30.3

Other Provisions and Rules

30.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	31	<i>Signs</i>
32	Protected Trees	33	Indigenous Vegetation	34	Wilding Exotic Trees
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

30.3.2 Information on National Environmental Standards and Regulations

- a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.
- b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

 - i. cabinets in and outside of road reserve;
 - ii. antennas on existing and new poles in the road reserve;
 - iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;
 - iv. new poles and antennas in rural areas;
 - v. antennas on buildings;
 - vi. small-cell units on existing structures;
 - vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and
 - viii. associated earthworks.

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

The provisions of the NESTF 2016 prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply. However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

- c. New Zealand Electrical Code of Practice for Electrical Safe Distances.

Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

Advice Note: To assist plan users in complying with these regulations, the major distribution components of the Aurora network are shown on the Planning Maps.

Compliance with this District Plan does not ensure compliance with NZECP 34.

- d. Advice Note: Electricity (Hazards from Trees) Regulations 2003.

Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

30.3.3 Interpreting and Applying the Rules

30.3.3.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

30.3.3.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.

30.3.3.3 The rules contained in this Chapter take precedence over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

- a. 25 Earthworks;
- b. 26 Historic Heritage.

Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.

30.3.3.4 The following abbreviations are used in the tables.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

30.4

Energy Rules

30.4.1	Renewable Energy Activities	Activity Status
30.4.1.1	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating (including any structures and associated buildings but excluding Wind Electricity Generation), other than those activities restricted by Rule 30.4.1.4.	P
30.4.1.2	Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone that complies with Rule 30.4.2.3 Control is reserved to the following: a. noise; b. visual effects; c. colour; d. vibration.	C
30.4.1.3	Renewable Electricity Generation Activities , limited to masts, drilling and water monitoring for the purpose of research and exploratory-scale investigations that are temporary. Discretion is restricted to: a. the duration of works and the research purpose; b. the location of investigation activities and facilities, including proximity to, and effects on, sensitive uses and environments; c. the height and scale of facilities and potential visual effects; d. environmental effects.	RD
30.4.1.4	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings, which is either: a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2. OR b. Located in any of the following sensitive environments: i. Arrowtown Residential Historic Management Zone; ii. Town Centre Special Character Areas ; iii. Significant Natural Areas; iv. Outstanding Natural Landscapes; v. Outstanding Natural Features; vi. Heritage Features and Heritage Overlay Areas.	D
30.4.1.5	Renewable Electricity Generation Activities , other than Small and Community-Scale Distributed Electricity Generation, and including any new or additional building housing plant and electrical equipment.	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.1	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</p> <p>30.4.2.1.1 Not overhang the edge of any building.</p> <p>30.4.2.1.2 Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.</p> <p>30.4.2.1.3 Be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.</p> <p>30.4.2.1.4 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.1.5 Not intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.1.6 Not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.</p> <p>30.4.2.1.7 Not protrude a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.</p> <p>30.4.2.1.8 Not exceed 150m² in area if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.9 Not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.10 Be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.</p>	D
30.4.2.2	<p>Mini and Micro Hydro Electricity Generation must:</p> <p>30.4.2.2.1 Comply with Road and Internal Boundary Building Setbacks in the zone in which they are located.</p> <p>30.4.2.2.2 Not exceed 2.5 metres in height.</p> <p>30.4.2.2.3 Be finished in recessive colours consistent with the building it is servicing on site.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Water.</p>	D

30.4.2	Renewable Energy Standards	Activity Status
30.4.2.3	<p>Wind Electricity Generation must:</p> <p>30.4.2.3.1 Comprise no more than two Wind Electricity Generation turbines or masts on any site.</p> <p>30.4.2.3.2 Involve no lattice towers.</p> <p>30.4.2.3.3 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.3.4 Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.3.5 Be finished in recessive colours with a light reflectance value of less than 16%.</p> <p>Notes:</p> <p>In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m).</p> <p>The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position.</p> <p>Wind turbines must comply with Chapter 36 (Noise).</p>	D
30.4.2.4	<p>Biomass Electricity Generation</p> <p>30.4.2.4.1 Biomass Electricity Generation fuel material shall be sourced on the same site as the generation plant, except where the generation plant is located in Industrial Zones (and Industrial Activities Areas within Structure Plans).</p> <p>30.4.2.4.2 Any outdoor storage of Biomass Electricity Generation fuel material shall be screened from adjoining sites and public places.</p> <p>30.4.2.4.3 Biomass Electricity Generation plant and equipment shall be located inside a Building.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Air</p>	D
30.4.2.5	<p>Buildings for renewable energy activities</p> <p>Any building housing plant and electrical equipment associated with Renewable Electricity Generation activities, unless permitted in the zone in which it located or approved by resource consent, shall:</p> <p>30.4.2.5.1 Not exceed 10m² in area and 2.5m in height.</p> <p>30.4.2.5.2 Be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>30.4.2.5.3 Be finished in recessive colours, consistent with the building it is servicing on site.</p>	D

30.4.3	Non-Renewable Energy Activities	Activity Status
30.4.3.1	<p>Non-renewable Electricity Generation where either:</p> <p>a. the generation only supplies activities on the site on which it is located and involves either:</p> <ul style="list-style-type: none"> i. standby generators associated with community, health care, and utility activities; or ii. generators that are part of a Stand-Alone Power System on sites that do not have connection to the local distributed electricity network. <p>OR</p> <p>b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year.</p> <p>Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).</p>	P
30.4.3.2	Non-Renewable Energy Activities which are not otherwise specified.	NC

30.5 Utility Rules

30.5.1	General Utility Activities	Non-compliance Status
30.5.1.1	<p>Buildings associated with a Utility</p> <p>Any building or cabinet or structure of 10m² or less in total footprint or 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts for navigation or meteorology b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication c. lines and support structures. 	P
30.5.1.2	<p>Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works.</p>	P

30.5.1	General Utility Activities	Non-compliance Status
30.5.1.3	<p>Buildings (associated with a Utility)</p> <p>The addition, alteration or construction of buildings greater than 10m² in total footprint or 3m in height other than buildings located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation) for telecommunication and radio communication; c. line and support structures. <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. location; b. external appearance and visual effects; c. associated earthworks; d. parking and access; e. landscaping. 	C
30.5.1.4	<p>Buildings (associated with a Utility)</p> <p>Any addition, alteration or construction of buildings in:</p> <ul style="list-style-type: none"> a. any Significant Natural Areas; b. the Arrowtown Residential Historic Management Zone. <p>This rule does not apply to:</p> <ul style="list-style-type: none"> a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; c. lines and support structures. 	D
30.5.1.5	Flood Protection Works not otherwise provided for in Rule 30.4.5.1.2	D
30.5.1.6	Waste Management Facilities	D
30.5.1.7	Water and Wastewater Treatment Facilities	D
30.5.1.8	<p>Utilities and Buildings (associated with a Utility) which are not:</p> <p>30.5.8.1 provided for in any National Environmental Standard;</p> <p>OR</p> <p>30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13.</p>	D

30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	<p>Setback from internal boundaries and road boundaries</p> <p>Where the utility is a building, it must be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures for telecommunications. 	D
30.5.2.2	<p>Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</p> <p>Any building within an ONL or ONF must be less than 10m² in area and less than 3m in height.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures. 	D
30.5.2.3	<p>Height</p> <p>All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures. 	D

30.5.3	National Grid Activities	Non-compliance Status
30.5.3.1	Minor Upgrading	P
30.5.3.2	Buildings, structures and activities that are not National Grid sensitive activities within the National Grid Corridor Subject to compliance with Rules 30.5.4.1 and 30.5.4.2.	P
30.5.3.3	Earthworks within the National Grid Yard Subject to compliance with Rule 30.5.4.2	P
30.5.3.4	Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation Any building, structure or National Grid sensitive activity within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to: a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance upgrading and development of the substation; b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and c. measures proposed to avoid or mitigate potential adverse effects.	C
30.5.3.5	Erecting any lines, lattice towers or support structures for new overhead lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zones.	D

30.5.4	National Grid Standards	Non-compliance Status
30.5.4.1	<p>Buildings and Structures permitted within the National Grid Yard</p> <p>30.5.4.1.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.</p> <p>30.5.4.1.2 Network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.</p> <p>30.5.4.1.3 Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid Support Structure.</p> <p>30.5.4.1.4 Any non-habitable building or structure used for agricultural activities provided that they are:</p> <ol style="list-style-type: none"> less than 2.5m high; located at least 12m from a National Grid Support Structure; not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm. <p>30.5.4.1.5 Alterations to existing buildings that do not alter the building envelope.</p> <p>30.5.4.1.6 An agricultural structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC
30.5.4.2	<p>Earthworks permitted within the National Grid Yard</p> <p>30.5.4.2.1 Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 300mm.</p> <p>30.5.4.2.2 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Support Structure must be no deeper than 3 metres.</p> <p>30.5.4.2.3 Earthworks must not create an unstable batter that will affect a transmission support structure.</p> <p>30.5.4.2.4 Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by the NZECP 34:2001.</p> <p>The following earthworks are exempt from the rules above:</p> <p>30.5.4.2.5 Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.</p> <p>30.5.4.2.6 Earthworks undertaken as part of agricultural activities or domestic gardening.</p> <p>30.5.4.2.7 Repair sealing, resealing of an existing road, footpath, farm track or driveway.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC

30.5.5	Electricity Distribution Activities	Non-compliance Status
30.5.5.1	Minor Upgrading	P
30.5.5.2	Lines and Supporting Structures The placement and upgrading of lines, poles and supporting structures within formed legal road.	P
30.5.5.3	Underground Electricity Cables The placement of underground electricity distribution cables provided the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.5.4	Lines and Supporting Structures Except as otherwise stated in Rules 30.5.5.2 above, and 30.5.5.5 below new lines and associated above ground support structures including masts, poles or ancillary equipment, but excluding lattice towers, to convey electricity (at a voltage of equal to or less than 100kV at a capacity equal to or less than 100MVA). Control is reserved to: <ol style="list-style-type: none"> a. location; b. route; c. height; d. appearance, scale and visual effects. 	C
30.5.5.5	Lines and Supporting Structures Any line or support structure where it involves erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA) in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.1	Minor Upgrading	P
30.5.6.2	New Aerial Lines and Supporting Structures within formed road reserve; or New aerial telecommunication line/s on existing telecommunication or power structures including when located in sensitive environments identified in Rule 30.5.6.5.	P
30.5.6.3	The construction, alteration, or addition to underground lines providing the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.6.4	New Aerial Lines and Supporting Structures (outside formed road reserve) Not located in any of the sensitive environments identified by Rule 30.5.6.5 Control is reserved to: a. location; b. route; c. appearance, scale and visual effects.	C
30.5.6.5	New Aerial Lines and Supporting Structures Any line or support structure within any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D
30.5.6.6	Poles With a maximum height no greater than: a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones; e. 11m in any other zone; and f. 8m in any identified Outstanding Natural Landscape. Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.7	<p>Poles</p> <p>Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in</p> <ul style="list-style-type: none"> a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone; c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Area; f. Sites containing a Heritage Feature; and g. Heritage Overlay Areas. 	D
30.5.6.8	<p>Antennas and ancillary equipment</p> <p>Provided that for panel antennas the maximum width is 0.7m, and for all other antenna types the maximum surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae must be finished in colours with a light reflectance value of less than 16%.</p>	P
30.5.6.9	<p>Antennas and ancillary equipment</p> <p>Subject to Rule 30.5.6.10 provided that for panel antennas the maximum width is between 0.7m and 1.0m, and for all other antenna types the surface area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> a. location; b. appearance, colour and visual effects 	C
30.5.6.10	<p>Any antennas located in the following:</p> <ul style="list-style-type: none"> a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone ; c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Areas; and f. Heritage, Features and Heritage Overlay Areas. 	D
30.5.6.11	<p>Small Cell Units</p> <p>Provided that the small cell unit is not located within a Heritage Precinct.</p>	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.12	<p>Microcells</p> <p>A microcell and associated antennas, with a volume of between 0.11m³ and 2.5m³ provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> appearance; colour; and visual effects. 	C
30.5.6.13	<p>Small Cell Units and Microcells</p> <p>30.5.6.13.1 A microcell and associated antennas, with a volume more than 2.5m³.</p> <p>OR</p> <p>30.5.6.13.2 A small cell unit located within a Heritage Precinct.</p>	D

30.6

Rules - Non-Notification of Applications

30.6.1 Any application for resource consent for the following matters does not require the written approval of other persons and will not be notified or limited-notified:

- 30.6.1.1** Controlled activities except for applications when within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation.
- 30.6.1.2** Discretionary activities for Flood Protection Works.

Appendix 2: Chapter 35 as Recommended

35 TEMPORARY ACTIVITIES & RELOCATED BUILDINGS

35.1

Purpose

The purpose of the Temporary Activity provisions is to enable temporary events, filming, construction activities, military training, temporary utilities and temporary storage to be undertaken, subject to controls intended to minimise adverse effects. The provisions recognise that temporary activities, events and filming are important to the economic, social, and cultural vitality of the District, and are therefore encouraged.

The Relocated Building provisions primarily seek to ensure that the reinstatement of such buildings is compatible with the surrounding environment and amenity. The requirements of this chapter enable matters to be considered in addition to any specific controls for buildings and structures in the Zone Chapters and other relevant District Wide Chapters.

35.2

Objectives and Policies

35.2.1 **Objective – Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.**

Policies

- 35.2.1.1** Recognise and encourage the contribution that temporary events and filming make to the social, economic and cultural wellbeing of the District’s people and communities.
- 35.2.1.2** Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.
- 35.2.1.3** Recognise that purpose-built event facilities are designed to cater for temporary activities.
- 35.2.1.4** Recognise that for public spaces, temporary events are anticipated as part of the civic life of the District.
- 35.2.1.5** Require adequate infrastructure, waste minimisation, traffic management, emergency management, security, and sanitation facilities to be available to cater for anticipated attendants at large-scale temporary events and filming.
- 35.2.1.6** Ensure temporary activities do not place an undue restriction on public access.
- 35.2.1.7** Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.
- 35.2.1.8** Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.
- 35.2.1.9** Require all structures associated with temporary events and filming to be removed at the completion of the activity, and any damage in public spaces to be remediated.

35.2.2 Objective – Temporary activities necessary to complete building and construction work are provided for.

- Policies
- 35.2.2.1** Ensure temporary activities related to building and construction work are carried out with minimal disturbance to adjoining properties and on visual amenity values.
 - 35.2.2.2** Provide for small-scale retail activity to serve the needs of building and construction workers.
 - 35.2.2.3** Require temporary activities related to building and construction to be removed from the site following the completion of construction, and any damage in public spaces to be remediated.
-

35.2.3 Objective – Temporary Military Training Activities are provided for.

- Policy
- 35.2.3.1** Enable temporary military training to be undertaken within the District.
-

35.2.4 Objective – Temporary Utilities needed for other temporary activities or for emergencies are provided for.

- Policy
- 35.2.4.1** Enable short-term use of temporary utilities needed for other temporary activities or for emergency purposes.
-

35.2.5 Objective – Temporary Storage is provided for.

- Policies
- 35.2.5.1** Permit temporary storage related to farming activity.
 - 35.2.5.2** Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.
-

35.2.6 Objective – Relocated buildings maintain amenity and minimise the adverse effects of relocation and reinstatement works.

- 35.2.6.1** Provide for relocated buildings where adverse effects associated with the relocation and reinstatement are managed to provide a quality external appearance, and are compatible with the amenity of the surrounding area.

35.3

Other Provisions and Rules

35.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	36 Noise	37 Designations
Planning Maps		

35.3.2 Interpreting and Applying the Rules

- 35.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 35.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.
- 35.3.2.3** The Rules of this Chapter relating to Temporary Activities take precedence over any other provision of the District Plan, with the exception of:
- a. 26 Historic Heritage;
 - b. 31 Signs.
- 35.3.2.4** Notwithstanding 35.3.2.3, the Rules of this Chapter relating to Temporary Activities specify when the rules in Chapter 36 (Noise) do not apply.
- 35.3.2.5** For a Relocated Building, the provisions in this Chapter apply in addition to any relevant provision of any other Chapter.

Advice Notes

Relocated Buildings: Newly pre-fabricated buildings (delivered to a site for erection on that site) are excluded from the definition of Relocated Building, and are not subject to the rules of this chapter.

Temporary Events: The following activities associated with Temporary Events are not regulated by the District Plan:

- a. Food and Beverage;
- b. Sale of Alcohol.

Obstacle limitation surfaces at Queenstown or Wanaka Airport:

Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land Use Controls obstacle limitation surfaces at Queenstown or Wanaka Airport must first obtain the written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.

35.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.1	<p>Temporary Events held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event.</p> <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.2	<p>Temporary Events held within a permanent, purpose-built, hotel complex, conference centre, or civic building.</p>	P
35.4.3	<p>Temporary Events held on Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"> a. Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve. <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.4	<p>Any other Temporary Events, provided that:</p> <ul style="list-style-type: none"> a. the number of persons (including staff) participating does not exceed 500 persons at any one time; b. the duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down); c. the event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted; d. no site shall be used for any temporary event more than 7 times in any calendar year; e. all structures and equipment are removed from the site within 3 working days of the completion of the event ; f. for the purpose of this rule the relevant noise standards of the Zone do not apply. 	P

	Temporary Activities and Relocated Buildings	Activity Status
35.4.5	<p>Temporary Events</p> <p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary events that are open to the general public provided that:</p> <ul style="list-style-type: none"> a. the informal airport is only used during the hours of 0800 – 2000; b. no site shall be used for an informal airport for more than 7 days in any calendar year; c. no site shall be used for an informal airport more than one day in any calendar month; d. the aircraft operator has notified the Council’s Planning Department concerning the use of the informal airport. <p>For the purpose of this Rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.6	<p>Temporary Filming</p> <p>Held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary filming activity.</p>	P
35.4.7	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ul style="list-style-type: none"> a. the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone; b. within the Rural Zone, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year; c. in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year; d. all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated; e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone. <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	P
35.4.8	<p>Temporary Construction-Related Activities</p> <p>Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are:</p> <ul style="list-style-type: none"> a. ancillary to a building or construction project and located on the same site; b. are limited to the duration of an active construction project; c. are removed from the site upon completion of the active construction project. 	P
35.4.9	<p>Temporary Construction-Related Activities</p> <p>Any temporary food/beverage retail activity, for the direct purpose of serving workers of an active building or construction project.</p>	P
35.4.10	<p>Temporary Military Training</p> <p>Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990, provided any such activity or building does not remain on the site for longer than the duration of the project.</p>	P

	Temporary Activities and Relocated Buildings	Activity Status
35.4.11	<p>Temporary Utilities</p> <p>Any temporary utilities that:</p> <ol style="list-style-type: none"> are required to provide an emergency service; or are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan. 	P
35.4.12	<p>Temporary Storage</p> <p>Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.</p> <p>Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.</p>	P
35.4.13	<p>Relocated Building</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> the reinstatement works required to the exterior of the building and the timeframe to execute such works; the timeframe for placing the building on permanent foundations and the closing in of those foundations; the nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area. <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p>	C
35.4.14	Any temporary activity or relocated building not otherwise listed as a permitted or controlled activity in this table.	D

35.5

Rules - Standards

	Standards for Activities	Non- compliance Status																																																
35.5.1	<p>Glare</p> <p>All fixed exterior lighting must be directed away from adjacent sites and roads.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of lighting on the amenity of adjoining properties.</p>																																																
35.5.2	<p>Waste Management</p> <p>All temporary events with more than 500 participants at any one time, and temporary filming with more than 200 participants, must undertake the event in accordance with the Council’s Zero Waste Events Guide, including the submission of a completed ‘Zero Waste Event Form’.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the ability to minimise and manage waste from the event.</p>																																																
35.5.3	<p>Sanitation</p> <p>All temporary events with an anticipated attendance of up to 500 must provide a minimum number of toilet facilities in accordance with the below table, or have ready access to the same number of publicly-accessible toilets within a 150m walk from the event.</p> <table border="1" data-bbox="501 798 1529 1043"> <thead> <tr> <th>People Attending</th> <th colspan="7">Duration of Event (hours)</th> </tr> <tr> <th></th> <th>1-2</th> <th>3</th> <th>4</th> <th>5</th> <th>6</th> <th>7</th> <th>8+</th> </tr> </thead> <tbody> <tr> <td>1-50</td> <td>1</td> <td>1</td> <td>1</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> </tr> <tr> <td>51-100</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>3</td> <td>3</td> <td>3</td> </tr> <tr> <td>101-250</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>4</td> <td>4</td> <td>6</td> </tr> <tr> <td>251-500</td> <td>4</td> <td>4</td> <td>4</td> <td>6</td> <td>6</td> <td>6</td> <td>8</td> </tr> </tbody> </table> <p>Advice Note</p> <p>Weather conditions, the amount of food and beverages consumed, and the availability of alcohol can increase toilet usage by 30% - 40%.</p>	People Attending	Duration of Event (hours)								1-2	3	4	5	6	7	8+	1-50	1	1	1	2	2	2	2	51-100	2	2	2	2	3	3	3	101-250	3	3	3	3	4	4	6	251-500	4	4	4	6	6	6	8	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the ability to provide adequate sanitation facilities for the event.</p>
People Attending	Duration of Event (hours)																																																	
	1-2	3	4	5	6	7	8+																																											
1-50	1	1	1	2	2	2	2																																											
51-100	2	2	2	2	3	3	3																																											
101-250	3	3	3	3	4	4	6																																											
251-500	4	4	4	6	6	6	8																																											

35.6

Rules - Non-Notification of Applications

35.6.1 Any application for resource consent for the following matters do not require the written approval of other persons and not be notified or limited-notified:

35.6.1.1 Temporary filming.

Appendix 3: Chapter 36 as Recommended

36 NOISE

36.1

Purpose

The purpose of this chapter is to manage the effects of noise in the District. Noise is part of the environment. While almost all activities give rise to some degree of noise, noise can cause adverse effects on amenity values and the health and wellbeing of people and communities. Adverse effects may arise where the location, character, frequency, duration, or timing of noise is inconsistent or incompatible with anticipated or reasonable noise levels.

The Resource Management Act 1991 (RMA) requires every occupier of land and every person carrying out an activity to adopt the best practicable option to ensure noise does not exceed a reasonable level. The RMA also defines noise to include vibration. “Reasonable” noise levels are determined by the standard of amenity and ambient noise level of the receiving environment and the Council provides direction on this through the prescription of noise limits for each Zone. Noise is also managed by the Council through the use of relevant New Zealand Standards for noise. Land use and development activities, including activities on the surface of lakes and rivers, should be managed in a manner that avoids, remedies or mitigates the adverse effects of noise to a reasonable level.

In most situations, activities should consider the control of noise at the source and the mitigation of adverse effects of noise on the receiving environment. However, the onus on the reduction of effects of noise should not always fall on the noise generating activity. In some cases it may be appropriate for the noise receiver to avoid or mitigate the effects from an existing noise generating activity, particularly where the noise receiver is a noise sensitive activity.

Overflying aircraft have the potential to adversely affect amenity values. The Council controls noise emissions from airports, including take-offs and landings, via provisions in this District Plan, and Designation conditions. However, this is different from controlling noise from aircraft that are in flight. The RMA which empowers territorial authorities to regulate activities on land and water affecting amenity values, does not enable the authorities to control noise from overflying aircraft. Noise from overflying aircraft is controlled under section 29B of the Civil Aviation Act 1990.

With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in Rule 36.7, and noise from water and motor-related noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone (which is subject to Rule 36.5.13) noise received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centre Zone chapters. This is due to the town centre-specific complexities of noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is managed under this chapter, except that noise from music, voice and loudspeakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone), need not meet the noise limits set by this chapter.

36.2

Objectives and Policies

36.2.1 Objective - The adverse effects of noise emissions are controlled to a reasonable level to manage the potential for conflict arising from adverse noise effects between land use activities.

Policies **36.2.1.1** Avoid, remedy or mitigate adverse effects of unreasonable noise from land use and development.

36.2.1.2 Avoid, remedy or mitigate adverse noise reverse sensitivity effects.

36.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 <i>Earthworks</i>	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 <i>Transport</i>	30 Energy and Utilities
31 <i>Signs</i>	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	37 Designations
Planning Maps		

36.3.2 Interpreting and Applying the Rules

- 36.3.2.1** Any activity that is not Permitted requires resource consent. Any activity that does not specify an activity status for non-compliance but breaches a standard, requires resource consent as a Non-complying activity.
- 36.3.2.2** Sound levels shall be measured and assessed in accordance with NZS **6801:2008** Acoustics - Measurement of Environmental Sound and NZS **6802:2008** Acoustics - Environmental Noise, except where another Standard has been referenced in these rules, in which case that Standard should apply.
- 36.3.2.3** Any activities which are Permitted, Controlled or Restricted Discretionary in any section of the District Plan must comply with the noise standards in Tables 2, 3, 4 and 5 below, where that standard is relevant to that activity.
- 36.3.2.4** In addition to the above, the noise from the activities listed in Table 1 shall be Permitted activities in all zones (unless otherwise stated). For the avoidance of doubt, the activities in Table 1 are exempt from complying with the noise standards set out in Table 2.
- 36.3.2.5** Notwithstanding compliance with Rules 36.5.13 (Helicopters) and 36.5.14 (Fixed Wing Aircraft) in Table 3, informal airports shall also be subject to the rules in the chapters relating to the zones in which the activity is located.
- 36.3.2.6** Sound from non-residential activities, visitor accommodation activities and sound from stationary electrical and mechanical equipment must not exceed the noise limits in Table 2 in each of the zones in which sound from an activity is received. The noise limits in Table 2 do not apply to assessment locations within the same site as the activity.
- 36.3.2.7** The noise limits contained in Table 2 do not apply to sound from aircraft operations at Queenstown Airport or Wanaka Airport.

36.3.2.8 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Sub-Zone) need not meet the noise limits set by this chapter.

36.3.2.9 The standards in Table 3 are specific to the activities listed in each row and are exempt from complying with the noise standards set out in Table 2.

32.3.2.10 The following abbreviations are used in the tables:

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

36.4 Rules - Activities

Table 1 - Permitted Activities

Rule Number	Permitted Activities	Activity Status
36.4.1	Sound from vehicles on public roads or trains on railway lines (including at railway yards, railway sidings or stations).	P
36.4.2	Any warning device that is activated in the event of intrusion, danger, an emergency or for safety purposes, provided that vehicle reversing alarms are a broadband directional type.	P
36.4.3	Sound arising from fire stations (including rural fire stations), fire service appliance sirens and call-out sirens for volunteer brigades.	P
36.4.4	Sound from temporary military training activities.	P
36.4.5	In the Rural Zone and the Gibbston Character Zone, sound from farming and forestry activities, and bird scaring devices, other than sound from stationary motors and stationary equipment.	P
36.4.6	Sound from telecommunications cabinets in road reserve.	P
36.4.7	Sound from emergency and backup electrical generators: <ul style="list-style-type: none"> a. operating for emergency purposes or; b. operating for testing and maintenance for less than 60 minutes each month during a weekday between 0900 and 1700. For the purpose of this rule backup generators are generators only used when there are unscheduled outages of the network (other than routine testing or maintenance provided for in (b) above).	P

36.5

Rules - Standards

Table 2 - General Standards

Rule Number	General Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.1	Rural Zone (Note: refer 36.5.14 for noise received in the Rural Zone from the Airport Zone - Queenstown). Gibbston Character Zone Airport Zone - Wanaka	Any point within the notional boundary of a residential unit.	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC
36.5.2	Low, Medium, and High Density and Large Lot Residential Zones (Note: refer 36.5.14 for noise received in the Residential Zones from the Airport Zone - Queenstown). Arrowtown Residential Historic Management Zone Rural Residential Zone Rural Lifestyle Zone Waterfall Park Zone Millbrook Resort Zone - Residential Activity Areas only Jacks Point Zone- Residential Activity Areas only	Any point within any site.	0800h to 2000h	50 dB L _{Aeq(15 min)}	NC
			2000h to 0800h	40 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC
36.5.3	Airport Zone - Queenstown	At any point within the zone.	Any time	No limit	P
36.5.4	Jacks Point Zone - Village Activity Area only	Any point within any site.	0800h to 2200h	60 dB L _{Aeq(15 min)}	NC
			2200h to 0800h	50 dB L _{Aeq(15 min)} 75 dB L _{AFmax}	NC

Table 3 - Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.5	<p>Certain Telecommunications Activities in Road Reserve</p> <p>The Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2008 provide for noise from telecommunications equipment cabinets located in the road reserve as a permitted activity, subject to the specified noise limits.</p> <p>The noise from the cabinet must be measured in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound, the measurement must be adjusted in accordance with NZS 6801: 2008 Acoustics – Measurement of environmental sound to a free field incident sound level, and the adjusted measurement must be assessed in accordance with NZS 6802: 2008 Acoustics – Environmental noise.</p>	<p>36.5.5.1 Where a cabinet located in a road reserve in an area in which allows residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured: <ul style="list-style-type: none"> i. at a point 1 m from the side of the building; or ii. at a point in the plane of the side of the building; b. in any other case, the noise must be measured at a point that is: <ul style="list-style-type: none"> i. at least 3 m from the cabinet; and ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. 	0700h to 2200h	50 dB L _{Aeq(5 min)}	Refer NESTF
			2200h to 0700h	40 dB L _{Aeq(5 min)}	
			2200h to 0700h	65 dB L _{AFmax}	
		Any time	60 dB L _{Aeq(5 min)}		
		<p>36.5.5.2 Where a cabinet is located in a road reserve in an area in which does not allow residential activities, the noise from the cabinet must be measured and assessed at 1 of the following points:</p> <ul style="list-style-type: none"> a. if the side of a building containing a habitable room is within 4 m of the closest boundary of the road reserve, the noise must be measured: <ul style="list-style-type: none"> i. at a point 1 m from the side of the building; or ii. at a point in the plane of the side of the building; b. in any other case, the noise must be measured at a point that is: <ul style="list-style-type: none"> i. at least 3 m from the cabinet; and ii. within the legal boundary of land next to the part of the road reserve where the cabinet is located. 	2200h to 0700h	65 dB L _{AFmax}	

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.6	<p>Wind Turbines</p> <p>Wind farm sound must be measured and assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise</p>	At any point within the notional boundary of any residential unit.	Any time	40 dB $L_{A90(10 \text{ min})}$ or the background sound level $L_{A90(10 \text{ min})}$ plus 5 dB, whichever is higher	NC
36.5.7	<p>Audible Bird Scaring Devices</p> <p>The operation of audible devices (including gas guns, audible avian distress alarms and firearms for the purpose of bird scaring, and excluding noise arising from fire stations).</p> <p>In relation to gas guns, audible avian distress alarms and firearms no more than 15 audible events shall occur per device in any 60 minute period.</p> <p>Each audible event shall not exceed three sound emissions from any single device within a 1 minute period and no such events are permitted during the period between sunset and sunrise the following day.</p> <p>The number of devices shall not exceed one device per 4 hectares of land in any single land holding, except that in the case of a single land holding less than 4 hectares in area, one device shall be permitted.</p>	<p>36.5.7.1 At any point within a Residential Zone or the notional boundary of any residential unit, other than on the property in which the device is located.</p>	Hours of daylight but not earlier than 0600h	65 dB L_{AE} shall apply to any one event	NC
		<p>36.5.7.2 In any public place.</p>	At any time	90 dB L_{AE} is received from any one noise event	
36.5.8	<p>Frost fans</p> <p>Sound from frost fans.</p>	At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.	At any time	55 dB $L_{A_{\text{aeg}}(15 \text{ min})}$	NC

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.9	<p>Vibration</p> <p>Vibration from any activity shall not exceed the guideline values given in DIN 4150-3:1999 Effects of vibration on structures at any buildings on any other site.</p>	On any structures or buildings on any other site.	Refer to relevant standard	Refer to relevant standard	NC
36.5.10	<p>Helicopters</p> <p>Sound from any helicopter landing area must be measured and assessed in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</p> <p>Sound from helicopter landing areas must comply with the limits of acceptability set out in Table 1 of NZS 6807.</p> <p>In assessing noise from helicopters using NZS 6807: 1994 any individual helicopter flight movement, including continuous idling occurring between an arrival and departure, shall be measured and assessed so that the sound energy that is actually received from that movement is conveyed in the Sound Exposure Level (SEL) for the movement when calculated in accordance with NZS 6801: 2008.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown Airport and Wanaka Airport.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit, other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.11 below for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>	At all times	50 dB L _{dn}	NC
36.5.11	<p>Fixed Wing Aircraft</p> <p>Sound from airports/landing strips for fixed wing aircraft must be measured and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning.</p> <p>For the avoidance of doubt this rule does not apply to Queenstown and Wanaka Airports.</p> <p>Advice Note: See additional rules in Rural Zone Chapter at 21.10.1 and 21.10.2.</p>	<p>At any point within the notional boundary of any residential unit and at any point within a residential site other than residential units on the same site as the activity.</p> <p><i>*Note: The applicable noise limit in this rule and in rule 36.5.10 above for informal airports/landing strips used by a combination of both fixed wing and helicopters shall be determined by an appropriately qualified acoustic engineer on the basis of the dominant aircraft type to be used.</i></p>	At all times	55 dB L _{dn}	NC

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.12	<p>Construction Noise</p> <p>Construction sound must be measured and assessed in accordance with NZS 6803:1999 Acoustics - Construction Noise. Construction sound must comply with the recommended upper limits in Tables 2 and 3 of NZS 6803. Construction sound must be managed in accordance with NZS 6803.</p>	At any point within any other site.	Refer to relevant standard	Refer to relevant standard	D
36.5.13	<p>Commercial Motorised Craft</p> <p>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</p>	25 metres from the craft.	0800 to 2000h 2000h to 0800h	77 dB L _{ASmax} 67 dB L _{ASmax}	NC
36.5.14	Sound from the Airport Zone - Queenstown received in the Residential Zones, and the Rural Zone, excluding sound from aircraft operations that are subject to the Queenstown Airport Designation No.2.	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone.	0700h to 2200h 2200h to 0700h	55 dB _{Aeq(15 min)} 45 dB _{Aeq(15 min)} 70 dB _{AFmax}	RD Discretion is restricted to the extent of effects of noise generated on adjoining zones.

36.6

Airport Noise

36.6.1 Sound Insulation Requirements for the Queenstown and Wanaka Airport - Acceptable Construction Materials (Table 4).

The following table sets out the construction materials required to achieve appropriate sound insulation within the airport Air Noise Boundary (ANB) as shown on the planning maps.

Table 4

Building Element	Minimum Construction	
External Walls	Exterior Lining	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement
	Insulation	Not required for acoustical purposes
	Frame	One layer of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)
Windows/Glazed Doors	Double-glazing with 4 mm thick panes separated by a cavity at least 12 mm wide	
Pitched Roof	Cladding	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 9mm gypsum or plaster board
Skillion Roof	Cladding	0.5mm profiled steel or 6mm fibre cement
	Sarking	None Required
	Insulation	100mm thermal insulation blanket/batts
	Ceiling	1 layer 1mm gypsum or plasterboard
External Door	Solid core door (min 24kg/m ²) with weather seals	

Note: The specified construction materials in this table are the minimum required to meet the Indoor Design Sound Level. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (eg fire, Building Code etc) would also need to be implemented.

36.6.2 Ventilation Requirements for the Queenstown and Wanaka Airport

The following applies to the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB).

Critical Listening Environments must have a ventilation and cooling system(s) designed, constructed and maintained to achieve the following:

- a. an outdoor air ventilation system. The ventilation rate must be able to be controlled by the occupant in increments as follows:
 - i. a low air flow setting that provides air at a rate of between 0.35 and 0.5 air changes per hour. The sound of the system on this setting must not exceed 30dB LAeg(30s) when measured 2m away from any grille or diffuser;
 - ii. a high air flow setting that provides at least 5 air changes per hour. The sound of the system on this setting must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.

- b. the system must provide, either by outdoor air alone, combined outdoor air and heating/cooling system or by direct room heating / cooling:
 - i. cooling that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no greater than 25°C; and
 - ii. heating that is controllable by the occupant and can maintain the temperature within the Critical Listening Environment at no less than 18°C ;and
 - iii. the sound of the system when in heating or cooling mode must not exceed 35 dB LAeg(30s) when measured 2m away from any grille or diffuser.
- c. a relief air path must be provided to ensure the pressure difference between the Critical Listening Environments and outside is never greater than 30Pa;
- d. if cooling is provided by a heat pump then the requirements of (a)(ii) and (c) do not apply.

Note: Where there is an existing ventilation, heating and/or cooling system, and/or relief air path within a Critical Listening Environment that meets the criteria stated in the rule, the existing system may be utilised to demonstrate compliance with the rule.

36.7

Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB LAeq(1 min), on High Setting and 30 dB LAeq(1 min), on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Appendix 4: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
19.15	Kain Fround	Accept in part	2.1
19.18	Kain Fround	Accept in part	13.2
20.1	Aaron Cowie	Reject	5.4
21.61	Alison Walsh	Accept in part	12.2
52.1	Graeme Lester	Accept	17.1
72.6	Kelvin Peninsula Community Association	Accept	5.3
80.1	David Jerram	Accept in part	17.10
80.2	David Jerram	Accept in part	17.10
115.6	Florence Micoud	Reject	Part B
115.9	Florence Micoud	Reject	13.2
117.11	Maggie Lawton	Reject	3
126.4	Hunter Leece / Anne Kobienia	Reject	3.4
126.5	Hunter Leece / Anne Kobienia	Accept in part	5.3
126.9	Hunter Leece / Anne Kobienia	Accept in part	5.4
143.2	Richard Bowman	Accept	17.7
159.8	Karen Boulay	Reject	13.2
165.1	Maggie Lawton	Reject	2.1
179.15	Vodafone NZ	Accept	2.1
179.16	Vodafone NZ	Accept in part	3.5
179.17	Vodafone NZ	Accept	3.5
179.18	Vodafone NZ	Accept	3.5
179.19	Vodafone NZ	Accept in part	3.6
179.20	Vodafone NZ	Accept in part	3.6
179.21	Vodafone NZ	Accept	3.6
179.22	Vodafone NZ	Accept in part	3.6
179.23	Vodafone NZ	Accept in part	3.7
179.24	Vodafone NZ	Accept in part	3.7
179.25	Vodafone NZ	Reject	3.7
179.26	Vodafone NZ	Accept	3.7
179.27	Vodafone NZ	Accept	4.2
179.28	Vodafone NZ	Accept in part	5
179.29	Vodafone NZ	Reject	5.24
179.30	Vodafone NZ	Reject	5.25
179.31	Vodafone NZ	Accept	5.26
191.13	Spark Trading NZ Limited	Accept	2.1
191.14	Spark Trading NZ Limited	Accept in part	3.5
191.15	Spark Trading NZ Limited	Accept	3.5
191.16	Spark Trading NZ Limited	Accept	3.5
191.17	Spark Trading NZ Limited	Accept in part	3.6
191.18	Spark Trading NZ Limited	Accept in part	3.6
191.19	Spark Trading NZ Limited	Accept	3.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
191.20	Spark Trading NZ Limited	Accept in part	3.6
191.21	Spark Trading NZ Limited	Accept in part	3.7
191.22	Spark Trading NZ Limited	Accept in part	3.7
191.23	Spark Trading NZ Limited	Reject	3.7
191.24	Spark Trading NZ Limited	Accept	3.7
191.25	Spark Trading NZ Limited	Accept	4.2
191.26	Spark Trading NZ Limited	Accept in part	5
191.27	Spark Trading NZ Limited	Reject	5.24
191.28	Spark Trading NZ Limited	Reject	5.25
191.29	Spark Trading NZ Limited	Accept	5.26
197.28	Jeffrey Hylton	Accept in part	14
230.6	Loris King	Reject	2.3
238.11	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.117	NZIA Southern and Architecture + Women Southern	Accept	2.3
238.118	NZIA Southern and Architecture + Women Southern	Reject	2.3
238.119	NZIA Southern and Architecture + Women Southern	Reject	3.8
243.20	Christine Byrch	Reject	17.7
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.11	PowerNet Limited	Reject	2.3
251.12	PowerNet Limited	Reject	3.5
251.13	PowerNet Limited	Accept in part	3.6
251.14	PowerNet Limited	Accept in part	3.6
251.15	PowerNet Limited	Reject	3.6
251.16	PowerNet Limited	Accept in part	3.6
251.17	PowerNet Limited	Accept in part	3.7
251.18	PowerNet Limited	Reject	3.7
251.19	PowerNet Limited	Accept	3.7
251.20	PowerNet Limited	Accept	3.7
251.21	PowerNet Limited	Accept in part	5.13
251.22	PowerNet Limited	Accept	5.14
251.23	PowerNet Limited	Accept in part	5.17
251.24	PowerNet Limited	Accept in part	5.17
251.25	PowerNet Limited	Accept in part	5.20
251.26	PowerNet Limited	Accept	5.20
251.27	PowerNet Limited	Accept	5.21
251.28	PowerNet Limited	Reject	5.23
251.29	PowerNet Limited	Accept in part	5.24
251.30	PowerNet Limited	Accept	5.25
251.31	PowerNet Limited	Reject	5.26
263.1	Angela Martin	Reject	5.3
290.2	Christine Ryan	Accept in part	3.4
292.7	John Walker	Reject	3.7
292.8	John Walker	Reject	3.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
310.7	Jon Waterston	Accept in part	17.10
368.10	Anna-Marie Chin Architects and Phil Vautier	Reject	5.10
368.11	Anna-Marie Chin Architects and Phil Vautier	Reject	5.11
368.12	Anna-Marie Chin Architects and Phil Vautier	Reject	5.25
368.17	Anna-Marie Chin Architects and Phil Vautier	Reject	5.23
368.7	Anna-Marie Chin Architects and Phil Vautier	Accept	5.4
368.8	Anna-Marie Chin Architects and Phil Vautier	Accept in part	5.20
368.9	Anna-Marie Chin Architects and Phil Vautier	Reject	5.3
373.16	Department of Conservation	Accept	3.3
373.17	Department of Conservation	Accept in part	3.3
383.59	Queenstown Lakes District Council	Reject	2.3
383.60	Queenstown Lakes District Council	Accept in part	3.6
383.61	Queenstown Lakes District Council	Accept	5
383.62	Queenstown Lakes District Council	Accept	5.18
383.63	Queenstown Lakes District Council	Accept	5
383.64	Queenstown Lakes District Council	Accept	5
383.65	Queenstown Lakes District Council	Accept	5.26
383.66	Queenstown Lakes District Council	Reject	5.3
383.67	Queenstown Lakes District Council	Reject	5.15
383.68	Queenstown Lakes District Council	Accept in part	5.28
383.72	Queenstown Lakes District Council	Accept in part	17.10
391.20	Sean & Jane McLeod	Reject	17.1
421.12	Two Degrees Mobile Limited	Accept in part	2.1
421.13	Two Degrees Mobile Limited	Accept in part	3.5
421.14	Two Degrees Mobile Limited	Accept in part	3.6
421.15	Two Degrees Mobile Limited	Reject	3.6
421.16	Two Degrees Mobile Limited	Accept	3.6
421.17	Two Degrees Mobile Limited	Accept in part	3.6
421.18	Two Degrees Mobile Limited	Accept in part	3.7
421.19	Two Degrees Mobile Limited	Accept	4.2
421.20	Two Degrees Mobile Limited	Accept in part	5
421.21	Two Degrees Mobile Limited	Reject	5.24
421.22	Two Degrees Mobile Limited	Reject	5.25
421.23	Two Degrees Mobile Limited	Accept	5.26
424.1	David Pickard	Accept in part	2.1
424.2	David Pickard	Accept	2.1
433.110	Queenstown Airport Corporation	Accept in part	13.3
433.111	Queenstown Airport Corporation	Accept	15.2
433.112	Queenstown Airport Corporation	Accept	16.1
433.113	Queenstown Airport Corporation	Accept in part	17.2
433.114	Queenstown Airport Corporation	Accept	17.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
433.115	Queenstown Airport Corporation	Accept	17.7
433.116	Queenstown Airport Corporation	Accept	17.8
433.117	Queenstown Airport Corporation	Accept	17.10
433.118	Queenstown Airport Corporation	Accept in part	17.10
433.33	Queenstown Airport Corporation	Reject	12.3
438.41	New Zealand Fire Service	Accept	16.1
475.1	Arthurs Point Protection Society	Reject	17.7
475.2	Arthurs Point Protection Society	Reject	17.7
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
510.8	Wayne L Blair	Reject	5.3
511.8	Helen Blair	Reject	5.3
519.61	New Zealand Tungsten Mining Limited	Reject	3.7
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
571.4	Totally Tourism Limited	Accept in part	17.7
574.3	Skyline Enterprises Limited	Reject	17.7
580.10	Contact Energy Limited	Accept in part	5.17
580.13	Contact Energy Limited	Accept	17.5
580.7	Contact Energy Limited	Accept	3.3
580.8	Contact Energy Limited	Reject	5.5
580.9	Contact Energy Limited	Accept	5.6
600.108	Federated Farmers of New Zealand	Accept in part	3.6
600.109	Federated Farmers of New Zealand	Reject	3.6
600.110	Federated Farmers of New Zealand	Reject	3.6
600.111	Federated Farmers of New Zealand	Accept	4.2
600.112	Federated Farmers of New Zealand	Accept in part	5.15
600.113	Federated Farmers of New Zealand	Accept in part	5.15
607.38	Te Anau Developments Limited	Reject	2.1
607.39	Te Anau Developments Limited	Accept in part	5.21
607.40	Te Anau Developments Limited	Accept in part	5.18
607.41	Te Anau Developments Limited	Reject	5.18
607.44	Te Anau Developments Limited	Reject	12.3
607.57	Te Anau Developments Limited	Reject	16.1
607.58	Te Anau Developments Limited	Reject	17.7
607.59	Te Anau Developments Limited	Reject	17.8
615.36	Cardrona Alpine Resort Limited	Reject	2.1
615.37	Cardrona Alpine Resort Limited	Accept in part	5.21
615.38	Cardrona Alpine Resort Limited	Accept in part	5.18
615.39	Cardrona Alpine Resort Limited	Reject	5.18
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
621.126	Real Journeys Limited	Reject	17.9
621.128	Real Journeys Limited	Reject	17.8
621.129	Real Journeys Limited	Accept in part	17.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
632.68	RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks	Accept in part	17.3
635.47	Aurora Energy Limited	Accept	2.3
635.48	Aurora Energy Limited	Accept	3.3
635.49	Aurora Energy Limited	Reject	3.5
635.50	Aurora Energy Limited	Accept in part	3.6
635.51	Aurora Energy Limited	Reject	3.6
635.52	Aurora Energy Limited	Accept in part	3.6
635.53	Aurora Energy Limited	Accept in part	3.7
635.54	Aurora Energy Limited	Reject	3.7
635.55	Aurora Energy Limited	Reject	3.7
635.56	Aurora Energy Limited	Reject	3.7
635.57	Aurora Energy Limited	Accept	3.7
635.58	Aurora Energy Limited	Accept	4.2
635.59	Aurora Energy Limited	Reject	5.7
635.60	Aurora Energy Limited	Accept in part	5.14
635.61	Aurora Energy Limited	Reject	2.2
635.62	Aurora Energy Limited	Accept in part	5.17
635.63	Aurora Energy Limited	Accept in part	5.17
635.64	Aurora Energy Limited	Accept	5.20
635.65	Aurora Energy Limited	Reject	5.20
635.66	Aurora Energy Limited	Accept in part	5.23
635.67	Aurora Energy Limited	Accept	5.25
635.68	Aurora Energy Limited	Reject	5.15
635.69	Aurora Energy Limited	Accept in part	5.15
635.70	Aurora Energy Limited	Reject	2.2
635.71	Aurora Energy Limited	Reject	2.2
635.8	Aurora Energy Limited	Accept in part	12.3
635.80	Aurora Energy Limited	Accept in part	15.2
635.81	Aurora Energy Limited	Accept in part	16.1
649.10	Southern District Health Board	Accept in part	17.1
649.11	Southern District Health Board	Accept	17.5
649.12	Southern District Health Board	Accept in part	17.10
649.13	Southern District Health Board	Accept in part	17.9
649.4	Southern District Health Board	Accept in part	13.3
649.5	Southern District Health Board	Accept in part	13.3
649.6	Southern District Health Board	Accept in part	13.3
649.7	Southern District Health Board	Accept in part	14.1
649.8	Southern District Health Board	Accept	15.2
649.9	Southern District Health Board	Accept	16.1
660.6	Andrew Fairfax	Reject	17.7
662.6	I and P Macauley	Reject	17.7
708.1	NZ Fire Service	Accept	16.1
713.3	Heli Tours Limited	Reject	17.7
714.15	Kopuwait Investments Limited	Accept in part	13.3
717.19	The Jandel Trust	Accept in part	14.1
717.20	The Jandel Trust	Reject	14.1
717.21	The Jandel Trust	Reject	15.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
719.147	NZ Transport Agency	Accept in part	2.3
719.148	NZ Transport Agency	Reject	3.4
719.149	NZ Transport Agency	Reject	3.4
719.150	NZ Transport Agency	Accept in part	3.6
719.154	NZ Transport Agency	Accept in part	14.1
719.155	NZ Transport Agency	Accept	14.1
719.156	NZ Transport Agency	Accept	16.1
719.170	NZ Transport Agency	Accept in part	3.7
746.7	Bunnings Limited	Accept	17.1
752.11	Michael Farrier	Reject	5.4
758.12	Jet Boating New Zealand	Reject	17.9
762.8	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Reject	17.3
762.9	Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley D	Accept in part	17.3
781.14	Chorus New Zealand Limited	Accept	2.1
781.15	Chorus New Zealand Limited	Accept in part	3.5
781.16	Chorus New Zealand Limited	Accept	3.5
781.17	Chorus New Zealand Limited	Accept	3.5
781.18	Chorus New Zealand Limited	Accept in part	3.6
781.19	Chorus New Zealand Limited	Accept in part	3.6
781.20	Chorus New Zealand Limited	Accept	3.6
781.21	Chorus New Zealand Limited	Accept in part	3.6
781.22	Chorus New Zealand Limited	Accept in part	3.7
781.23	Chorus New Zealand Limited	Reject	3.7
781.24	Chorus New Zealand Limited	Accept	3.7
781.25	Chorus New Zealand Limited	Accept	4.2
781.26	Chorus New Zealand Limited	Accept in part	5
781.27	Chorus New Zealand Limited	Reject	5.24
781.28	Chorus New Zealand Limited	Reject	5.25
781.29	Chorus New Zealand Limited	Accept	5.26
792.24	Patricia Swale	Reject	5.3
792.25	Patricia Swale	Reject	5.3
792.26	Patricia Swale	Reject	5.3
792.27	Patricia Swale	Reject	5.3
805.69	Transpower New Zealand Limited	Reject	2.3
805.70	Transpower New Zealand Limited	Reject	2.3
805.71	Transpower New Zealand Limited	Accept in part	3.8
805.72	Transpower New Zealand Limited	Reject	3.5
805.73	Transpower New Zealand Limited	Reject	3.5

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
805.74	Transpower New Zealand Limited	Accept in part	3.6
805.75	Transpower New Zealand Limited	Accept in part	3.6
805.76	Transpower New Zealand Limited	Accept	3.6
805.77	Transpower New Zealand Limited	Accept	3.6
805.78	Transpower New Zealand Limited	Accept in part	3.6
805.79	Transpower New Zealand Limited	Reject	3.6
805.80	Transpower New Zealand Limited	Reject	3.7
805.81	Transpower New Zealand Limited	Accept in part	3.7
805.82	Transpower New Zealand Limited	Reject	3.7
805.83	Transpower New Zealand Limited	Reject	3.7
805.84	Transpower New Zealand Limited	Accept	4.2
805.85	Transpower New Zealand Limited	Accept in part	4.2
805.86	Transpower New Zealand Limited	Accept	4.2
805.87	Transpower New Zealand Limited	Accept in part	4.3
805.88	Transpower New Zealand Limited	Accept	4.3
805.89	Transpower New Zealand Limited	Accept	5.14
805.90	Transpower New Zealand Limited	Accept in part	5.15
805.91	Transpower New Zealand Limited	Accept in part	5.15
805.92	Transpower New Zealand Limited	Accept in part	5.17
805.93	Transpower New Zealand Limited	Accept in part	5.15
805.94	Transpower New Zealand Limited	Accept in part	5.16
806.204	Queenstown Park Limited	Reject	3.4
806.205	Queenstown Park Limited	Accept in part	5.21
806.226	Queenstown Park Limited	Reject	3.7
817.6	Te Ao Marama Inc	Accept in part	2.1
847.18	FII Holdings Limited	Accept in part	14.1
847.19	FII Holdings Limited	Reject	14.1
847.20	FII Holdings Limited	Reject	15.2
1365.1	New Zealand Defence Force	Accept in part	12.3
1365.10	New Zealand Defence Force	Accept in part	14.1
1365.11	New Zealand Defence Force	Accept	14.1
1365.12	New Zealand Defence Force	Accept	15.2
1365.13	New Zealand Defence Force	Accept	16.1
1365.8	New Zealand Defence Force	Accept in part	13.3
1365.9	New Zealand Defence Force	Accept in part	14.1
1366.9	Moraine Creek Limited	Accept	17.7

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1015.23	373.17	Straterra	Accept in part	3.3
FS1015.43	519.7	Straterra	Reject	12.3
FS1015.97	519.61	Straterra	Reject	3.7
FS1024.1	126.9	Hunter Leece and Anne Kobienia	Accept in part	5.4

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1029.25	717.19	Universal Developments Limited	Accept in part	14.1
FS1029.26	717.20	Universal Developments Limited	Accept	14.1
FS1029.27	717.21	Universal Developments Limited	Accept	15.2
FS1034.108	600.108	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.109	600.109	Upper Clutha Environmental Society (Inc.)	Accept in part	3.6
FS1034.110	600.110	Upper Clutha Environmental Society (Inc.)	Accept	3.6
FS1034.111	600.111	Upper Clutha Environmental Society (Inc.)	Reject	4.2
FS1034.112	600.112	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1034.113	600.113	Upper Clutha Environmental Society (Inc.)	Accept in part	5.15
FS1040.30	580.8	Forest and Bird	Accept	5.5
FS1040.8	373.16	Forest and Bird	Accept	3.3
FS1063.21	574.3	Peter Fleming and Others	Accept	17.7
FS1077.6	80.1	Board of Airline Representatives of New Zealand (BARNZ)	Reject	17.10
FS1085.16	251.24	Contact Energy Limited	Accept in part	5.17
FS1093.3	143.2	T R Currie	Reject	17.7
FS1097.100	251.17	Queenstown Park Limited	Accept in part	3.7
FS1097.101	251.26	Queenstown Park Limited	Accept	5.20
FS1097.396	433.110	Queenstown Park Limited	Reject	13.3
FS1097.397	433.111	Queenstown Park Limited	Reject	15.2
FS1097.398	433.112	Queenstown Park Limited	Reject	16.1
FS1097.399	433.113	Queenstown Park Limited	Reject	17.2
FS1097.400	433.114	Queenstown Park Limited	Reject	17.4
FS1097.401	433.115	Queenstown Park Limited	Reject	17.7
FS1097.402	433.116	Queenstown Park Limited	Reject	17.8
FS1097.403	433.117	Queenstown Park Limited	Reject	17.10
FS1097.404	433.118	Queenstown Park Limited	Reject	17.10
FS1097.53	179.16	Queenstown Park Limited	Accept in part	3.5
FS1097.54	179.17	Queenstown Park Limited	Reject	3.5
FS1097.55	179.20	Queenstown Park Limited	Reject	3.6
FS1097.56	179.23	Queenstown Park Limited	Accept in part	3.7
FS1097.561	607.38	Queenstown Park Limited	Accept	2.1
FS1097.563	607.57	Queenstown Park Limited	Reject	16.1
FS1097.57	179.24	Queenstown Park Limited	Accept in part	3.7
FS1097.63	191.14	Queenstown Park Limited	Accept in part	3.5
FS1097.64	191.15	Queenstown Park Limited	Reject	3.5
FS1097.65	191.21	Queenstown Park Limited	Accept in part	3.7
FS1097.66	191.22	Queenstown Park Limited	Accept in part	3.7
FS1097.698	719.149	Queenstown Park Limited	Reject	3.4
FS1097.9	20.1	Queenstown Park Limited	Accept	5.4
FS1097.98	251.11	Queenstown Park Limited	Reject	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1097.99	251.12	Queenstown Park Limited	Reject	3.5
FS1105.36	615.36	Cardrona Valley Residents and Ratepayers Society Inc	Reject	2.1
FS1105.37	615.37	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.21
FS1105.38	615.38	Cardrona Valley Residents and Ratepayers Society Inc	Accept in part	5.18
FS1105.39	615.39	Cardrona Valley Residents and Ratepayers Society Inc	Reject	5.18
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.11	805.93	Chorus New Zealand Limited	Accept in part	5.15
FS1106.2	292.7	Chorus New Zealand Limited	Accept	3.7
FS1106.3	292.8	Chorus New Zealand Limited	Accept	3.7
FS1106.4	383.64	Chorus New Zealand Limited	Reject	5
FS1107.122	238.117	Man Street Properties Ltd	Reject	2.3
FS1107.123	238.118	Man Street Properties Ltd	Accept in part	2.3
FS1107.124	238.119	Man Street Properties Ltd	Accept in part	3.8
FS1107.16	238.11	Man Street Properties Ltd	Accept in part	2.3
FS1117.156	433.110	Remarkables Park Limited	Reject	13.3
FS1117.157	433.111	Remarkables Park Limited	Reject	15.2
FS1117.158	433.112	Remarkables Park Limited	Reject	16.1
FS1117.159	433.113	Remarkables Park Limited	Reject	17.2
FS1117.160	433.114	Remarkables Park Limited	Reject	17.4
FS1117.161	433.115	Remarkables Park Limited	Reject	17.7
FS1117.162	433.116	Remarkables Park Limited	Reject	17.8
FS1117.163	433.117	Remarkables Park Limited	Reject	17.10
FS1117.164	433.118	Remarkables Park Limited	Reject	17.10
FS1117.20	251.26	Remarkables Park Limited	Accept	5.20
FS1121.22	179.16	Aurora Energy Limited	Accept in part	3.5
FS1121.23	191.14	Aurora Energy Limited	Accept in part	3.5
FS1121.24	179.20	Aurora Energy Limited	Accept in part	3.6
FS1121.25	191.18	Aurora Energy Limited	Accept in part	3.6
FS1121.26	600.109	Aurora Energy Limited	Accept in part	3.6
FS1121.27	179.24	Aurora Energy Limited	Accept in part	3.7
FS1121.28	191.22	Aurora Energy Limited	Accept in part	3.7
FS1121.29	20.1	Aurora Energy Limited	Accept	5.4
FS1121.30	251.21	Aurora Energy Limited	Accept in part	5.13
FS1121.31	251.26	Aurora Energy Limited	Accept	5.20
FS1121.32	251.29	Aurora Energy Limited	Accept in part	5.24
FS1121.33	421.21	Aurora Energy Limited	Reject	5.24
FS1121.34	781.27	Aurora Energy Limited	Reject	5.24
FS1121.35	421.22	Aurora Energy Limited	Reject	5.25
FS1121.36	421.23	Aurora Energy Limited	Accept	5.26
FS1121.37	805.86	Aurora Energy Limited	Accept in part	4.2
FS1121.38	805.90	Aurora Energy Limited	Accept in part	5.15
FS1121.39	805.92	Aurora Energy Limited	Accept in part	5.17

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1121.40	805.93	Aurora Energy Limited	Accept in part	5.15
FS1132.12	191.20	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.16	251.11	Federated Farmers of New Zealand	Accept	2.3
FS1132.17	251.15	Federated Farmers of New Zealand	Accept	3.6
FS1132.43	635.51	Federated Farmers of New Zealand	Accept	3.6
FS1132.44	635.61	Federated Farmers of New Zealand	Accept	2.2
FS1132.45	635.70	Federated Farmers of New Zealand	Accept	2.2
FS1132.46	635.71	Federated Farmers of New Zealand	Accept	2.2
FS1132.6	179.20	Federated Farmers of New Zealand	Reject	3.6
FS1132.65	805.69	Federated Farmers of New Zealand	Accept	2.3
FS1132.66	805.77	Federated Farmers of New Zealand	Reject	3.6
FS1132.67	805.78	Federated Farmers of New Zealand	Reject	3.6
FS1132.68	805.79	Federated Farmers of New Zealand	Reject	3.6
FS1132.69	805.91	Federated Farmers of New Zealand	Accept in part	5.15
FS1132.7	179.22	Federated Farmers of New Zealand	Accept in part	3.6
FS1132.70	805.93	Federated Farmers of New Zealand	Accept in part	5.15
FS1137.37	615.36	Kay Curtis	Reject	2.1
FS1137.38	615.37	Kay Curtis	Accept in part	5.21
FS1137.39	615.38	Kay Curtis	Accept in part	5.18
FS1137.40	615.39	Kay Curtis	Reject	5.18
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1157.48	238.117	Trojan Helmet Ltd	Reject	2.3
FS1157.49	238.118	Trojan Helmet Ltd	Accept in part	2.3
FS1157.50	238.119	Trojan Helmet Ltd	Accept in part	3.8
FS1159.5	805.69	PowerNet Ltd	Reject	2.3
FS1159.6	805.73	PowerNet Ltd	Accept in part	3.5
FS1159.7	600.110	PowerNet Ltd	Accept	3.6
FS1160.24	719.170	Otago Regional Council	Accept in part	3.7
FS1186.1	251.11	Contact Energy Limited	Accept	2.3
FS1186.10	719.150	Contact Energy Limited	Accept in part	3.6
FS1186.11	805.70	Contact Energy Limited	Accept	2.3
FS1186.12	805.72	Contact Energy Limited	Reject	3.5
FS1186.13	805.73	Contact Energy Limited	Reject	3.5
FS1186.14	805.74	Contact Energy Limited	Accept in part	3.6
FS1186.15	805.75	Contact Energy Limited	Accept in part	3.6
FS1186.16	805.76	Contact Energy Limited	Reject	3.6
FS1186.17	805.78	Contact Energy Limited	Reject	3.6
FS1186.18	805.80	Contact Energy Limited	Reject	3.7
FS1186.19	805.81	Contact Energy Limited	Accept in part	3.7
FS1186.2	251.12	Contact Energy Limited	Reject	3.5
FS1186.3	251.13	Contact Energy Limited	Accept in part	3.6
FS1186.4	251.16	Contact Energy Limited	Accept in part	3.6
FS1186.5	251.17	Contact Energy Limited	Accept in part	3.7
FS1186.6	251.18	Contact Energy Limited	Accept	3.7
FS1186.8	719.147	Contact Energy Limited	Accept in part	2.3
FS1186.9	719.148	Contact Energy Limited	Reject	3.4
FS1208.11	805.93	Vodafone New Zealand Limited	Accept in part	5.15

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1208.2	292.7	Vodafone New Zealand Limited	Accept	3.7
FS1208.3	292.8	Vodafone New Zealand Limited	Accept	3.7
FS1208.4	383.64	Vodafone New Zealand Limited	Reject	5
FS1209.108	600.108	Richard Burdon	Accept in part	3.6
FS1209.109	600.109	Richard Burdon	Reject	3.6
FS1209.110	600.110	Richard Burdon	Reject	3.6
FS1209.111	600.111	Richard Burdon	Accept	4.2
FS1209.112	600.112	Richard Burdon	Accept in part	5.15
FS1209.113	600.113	Richard Burdon	Accept in part	5.15
FS1211.10	649.8	New Zealand Defence Force	Accept	15.2
FS1211.11	649.9	New Zealand Defence Force	Accept	16.1
FS1211.32	805.70	New Zealand Defence Force	Reject	2.3
FS1211.6	433.110	New Zealand Defence Force	Accept in part	13.3
FS1211.7	649.7	New Zealand Defence Force	Accept in part	14.1
FS1211.8	717.19	New Zealand Defence Force	Accept in part	14.1
FS1211.9	717.20	New Zealand Defence Force	Reject	14.1
FS1219.69	632.68	Bravo Trustee Company	Reject	17.3
FS1226.122	238.117	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	2.3
FS1226.123	238.118	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1226.124	238.119	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	3.8
FS1226.16	238.11	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	2.3
FS1234.122	238.117	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	2.3
FS1234.123	238.118	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1234.124	238.119	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	3.8
FS1234.16	238.11	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	2.3
FS1239.122	238.117	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	2.3
FS1239.123	238.118	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3
FS1239.124	238.119	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	3.8
FS1239.16	238.11	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	2.3

Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.122	238.117	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	2.3
FS1241.123	238.118	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1241.124	238.119	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	3.8
FS1241.16	238.11	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	2.3
FS1242.145	238.117	Antony & Ruth Stokes	Reject	2.3
FS1242.146	238.118	Antony & Ruth Stokes	Accept in part	2.3
FS1242.147	238.119	Antony & Ruth Stokes	Accept in part	3.8
FS1242.39	238.11	Antony & Ruth Stokes	Accept in part	2.3
FS1245.14	475.1	Totally Tourism Limited	Accept	17.7
FS1245.15	475.2	Totally Tourism Limited	Accept	17.7
FS1245.16	243.20	Totally Tourism Limited	Accept	17.7
FS1245.18	310.7	Totally Tourism Limited	Accept in part	17.10
FS1248.122	238.117	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	2.3
FS1248.123	238.118	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1248.124	238.119	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	3.8
FS1248.16	238.11	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	2.3
FS1249.122	238.117	Tweed Development Limited	Reject	2.3
FS1249.123	238.118	Tweed Development Limited	Accept in part	2.3
FS1249.124	238.119	Tweed Development Limited	Accept in part	3.8
FS1249.16	238.11	Tweed Development Limited	Accept in part	2.3
FS1252.69	632.68	Tim & Paula Williams	Reject	17.3
FS1253.11	805.93	Spark New Zealand Trading Limited	Accept in part	5.15
FS1253.2	292.7	Spark New Zealand Trading Limited	Accept	3.7
FS1253.3	292.8	Spark New Zealand Trading Limited	Accept	3.7
FS1253.4	383.64	Spark New Zealand Trading Limited	Reject	5
FS1254.2	373.17	Allenby Farms Limited	Accept in part	3.3
FS1270.125	717.19	Hansen Family Partnership	Accept in part	14.1
FS1270.126	717.20	Hansen Family Partnership	Reject	14.1
FS1270.127	717.21	Hansen Family Partnership	Reject	15.2
FS1270.24	847.18	Hansen Family Partnership	Accept in part	14.1
FS1270.25	847.19	Hansen Family Partnership	Reject	14.1
FS1270.26	847.20	Hansen Family Partnership	Reject	15.2
FS1275.242	632.68	"Jacks Point" (Submitter number 762 and 856)	Reject	17.3

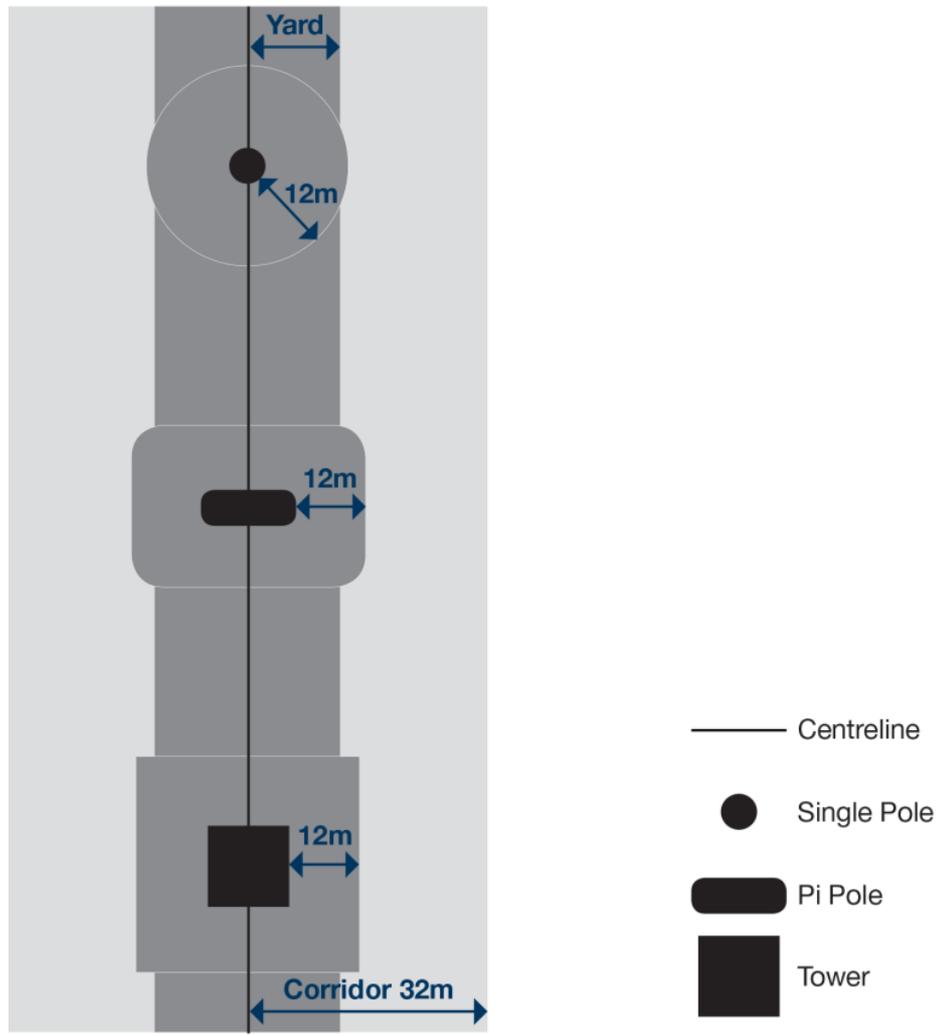
Further Submission No	Original Submission Number	Further Submitter	Commissioners' Recommendation	Report Reference
FS1277.72	632.68	Jacks Point Residents and Owners Association	Reject	17.3
FS1283.182	632.68	MJ and RB Williams and Brabant	Reject	17.3
FS1294.1	615.37	Shotover Country Limited	Reject	5.21
FS1301.13	635.51	Transpower New Zealand Limited (Transpower)	Accept in part	3.6
FS1301.14	635.61	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.15	635.71	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.16	635.70	Transpower New Zealand Limited (Transpower)	Accept	2.2
FS1301.17	179.28	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.18	191.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1301.19	781.26	Transpower New Zealand Limited (Transpower)	Reject	5
FS1316.135	762.8	Harris-Wingrove Trust	Accept in part	17.3
FS1316.136	762.9	Harris-Wingrove Trust	Accept in part	17.3
FS1316.68	632.68	Harris-Wingrove Trust	Reject	17.3
FS1340.49	383.72	Queenstown Airport Corporation	Reject	17.10
FS1341.22	806.205	Real Journeys Limited	Accept in part	5.21
FS1342.10	781.28	Te Anau Developments Limited	Reject	5.25
FS1342.11	781.27	Te Anau Developments Limited	Reject	5.24
FS1342.13	806.205	Te Anau Developments Limited	Accept in part	5.21
FS1342.26	373.17	Te Anau Developments Limited	Accept in part	3.3
FS1342.9	781.14	Te Anau Developments Limited	Accept in part	2.1
FS1345.47	433.116	Skydive Queenstown Limited	Accept	17.8
FS1352.19	72.6	Kawarau Village Holdings Limited	Accept	5.3
FS1356.61	519.61	Cabo Limited	Accept	3.7
FS1356.7	519.7	Cabo Limited	Accept	12.3

Appendix 5: Recommendations to Stream 10 Panel on Definitions

<p>Electricity Distribution</p>	<p>Means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator.</p>
<p>Energy Activities</p>	<p>means the following activities:</p> <ul style="list-style-type: none"> a. Small and Community-Scale Distributed Electricity Generation and Solar Water Heating; b. Renewable Electricity Generation; c. Non-renewable Electricity Generation; d. Wind Electricity Generation; e. Solar Electricity Generation; f. Solar Water Heating; g. Stand-Alone Power Systems (SAPS); h. Biomass Electricity Generation; i. Hydro Generation Activity; j. Mini and Micro Hydro Electricity Generation.
<p>Minor Upgrading (For the purposes of Chapter 30 only)</p>	<p>Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of a similar character, intensity and scale-and includes the following:</p> <ul style="list-style-type: none"> a. addition of lines, circuits and conductors; b. reconducting of the line with higher capacity conductors; c. re-sagging of conductors; d. bonding of conductors; e. addition or replacement of longer or more efficient insulators; f. addition of electrical fittings or ancillary telecommunications equipment; g. addition of earth-wires which may contain lightning rods, and earth-peaks; h. support structure replacement within the same location as the support structure that is to be replaced; i. addition or replacement of existing cross-arms with cross-arms of an alternative design; j. replacement of existing support structure poles provided they are less or similar in height, diameter and are located within 2 metres of the base of the support pole being replaced; k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;

	<p>l. the addition of up to three new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.</p>
National Grid	Means the same as in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
National Grid Sensitive Activities	<p>Means those activities within the National Grid Corridor that are particularly sensitive to the risks associated with electricity transmission lines because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:</p> <ol style="list-style-type: none"> a. Day Care facility; b. Educational facility; c. Healthcare facility; d. Papakainga; e. Any residential activity; or f. Visitor accommodation.

Diagram relevant to the definitions of National Grid Corridor and National Grid Yard:



Notional boundary	means a line 20 m from any side of any residential unit or the legal boundary whichever is closer to the residential unit.
Relocated/Relocatable Building	means a building which is removed and re-erected on another site, but excludes any newly prefabricated building which is delivered to a site for erection on that site. This definition excludes Removal and Re-siting
Relocation	In relation to a building, means the removal of any building from any site to another site.
Removal of a Building	means the shifting of a building off a site.
Re-siting of a Building	means shifting a building within a site.
Small Cell Unit	means a device:

	<ul style="list-style-type: none"> a. that receives or transmits radiocommunication or telecommunication signals; and b. the volume of which (including any ancillary equipment, but not including any cabling) does not exceed 0.11m³.
Temporary Activities	<p>Means the use of land, buildings, vehicles and structures for the following listed activities of short duration, limited frequency, and are outside the regular day-to-day use of a site:</p> <ul style="list-style-type: none"> a. temporary events b. temporary filming c. temporary activities related to building and construction d. temporary military training e. temporary storage f. temporary utilities g. temporary use of a site as an informal airport as part of a temporary event
Temporary Events	<p>Insert following note:</p> <p style="padding-left: 40px;">Note - The following activities associated with Temporary Events are not regulated by the PDP:</p> <ul style="list-style-type: none"> a. Food and Beverage b. Sale of Alcohol
Temporary Military Training Activity (TMTA)	<p>Means a temporary military activity undertaken for defence purposes. Defence purposes are those in accordance with the Defence Act 1990.</p>
Utility	<p>Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including but not limited to:</p> <ul style="list-style-type: none"> a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity; b. pipes and necessary incidental structures and equipment for transmitting and distributing gas; c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage; d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks); e. structures, facilities, plant and equipment for the treatment of water; f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications (see definition of telecommunication facilities); g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards; h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards.

	<ul style="list-style-type: none">i. structures, facilities, plant and equipment necessary for navigation by water or air;j. waste management facilities;k. flood protection works; andl. Anything described as a network utility operation in s166 of the Resource Management act 1991m. Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.
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Appendix 6: Recommendations on Submission to Stream 10 Panel

Part A: Submissions

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
179.3	Vodafone NZ	Reject	6.2
179.4	Vodafone NZ	Accept	6.1
179.5	Vodafone NZ	Accept in part	5.14
179.6	Vodafone NZ	Reject	6.3
179.7	Vodafone NZ	Reject	6.4
191.2	Spark Trading NZ Limited	Reject	6.2
191.3	Spark Trading NZ Limited	Accept	6.1
191.4	Spark Trading NZ Limited	Accept in part	5.14
191.5	Spark Trading NZ Limited	Reject	6.3
191.6	Spark Trading NZ Limited	Reject	6.4
243.40	Christine Byrch	Reject	18.2
243.45	Christine Byrch	Accept in part	12.3
243.46	Christine Byrch	Reject	12.4
251.32	PowerNet Limited	Accept in part	5.14
383.2	Queenstown Lakes District Council	Accept	6.5
383.4	Queenstown Lakes District Council	Accept	6.4
383.6	Queenstown Lakes District Council	Accept	5.15
421.2	Two Degrees Mobile Limited	Reject	6.2
421.3	Two Degrees Mobile Limited	Accept	6.1
421.4	Two Degrees Mobile Limited	Accept in part	5.14
421.5	Two Degrees Mobile Limited	Reject	6.3
421.6	Two Degrees Mobile Limited	Reject	6.4
433.33	Queenstown Airport Corporation	Reject	12.3
496.4	House Movers Section of New Zealand Heavy Haulage Association (Inc)	Accept in part	12.2
519.7	New Zealand Tungsten Mining Limited	Reject	12.3
607.44	Te Anau Developments Limited	Reject	12.3
615.42	Cardrona Alpine Resort Limited	Reject	12.3
621.113	Real Journeys Limited	Reject	12.3
635.1	Aurora Energy Limited	Reject	2.2
635.2	Aurora Energy Limited	Accept	6.1
635.3	Aurora Energy Limited	Accept in part	6.1
635.4	Aurora Energy Limited	Reject	6.1
635.5	Aurora Energy Limited	Accept in part	5.14
635.6	Aurora Energy Limited	Accept in part	6.7
635.7	Aurora Energy Limited	Reject	6.8
635.8	Aurora Energy Limited	Accept in part	12.3
635.9	Aurora Energy Limited	Accept in part	6.2
649.20	Southern District Health Board	Accept	18.3
719.3	NZ Transport Agency	Reject	6.4
781.3	Chorus New Zealand Limited	Reject	6.2
781.4	Chorus New Zealand Limited	Accept	6.1

Submission Number	Submitter	Recommendation to Stream 10 Panel	Report Reference
781.5	Chorus New Zealand Limited	Accept in part	5.14
781.6	Chorus New Zealand Limited	Reject	6.3
781.7	Chorus New Zealand Limited	Reject	6.4
805.11	Transpower New Zealand Limited	Accept in part	6.2
805.12	Transpower New Zealand Limited	Accept	5.15
805.13	Transpower New Zealand Limited	Accept	5.15
805.14	Transpower New Zealand Limited	Accept	5.15
805.15	Transpower New Zealand Limited	Accept	5.15
805.16	Transpower New Zealand Limited	Accept in part	6.7
805.17	Transpower New Zealand Limited	Reject	6.9
805.18	Transpower New Zealand Limited	Reject	5.15
805.19	Transpower New Zealand Limited	Accept in part	5.15
805.20	Transpower New Zealand Limited	Accept	6.1
805.21	Transpower New Zealand Limited	Accept in part	6.2
805.4	Transpower New Zealand Limited	Accept	6.1
805.5	Transpower New Zealand Limited	Reject	5.15
805.6	Transpower New Zealand Limited	Reject	5.15
805.7	Transpower New Zealand Limited	Reject	5.15
836.9	Arcadian Triangle Limited	Accept in part	5.15
1365.1	New Zealand Defence Force	Accept in part	12.3

Part B: Further Submissions

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1015.43	519.7	Straterra	Reject	12.3
FS1077.56	635.6	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.64	805.16	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	6.7
FS1077.65	805.17	Board of Airline Representatives of New Zealand (BARNZ)	Accept	6.9
FS1097.279	421.2	Queenstown Park Limited	Accept	6.2
FS1097.51	179.3	Queenstown Park Limited	Reject	6.2
FS1097.58	191.2	Queenstown Park Limited	Reject	6.2
FS1097.59	191.4	Queenstown Park Limited	Accept	5.14
FS1097.60	191.6	Queenstown Park Limited	Reject	6.4
FS1097.640	635.6	Queenstown Park Limited	Reject	6.7
FS1097.693	719.3	Queenstown Park Limited	Reject	6.4
FS1105.42	615.42	Cardrona Valley Residents and Ratepayers Society Inc	Reject	12.3
FS1106.10	805.16	Chorus New Zealand Limited	Accept in part	6.7
FS1117.55	421.2	Remarkables Park Limited	Accept	6.2
FS1121.1	179.5	Aurora Energy Limited	Accept in part	5.14
FS1121.2	191.4	Aurora Energy Limited	Accept in part	5.14

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1121.3	781.5	Aurora Energy Limited	Accept in part	5.14
FS1121.5	191.6	Aurora Energy Limited	Reject	6.4
FS1121.6	805.16	Aurora Energy Limited	Accept in part	6.7
FS1132.2	179.5	Federated Farmers of New Zealand	Reject	5.14
FS1132.3	179.7	Federated Farmers of New Zealand	Accept	6.4
FS1132.37	635.1	Federated Farmers of New Zealand	Accept	2.2
FS1132.38	635.3	Federated Farmers of New Zealand	Reject	6.1
FS1132.39	635.4	Federated Farmers of New Zealand	Accept	6.1
FS1132.40	635.5	Federated Farmers of New Zealand	Accept in part	5.14
FS1132.41	635.6	Federated Farmers of New Zealand	Reject	6.7
FS1132.42	635.7	Federated Farmers of New Zealand	Accept	6.8
FS1132.8	191.4	Federated Farmers of New Zealand	Reject	5.14
FS1132.9	191.6	Federated Farmers of New Zealand	Reject	6.4
FS1137.43	615.42	Kay Curtis	Reject	12.3
FS1159.1	805.16	PowerNet Ltd	Accept in part	6.7
FS1208.10	805.16	Vodafone New Zealand Limited	Accept in part	6.7
FS1211.14	635.6	New Zealand Defence Force	Accept in part	6.7
FS1211.19	805.16	New Zealand Defence Force	Accept in part	6.7
FS1211.20	805.17	New Zealand Defence Force	Reject	6.9
FS1253.10	805.16	Spark New Zealand Trading Limited	Accept in part	6.7
FS1255.17	179.3	Arcadian Triangle Limited	Accept	6.2
FS1255.18	191.2	Arcadian Triangle Limited	Accept	6.2
FS1301.1	635.1	Transpower New Zealand Limited (Transpower)	Accept in part	2.2
FS1301.2	635.3	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.3	635.4	Transpower New Zealand Limited (Transpower)	Accept in part	6.1
FS1301.4	635.5	Transpower New Zealand Limited (Transpower)	Accept in part	5.14
FS1301.5	179.5	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.6	191.4	Transpower New Zealand Limited (Transpower)	Reject	5.14
FS1301.7	635.9	Transpower New Zealand Limited (Transpower)	Accept in part	6.2

Further Submission No	Original Submission Number	Further Submitter	Recommendation to Stream 10 Panel	Report Reference
FS1301.8	635.7	Transpower New Zealand Limited (Transpower)	Reject	6.8
FS1340.1	243.40	Queenstown Airport Corporation	Accept	18.2
FS1340.7	805.16	Queenstown Airport Corporation	Accept in part	6.7
FS1342.6	781.6	Te Anau Developments Limited	Reject	6.3
FS1342.7	781.5	Te Anau Developments Limited	Accept in part	5.14
FS1342.8	781.7	Te Anau Developments Limited	Reject	6.4
FS1356.7	519.7	Cabo Limited	Accept	12.3

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 11

Report and Recommendations of Independent Commissioners Regarding
Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16 and Chapter 17

Commissioners

Denis Nugent (Chair)

Paul Rogers

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PART A: INTRODUCTORY MATTERS

1. PRELIMINARY

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
ANB	Air Noise Boundary
ASAN	Activities Sensitive to Aircraft Noise
ATCZ	Arrowtown Town Centre Zone
AMUZ	Airport Mixed Use Zone
AZ	Airport Zone
BMUZ	Business Mixed Use Zone
CAA	Civil Aviation Authority
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
CPTED	Crime Prevention Through Environmental Design
HSNO	Hazardous Substances and New Organisms Act 1996
KTKO NRMP 2005	Kāi Tahu ki Otago Natural Resource Management Plan 2005
LSCZ	Local Shopping Centre Zone
masl	metres above sea level
MNRMP 2008	The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSFM 2011	National Policy Statement for Freshwater Management 2011
NPSFM 2014	National Policy Statement for Freshwater Management 2014
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011

NPSUDC 2016	National Policy Statement on Urban Development Capacity
NZIA	NZIA Southern and Architecture + Women Southern
OCB	Outer Control Boundary
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation
QTC	Queenstown Town Centre
QTCZ	Queenstown Town Centre Zone
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
RPL	Remarkables Park Limited
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
QPL	Queenstown Park Limited
SCA	Special Character Area (in QTCZ)
Stage 2 Variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017.
TCEP	Town Centre Entertainment Precinct
TCTSZ	Town Centre Transition Sub-Zone
UCES	Upper Clutha Environmental Society
UGB	Urban Growth Boundary
WSZ	Waterfront Sub Zone

WTC Wanaka Town Centre

WTCZ Wanaka Town Centre Zone

1.2. Topics Considered

2. The subject matter of the Stream 8 hearings was Chapters 12, 13, 14, 15, 16 and 17 of the PDP (Hearing Stream 8). The Chapters, as notified, covered the following matters.
3. Chapter 12 set out objectives, policies and rules for the Queenstown Town Centre seeking to ensure it continues to develop as a high quality and vibrant hub that offers a range of activities crucial to the Centre's economic viability, and which significantly contribute to the overall resilience of the community.
4. Chapter 13 dealt with the Wanaka Town Centre. The objectives for the WTCZ provide for it to continue to be the principal commercial, entertainment and cultural centre for the wider Wanaka area. The chapter provided through its policies and rules some intensification of the WTC by relaxing height and coverage in parts of the town centre.
5. Chapter 14 sets out objectives policies and rules for the Arrowtown Town Centre Zone. Arrowtown is noted for its special heritage character, attracting visitors to the district. The ATCZ provided for business and retailing for visitors and local residents at a boutique scale. Growth was anticipated within both the resident population and visitor numbers. However, the Centre's compact form was valued because it enabled access by foot.
6. Chapter 15 set out the objectives, policies and rules for the Local Shopping Centre Zone. The LSCZ included existing and proposed local shopping centres at Albert Town, Arrowtown, Fernhill, Frankton, Hawea, Sunshine Bay and Wanaka (Cardrona Valley Road). The purpose of establishing the LSCZ was to enable small scale commercial and business activities accessible to residents and travellers alike. They were located in predominantly residential locations seeking to reduce the need for residents and travellers to travel longer distances for convenience goods.
7. Chapter 16 set out the objectives, policies and rules for the Business Mixed Use Zone. The BMUZ enabled a variety of activities to occur compatible and supplementary to the activities and services provided in the town centres. The purpose of the zone was to provide for activities that contribute to economic growth without detracting from the town centres.
8. Chapter 17 set out the objectives, policies and rules for the Airport Mixed Use Zone. This zone provided for activities at Queenstown Airport, recognising the airport as a nationally significant asset providing a gateway for people and freight and generating economic and social benefits. The rules for this zone sought to provide performance standards in order to manage the effects of airport activities on amenity values within and outside of the zone.

1.3. Hearing Arrangements for Stream 8

9. The hearing of Stream 8 matters was held on 28 November to 1 December 2016 inclusive in Queenstown; and in Wanaka on 5-6 December 2016 inclusive.
10. The parties heard from on Stream 8 matters were:

Queenstown Lakes District Council

- James Winchester and Sarah Scott (Counsel)

- Dr Stephen Chiles
- Tim Church
- Tim Heath
- Jackie Gillies
- Sian Swinney
- Victoria Jones
- Amy Bowbyes
- Rebecca Holden

New Zealand Transport Agency¹

- Tony MacColl

Erna Spijkerbosch²

- Duncan Ridd

Queenstown Park Limited³, Remarkables Park Limited⁴, Queenstown Wharves GP Limited⁵

- John Young (Counsel)
- Malcolm Hunt
- David Serjeant
- Jenny Carter

Queenstown Airport Corporation⁶

- Rebecca Wolt (Counsel)
- Rachel Tregidga
- Chris Day
- John Kyle

Man Street Properties Limited⁷, Skyline Investments Limited & O'Connells Pavilion Limited⁸, Skyline Properties Limited & Accommodation Booking Agents Queenstown⁹, Trojan Holdings Limited & Beach Street Holdings Limited¹⁰, Skyline Enterprises Limited¹¹

- Graeme Todd (Counsel)

Man Street Properties Limited¹²

- Tim Williams

John Thompson and MacFarlane Investments Limited¹³

- Warwick Goldsmith (Counsel)

1 Submission 719
 2 Submission 392 and FS1059
 3 Submission 806 and FS1097
 4 Submission 807 and FS1117
 5 Submission 766 and FS1115
 6 Submission 433
 7 Submission 398 and FS1107
 8 Submission 606 and FS1239
 9 Submission 609 and FS1241
 10 Submission 616 and FS1248
 11 Further Submission 1238
 12 Submission 398, FS1107 and FS1368
 13 Submission 517 and FS1274

Real Journeys Limited¹⁴ and Te Anau Developments¹⁵

- Fiona Black
- Roger Gardiner¹⁶

Trustees of the Gordon Family Trust¹⁷

- Graeme Todd (Counsel)
- John Polkinghorne

Hawea Community Association¹⁸

- Paul Cunningham
- Dennis Hughes

Well Smart Investment Holdings Limited¹⁹

- Elliott Goldman
- Ben Farrell

Gem Lake Limited²⁰

- Ian Greaves
- Louise Wright

Imperium Group²¹

- Jayne Macdonald (Counsel)
- James Cavanagh

G H and PJ Hensman²², High Peaks Limited²³, Ngai Tahu Property Limited²⁴, Skyline Enterprises Limited²⁵, Trojan Holdings²⁶

- Jayne MacDonald (Counsel)
- Scott Freeman

1.4. Procedural Steps and Issues

11. The hearings for all of Stream 8 proceeded on the basis of the pre-hearing directions made in various memoranda issued by the Chair of the Hearings Panel and summarised in the Introductory Report (Report 1).
12. The hearings on Stream 8 did not give rise to any procedural issues.

¹⁴ Submission 621
¹⁵ Submissions 607
¹⁶ Submission 260
¹⁷ Further Submission 1193
¹⁸ Submission 771
¹⁹ Submission 308
²⁰ Submission 240
²¹ Submitter 151
²² Submission 542
²³ Submission 545/1216
²⁴ Submission 550/1228
²⁵ Submission 556/574/1236/1238
²⁶ Submission 634/1246

13. Except where necessary, this report does not include reference to all individual submissions and submission points, as these are contained in the summary of submissions and our recommendations as to whether these be accepted, accepted in part, or rejected, as contained in Appendix 7 to these recommendations.
14. Finally, in the Hearing Panel's discussion of submissions, reference is made to the section within each chapter, or the objective/policy/rule numbers in the PDP as notified. Where text changes are proposed, reference is made to the section of the chapter or objective/policy/rule numbers as amended by these recommendations. Reference should be made to Appendices 1 to 6, which set out the text of the six chapters resulting from our recommendations.
15. We would particularly wish to express its appreciation that almost all of the Counsel appearing for submitters supplied us with a synopsis of their legal submissions in advance (as requested), thereby enabling us to better understand the arguments being advanced.
16. Commissioner Ella Lawton sat and heard the submissions and took part in deliberations, but on her resignation from the Council on 21 April 2017, she also resigned from the Hearing Panel and took no further part in the drafting of this Report or its recommendations.

1.5. Stage 2 Variations

17. On 23 November 2017 the Council notified the Stage 2 variations. These proposed amendments to Chapter 12, Chapter 16 and Chapter 17. Where these proposed to delete text from the relevant chapter, we have shown the deleted text in grey. We have not considered such text any further.

1.6. Statutory Requirements and Collective Scope

18. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have adopted the same approach as that report in our consideration of submissions and further submissions on the matters before us.
19. The Section 42A Reports provided us with a general overview of the matters of relevance to our deliberations, including summaries of the provisions of the RPS and the Proposed RPS.
20. Given the breadth of the matters covered in the Stream 8 Hearings there is little value in our summarising the points of each document of relevance – such a summary would, for instance, necessarily have to encompass many of the objectives and policies of the RPS and the Proposed RPS, as well as parts of each relevant National Policy Statement.
21. We have therefore adopted the approach of referring to the relevant documents in the context of our consideration of particular provisions of the Stream 8 Chapters.
22. As will be apparent, as part of these recommendations we have made a number of changes in response to the Section 42A Reports and the submissions that have been made, to the extent that this is possible within the scope of submissions. We address changes made to the notified provisions in terms of section 32AA which we now refer to.
23. The tests posed in section 32 form a key part of our review of the objectives, policies, and other provisions we have considered. We refer to and adopt the discussion of section 32 in the Hearing Panel's Report 3. In particular, for the same reasons as are set out in Report 3, we

have incorporated our evaluation of changes we have recommended into the report that follows as part of each suite of provisions rather than provide a separate evaluation of how the requirements of section 32AA are met.

24. As to collective scope, this issue first arose in Hearing Stream 1B, during the Chapter 3, 4, and 6 hearings. Within Report 3 the issue of collective scope is comprehensively addressed. That Hearing Panel recommended an approach to collective scope which we adopt and apply in this report.

1.7. PDP Strategic Directions Chapter 3

25. In terms of other Chapters of the PDP, Chapter 3 is an overarching strategic chapter which sits at the top of a hierarchical structure over the PDP as a whole. It follows that Chapter 3 includes relevant objectives and policies that we need to carefully consider and provide for when reaching decisions on Stream 8.
26. Of particular relevance to considering the matters in this Hearing Stream are the following recommended Objectives and Policies:
 - a. Objectives 3.2.1.2, 3.2.1.3, 3.2.1.4, 3.2.1.5;
 - b. Policies 3.3.1, 3.3.2, 3.3.3, 3.3.5, 3.3.9, 3.3.11.
27. Therefore, when considering issues within the Stream 8 hearings that are linked to the above described Objectives and Policies, we need to ensure the decisions we make provide for the fact Chapter 3 is a District wide strategic chapter and subsequent chapters need to both support and respect the position of Chapter 3 within that hierarchy.
28. Within her Section 42A Report, Ms Jones identified the Reply Version of the Chapter 3 objectives we have discussed above along with some additional objectives. It was her view that those objectives would be implemented by Chapter 12 as the objectives and policies within Chapter 12 provide clear and concise direction in relation to how the Council aims to maintain and enhance the existing key commercial, civic and cultural hubs of the District.
29. Overall for the reasons we provide when we are making recommendations on objectives, policies, rules and standards within Chapter 12 to 17 inclusive, we are satisfied our recommendations implement the objectives and supporting policies of Chapter 3 as recommended by the Hearing Panel.

PART B: CHAPTER 12 - QUEENSTOWN TOWN CENTRE

2. PRELIMINARY

30. Ms Vicki Jones prepared and presented the Section 42A Report for this chapter. In that report she provided a background to the QTCZ in addition to identifying the issues that arose from reviewing the ODP provisions. The PDP zone provisions sought to address those key issues. They were:
- a. A lack of capacity within the town centre and whether there was an opportunity to provide for further capacity within the existing town centre zone
 - b. Could the existing town centre be expanded in a manner that retains the compactness and walkability of the town centre, provide legible boundaries, and not exacerbate reverse sensitivity issues?
 - c. Were the existing rules, including those related to building height, bulk and location, appropriate, and would they achieve quality urban design and build efficiently and effectively, and result in efficient land use and intensification opportunities?
 - d. Management of flood risk in the QTC
 - e. Management of the interface between the town centre and lakefront
 - f. Noise and reverse sensitivity issues and acoustic insulation
 - g. The need for integrated land use and transport planning.

2.1. General Submissions

31. Some submitters²⁷ submitted generally on Chapter 12, seeking that all provisions in the chapter, not otherwise submitted on within their submission, be retained as notified unless they duplicate other provisions in which case they should be deleted.
32. E J L Guthrie²⁸ requested that the QTCZ provisions, including, but not limited to, the Zone Purpose and all Objectives, Policies and Rules, be confirmed as notified; and Tweed Developments Limited²⁹ requested the chapter be confirmed as notified as it related to the zoning of Lot 1 DP 20093 and Sections 20 & 21 Block II Town.
33. Jay Berriman³⁰ supported the Zone Purpose, although it is not clear from the submission whether he supported the geographic extent of the zoning or the zone as a whole.
34. Ms Jones recommended that those submissions seeking that the provisions be confirmed in part or whole be accepted in part and that Submission 217 supporting the zoning of certain sites be accepted. We agree with Ms Jones and recommend accordingly.

2.2. Extensions to the Queenstown Town Centre Zone

35. Ms Jones pointed out in her Section 42A Report that no submitter had opposed the notified QTC boundaries so she recommended no change in relation to the notified boundary.

²⁷ Submissions 663 (opposed by FS1139 and FS1191) and 672

²⁸ Submission 212

²⁹ Submission 617

³⁰ Submission 217

36. She traversed in her report a number of submissions³¹ supporting the notified changes to the extent of the town centre zone. Additionally, Tweed Developments Limited³² specifically sought that the notified zoning be confirmed insofar as it related to the zoning of 74 Shotover Street and 11 & 13 The Mall. We recommend that submission be accepted.

37. We agree with Ms Jones' view that the notified extent of the QTCZ is appropriate for the reasons outlined in the Section 32 Evaluation Report and we support her recommendation that the supporting submissions be accepted.

2.3. Submissions not relating to matters controlled by the PDP

38. Downtown QT³³ sought that the provisions of the PDP align with the Town Centre Strategy. Ms Jones pointed out in her Section 42A Report that the Downtown QT website³⁴ notes its strategy will be a living document and will address the look and feel, transport, parking, accessibility, lighting and future development of the town centre and provide guidance on commercial resilience and growth, local relevance and sector alignment.

39. We note that the PDP cannot be aligned with a document that is forever changing without going through the Plan Change process. No evidence was provided to clarify how exactly the QTCZ should be changed. On this basis, we recommend the submission be rejected.

40. Ms Jones drew our attention to two groups of submissions which sought amendments to notified provisions, or the inclusion of additional provisions, relating to:
a. Car parking in the QTCZ³⁵ and
b. Public transport links on the water³⁶.

41. We agree that both matters are better dealt with when Chapter 29 Transport is considered for the reasons Ms Jones set out. Some of these submissions are deemed to be submissions on Chapter 29. In respect of the remainder, we note that we received insufficient evidence to justify the types of changes requested. We recommend those submissions³⁷ be rejected.

2.4. Section 12.1 – Zone Purpose

42. Kopuwai Investments Limited³⁸ sought that the words “Precinct” and “has” in the third paragraph of the zone purpose be amended to “Precincts” and “have”. These are minor amendments which add no further value or clarification and therefore they are ineffective and inefficient. We reject the submission on that basis.

43. Remarkables Park Limited³⁹ sought deletion of the word “administrative” because it failed to recognise that as the District grows the Queenstown Town Centre may not continue to provide the administrative centre of the District. Rather that centre may be found or located in

³¹ Submitter 630 (DowntownQT) Submitters 308 (WellSmart Investment Holdings Ltd) 398 (Man Street Properties Limited) opposed by FS 1274 (John Thompson & MacFarlane Investments Ltd) Submitter 394 (Stanley Street Investments Ltd & Kelso Investments Limited) opposed by FS 1117 (Remarkable Park Limited) Submitter 574 (Skyline Enterprises Ltd) opposed by FS 1063.22 (Peter Fleming)

³² Submission 617

³³ Submission 630, opposed by FS1043

³⁴ <http://www.downtownqt.nz/about/#town-centre-strategy>

³⁵ V Jones, Section 42A Report, paragraph 17.7

³⁶ *ibid*, paragraphs 17.8 and 17.9

³⁷ Listed in Footnotes 84 and 85 of Ms Jones' Section 42A Report

³⁸ Submission 714, opposed by FS1318

³⁹ Submission 807

Frankton. The submitter was concerned to see that the PDP did not artificially constrain development in Frankton.

44. Other submitters⁴⁰ sought to clarify what the word administrative means and submitted that ambiguity could be avoided by deleting the word “*administrative*” and replacing it with the words “*Local Government*”.
45. We recommend that the word “*administrative*” be retained within the zone purpose because we consider the balance wording within the zone purpose provision supports the retention of the word administrative. As we read those words, the zone purpose is all about signalling the importance and priority of the town centre to the District. It follows that it is the principal or main location of administrative activities, whether they be civic, local government or business activities.
46. Also, we do not think that acknowledging the current reality that the existing town centre is the principal administrative centre for the District pre-determines what should happen in Frankton. However, we do accept the choice of word we recommend sends, to the extent a zone purpose can, a clear signal that the QTC is the principal or predominant centre for the District.
47. We do not see anything is gained by utilising the words “*civic*” or “*local government*”. We see these words as being more aligned to civic buildings and Council or local authority activities. Those activities, and in particular civic buildings such as libraries and the like, are only a subset of the activities and types of buildings that exist in the town centre. The existing town centre activities are much broader than civic and local government activities and related buildings, and the zone purpose provision needs to recognise and provide for that.
48. We consider our recommendation, retaining the word “*administrative*” supports the strategic directions objectives, particularly Strategic Objective 3.2.1.2 which refers to Queenstown and Wanaka being the hubs for the District, which we take to include administrative activities. We note also that new Objective 3.2.1.3 provides for the role of Frankton Flats in a more general sense.
49. Two submissions⁴¹ supported the Zone Purpose, but NZIA⁴² sought to amend the Queenstown Town Centre Guidelines 2015 by extending the application of the guidelines. Failing that the submitter sought that the Zone Purpose be amended to acknowledge the importance of natural features, existing circulation patterns, roads and pathways, grid patterns, public open spaces, the quality, scale, and configuration of the built form, experiences, and Council landscaping in achieving a well-designed, high quality Town Centre.
50. We return later to the request to extend the application of the Queenstown Town Centre Design Guidelines but we do recommend rejection of this submission point. We agree with Ms Jones that including additional statements within the Zone Purpose, as sought by this submitter, would have little statutory weight, and would complicate consenting processes as many of the design considerations of interest to this submitter are dealt with by mechanisms either outside of the District Plan or through the subdivision chapter. We also consider it would make the Zone Purpose much more complicated and complex than required.

⁴⁰ Submissions 217 and 630

⁴¹ Submissions 380 (opposed by FS1318) and 238 (opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249)

⁴² Submission 238.

51. If accepted this submission would result in the guidelines applying beyond the SCA and to more than only buildings. While such an extension could be useful, guidance on such matters is already available from a range of non-statutory documents. Also we consider expansion of the guideline, while not beyond scope would not be good practice or efficient because the opportunity to undertake widespread consultation on the proposed amendments would not be available. For these reasons we recommend rejection of this submission.
52. Ms Macdonald, legal counsel for Imperium⁴³, was opposed to any reference to the TCEP within the last paragraph of section 12.1. In summary, she was concerned that Ms Jones' Section 42A Report failed to address adequately the issues faced by existing noise sensitive activities which, she submitted, as a result of the creation of the Entertainment Precinct, would be exposed to even higher levels of noise than what currently occurs.⁴⁴
53. Ms Jones⁴⁵ recommended a number of additional changes in relation to matters she had reconsidered since filing her Section 42A Report, specifically in response to evidence filed by submitters. She considered that those additional amendments would result in more appropriate provisions that would better contribute to the district wide objectives, and the purpose of the Act.
54. In that regard, Ms Jones recommended amending the Zone Purpose to acknowledge the importance of the WSZ to the QTC. In particular, she recommended that the contribution that the waterfront makes to the amenity, vibrancy and sense of place of the QTC as a whole needed to be recognised within the Zone Purpose.
55. Queenstown Wharves (GP) Limited⁴⁶ (Queenstown Wharves) sought the recognition of the waterfront's contribution to the QTC within its submission, and in a broad way within the evidence of Ms Carter.
56. We consider there is merit in that submission and merit in Ms Jones' response to it referred to above⁴⁷. We recommend the inclusion of the following words as a last paragraph to the Zone Purpose at 12.1:
- The Queenstown waterfront subzone makes an important contribution to the amenity, vibrancy and sense of place of the Queenstown Town Centre as a whole.*
57. In our view after having considered these submissions and further submissions and the officers' report and relevant replies, we consider the wording of Ms Jones's Reply version of Section 12.1 is appropriate, as it includes recognition of the importance of WSZ which is consistent with, and supports, the recognition of the importance of the waterfront to the QTC, as discussed in the evidence of Ms Carter.

3. SECTION 12.2 OBJECTIVES AND POLICIES

58. As notified there were five objectives with supporting policies.

⁴³ Submission 151, supported by FS1043

⁴⁴ We will discuss noise in greater detail, including why we support the TCEP later in this report at 12.5.11

⁴⁵ V Jones, Summary of Evidence at [6]

⁴⁶ Submission 766

⁴⁷ V Jones, Summary of Evidence at [6]

3.1. **General Drafting Improvements to the Objectives and Policies and correcting Format Errors.**

59. In her Reply Statement, Ms Jones⁴⁸ identified for us general drafting improvements to the objectives policies and rules as well as identifying and correcting formatting errors. In so far as those drafting improvements relate to the objectives and policies we recommend those improvements be adopted and have incorporated them in our recommendations above.

60. Ms Jones⁴⁹ referred us to further general amendments recommended by Mr Goldsmith within his legal submissions for Mr John Thompson and MacFarlane Investments⁵⁰. Those amendments relate to the consistent use of the term “RL” and removing all references to Otago datum. Ms Jones’ recommended acceptance and we agree. We note that for consistency this has been applied across all chapters in the Stream, and where relevant the reference in the provisions is to masl.

3.2. **Objective 12.2.1 and Policies 12.2.1.1 – 12.2.1.4**

61. As notified these read:

12.2.1 Objective

A Town Centre that remains relevant to residents and visitors alike and continues to be the District’s principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.

Policies

12.2.1.1 *Enable intensification within the Town Centre through providing for greater site coverage and additional building height provided effects on key public amenity and character attributes are avoided or satisfactorily mitigated.*

12.2.1.2 *Provide for new commercial development opportunities within the Town Centre Transition subzone that are affordable relative to those in the core of the Town Centre in order to retain and enhance the diversity of commercial activities within the Town Centre.*

12.2.1.3 *Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls.*

12.2.1.4 *Enable residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the town centre.*

62. Objective 12.2.1 attracted submissions in support⁵¹ and those⁵² that sought to alter its wording by deleting the word “administrative” and replacing it with “local government”. For the same reasoning advanced when considering Section 12.1, we recommend retention of the word administrative, and therefore, recommend the objective be adopted as notified.

⁴⁸ Ibid at [2]

⁴⁹ V Jones, Reply Statement at paragraph 2.3

⁵⁰ FS1274

⁵¹ Submissions 217, 630 (opposed by FS1043 and FS1117) and 470

⁵² Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

63. NZIA⁵³ sought to amend notified Policy 12.2.1.1 to provide for intensification by requiring that such intensification be undertaken in accordance with best practice in urban design principles. The submitter considered allowing intensification on the basis of effects on public amenity and character being either avoided or satisfactorily mitigated, to be too imprecise.
64. Ms Jones recommended retaining the words “*avoided or satisfactorily mitigated*”. She was of the view the submitter’s reference to best practice urban design principles helped overcome interpretive difficulties that could arise in trying to determine whether or not the effects on key public amenity and character attributes had been satisfactorily mitigated.
65. We consider that reference to the urban design principles provides a useful touchstone to answer that question. Ms Jones also recommended in her reply evidence that the policy be expanded to separate the issue of coverage from height. In her view it was the matter of height that should be guided by best practice urban design principles. In addition, she did not consider a comparison between the coverage allowed in the PDP with that allowed in the ODP to be relevant. We accept the recommendations proposed by Ms Jones for the reasons she advances. We consider the changes give effect to the operative RPS particular those objectives and policies seeking to avoid, remedy or mitigate adverse effects of the built environment.
66. Accordingly we recommend Policy 12.2.1.1 reads as follows with our changes shown as underlined and struck out:
- 12.2.1.1 *Enable intensification within the Town Centre through: ~~providing for greater site coverage and~~*
- a. *enabling sites to be entirely covered with built form other than in the Town Centre Transition Subzone and in relation to comprehensive developments provided identified pedestrian links are retained and*
- b. *enabling additional building height in some areas provided such intensification is undertaken in accordance with best practice urban design principles and the effects on key public amenity and character attributes are avoided or satisfactorily mitigated.*
67. Ms Jones pointed out the linkage by way of subject matter between Policy 12.2.1.1 and Objective 12.2.2 and Policies 12.2.2.3 and 12.2.2.4. She made the point that Policy 12.2.1.1 seeks to address the circumstance created by the PDP no longer imposing coverage rules or recession planes within the town centre, in most instances. It was her view that Policy 12.2.1.1 is not intended to provide policy guidance when Rules 12.5.1, 12.5.9 and 12.5.10, which all relate to coverage or height, are breached. The policies that are relevant to these rules are those found following Objective 12.2.2. She said if this was unclear it may need to be clarified.
68. We do not think it necessary to link a policy to a particular rule by footnote or other method. This is because a particular rule which has been triggered should be read and interpreted within the context of all relevant objectives and policies. Which objective or policy is most relevant will be informed by the factual context that triggers the rule.
69. No submissions were received on notified Policy 12.2.1.2. However, we raised questions with Ms Jones as to how the relatively affordable opportunities referred to were to be provided.

⁵³ Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

70. She responded within her Reply, that rezoning land located at Upper Brecon Street and the Gorge Road/Memorial Avenue corner currently zoned Residential in the ODP to QTCZ would increase the supply of town centre land.⁵⁴ It was her opinion that, given the location of this land on the fringes of the existing town centre, it would be relatively affordable land, particularly when compared to land located within the QTC in the ODP.⁵⁵
71. We agree with Ms Jones, given her Reply explanation linking the rezoning of land and the likely value of that land, the policy wording is appropriate and accordingly recommend policy 12.2.1.2 be adopted as notified.
72. Multiple submitters⁵⁶ sought to retain this policy and Imperium Group⁵⁷ requested the words “*unduly restrictive*” be replaced with the words “*subject to appropriate*”. We agree with the submitter that the word “*appropriate*” means and requires an assessment of the context in which the noise is an issue and allows for imposition of a control appropriate to that context.
73. The words as they currently appear suggest, according to the submitter, that any control on noise should not be unduly restrictive implying that noise is enabled or allowed regardless of context. We agree with those concerns.
74. For these reasons we recommend rewording the policy as follows, with additional phrasing underlined and discarded wording struck-out:
- 12.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur ~~without unduly restrictive~~ subject to appropriate noise controls.*
75. NZIA⁵⁸ requested that notified Policy 12.2.1.4 be amended: first, by deleting reference to a lower level of residential amenity; second, by including words to the effect that residential activities and visitor accommodation would be enabled while acknowledging increased noise and activity due to a mix of activities and the late night nature of the town centre.
76. We think that this policy is trying to provide for the reality of what now occurs within the town centre. It draws attention to the potential noise effects on residential amenity contributed to by the late night nature of town centre activities.
77. Notwithstanding the purpose of the policy we agree with the submitter’s request because the wording proposed is clearer and does not allow or support noise at a level that will lower levels of residential amenity. Also, in our view, the submitter’s wording appropriately captures the status quo. In reaching this recommendation we have considered the relevant sections of the Section 32 report and the opinions of Dr Chiles⁵⁹ relevant to this point.
78. We show these recommended amendments below as underlined and strike-through. For the reasons discussed, we recommend the wording of the policy be as follows;

⁵⁴ V Jones, Reply Statement at [2.2].

⁵⁵ Ibid.

⁵⁶ Submissions 587, 589, 630, 714, and 804

⁵⁷ Submission 151

⁵⁸ Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁵⁹ Dr S Chiles, EiC at [6.2, 9.2]

12.2.1.4 *Enable residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to increased noise and activity resulting from the mix of activities and late night nature of the town centre.*

3.3. **Objective 12.2.2 and Policies 12.2.2.1 - 12.2.2.9**

79. As notified these read:

12.2.2 Objective

Development that achieves high quality urban design outcomes and contributes to the town's character, heritage values and sense of place.

Policies

12.2.2.1 *Require development in the Special Character Area to be consistent with the design outcomes sought by the Queenstown Town Centre Design Guidelines 2015.*

12.2.2.2 *Require development to:*

- a. *Maintain the existing human scale of the Town Centre as experienced from street level through building articulation and detailing of the façade, which incorporates elements which break down building mass into smaller units which are recognisably connected to the viewer and*
- b. *Contribute to the quality of streets and other public spaces and people's enjoyment of those places and*
- c. *Positively respond to the Town Centre's character and contribute to the town's 'sense of place.'*

12.2.2.3 *Control the height and mass of buildings in order to:*

- a. *Retain and provide opportunities to frame important view shafts to the surrounding landscape and*
- b. *Maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36).*

12.2.2.4 *Allow buildings to exceed the discretionary height standards in situations where:*

- a. *The outcome is of a high quality design, which is superior to that which would be achievable under the permitted height*
- b. *The cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces and*
- c. *The increase in height will facilitate the provision of residential activity.*

- 12.2.2.5 *Allow buildings to exceed the non-complying height standards only in situations where the proposed design is an example of design excellence and building height and bulk have been reduced elsewhere on the site in order to:*
- a. *Reduce the impact of the proposed building on a listed heritage item or*
 - b. *Provide an urban design outcome that is beneficial to the public environment. For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:*
 - i. *Provision of sunlight to any public space of prominence or space where people regularly congregate*
 - ii. *Provision of a pedestrian link Provision of high quality, safe public open space*
 - iii. *Retention of a view shaft to an identified landscape feature*
- 12.2.2.6 *Ensure that development within the Special Character Area reflects the general historic subdivision layout and protects and enhances the historic heritage values that contribute to the scale, proportion, character and image of the Town Centre.*
- 12.2.2.7 *Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate."*
- 12.2.2.8 *Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:*
- a. *Requiring minimum floor heights to be met*
 - b. *Encouraging higher floor levels (of at least 312.8 metres above sea level masl) where amenity, mobility, and streetscape are not adversely affected and*
 - c. *Encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk."*
- 12.2.2.9 *Require high quality comprehensive developments within the Town Centre Transition subzone and on large sites elsewhere in the Town Centre."*

80. This objective is a big picture objective. It links with matters to do with building heights and setbacks view shafts and the like. Notwithstanding the scope of the objective we think that the goal or desired outcome of the objective is clear.

81. Ms Jones specifically referred us to NZIA's submission⁶⁰ which supported this objective but sought more information on what the words "sense of place" meant. The submitter also requested and questioned whether or not the Queenstown Town Centre Strategy needed updating. We acknowledge the updating of the Queenstown Town Centre Strategy was opposed by a number of further submissions.⁶¹ Other submitters also supported this objective as notified.⁶²

⁶⁰ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1318

⁶¹ FS1107, FS1226, FS1234, FS1239, FS1241, and FS1248.

⁶² Submissions 380 and 470

82. As Ms Jones pointed out, that because the Town Centre Strategy is not referred to within the PDP, it is beyond scope of this review.⁶³ We agree. In her Section 42A Report, she recommended accepting NZIA's request for relief and she included in an advice note in her Appendix 1 providing advice as to what the words "*sense of place*" might mean.
83. By the time her Reply Statement was provided, the advice note had been deleted. Ms Jones after reconsidering the issue recommended that matters to do with definition and explanation were best collected in one place and recommended definitions be located in her recommended reply rules 12.3.2.5 to 12.3.2.7. These rules provide for definitions applicable to Chapter 12. We do not agree that placing the definitions in one place within the Chapter assists readability and usability of the Chapter. We consider Chapter 2 to be the appropriate place for all definitions used in the PDP. To do otherwise would unnecessarily lengthen the document and potentially create ambiguities and inconsistencies.
84. For these reasons we recommend then the wording of Objective 12.2.2 remain as notified but that the definition of sense of place be included in Chapter 2 (this latter recommendation is to the Stream 10 Hearing Panel).
85. In her Section 42A Report, Ms Jones recommended amending Policy 12.2.1 in response to submissions by Lynda Baker⁶⁴ and Toni Okkerse.⁶⁵ However the submissions related to Policy 12.2.2.2. We deal with that below.
86. Some submitters⁶⁶ requested the following underlined words to be added to Policy 12.2.2.2: "12.2.2.2 Require development *visible from public places* to..."
87. In our view the inclusion of this wording would provide a limitation that is unnecessarily restrictive and as such we recommend this submission be rejected.
88. The issue which is perhaps not addressed is providing for development in those parts of the town centre which are located immediately adjacent to the Special Character Area.
89. Several submitters⁶⁷ considered this issue could be addressed by amending sub paragraph c. of Policy 12.2.2.2 by adding in the word "*historic*" before the word character.
90. Ms Jones recommended amending Policy 12.2.2.1 by adding words requiring development in both the Special Character Area and development adjacent to that area, a heritage precinct, or a listed heritage item, to respect its historic context. We do not think that there is scope for that relief available from the relevant submissions nor do we think it necessary.
91. We prefer to leave the wording of Policy 12.2.2.1 focused on the Special Character Area because the 2015 Guidelines only apply to the Special Character Area of the town centre as identified within the Guideline itself, and within the district plan.

⁶³ V Jones, Section 42A Report at [13.7].

⁶⁴ Submission 59

⁶⁵ Submission 82, supported by FS1265, FS1268 and FS1063, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249 and FS1274

⁶⁶ Submissions 663 (opposed by FS1139 and FS1191) and 672

⁶⁷ Submissions 82 (supported by FS1265, FS1268 and FS1063, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249 and FS1274), 59 (supported by FS1265, FS1268 and FS1063, opposed by FS1075), 206 (supported by FS1265, FS1268 and FS1063, opposed by FS1059 and FS1274) and 217,

92. In our view, some of Ms Jones' additional recommended wording is not required as the Guideline already applies to development within the SCA. The Guidelines specifically note that they have been through an RMA process to be incorporated by reference into the PDP.
93. Also the Guidelines and the PDP addressed the circumstances of providing for historic character in the areas of the town centre outside of the Special Character Area. The Guideline records that the QTCZ includes three heritage precincts, two of which are within the Special Character Area. All three are also identified as protected items in the PDP and are subject to the provisions of Chapter 26 (Historic Heritage). Development within the historic precincts must therefore adhere to the provisions of the historic heritage chapter and to Chapter 12.
94. As the PDP itself deals with development in a heritage precinct or the development of a listed heritage item already, there is no need for those reasons to alter this policy.
95. The remaining issue is, whether these two policies adequately deal with development of a site with some historic characteristic located adjacent to a Special Character Area, a heritage precinct or a listed heritage item.
96. Policy 12.2.2.2 c. is the focus for our consideration on this issue. We consider the QTC's character reflects its historic context, but historic heritage is only one element of its character. To qualify the word character by restricting it to historic character does not recognise that the character of the town centre is more than a historic heritage character. We also consider when Policy 12.2.2.2 c. is being applied to a particular context then the particular character of that part of the town centre will be relevant. It is during this application that the effects of the proposal on those characteristics will be examined.
97. In summary, we consider Policy 12.2.2.2 c. is sufficiently broad in its language to provide for the circumstance when a development occurs adjacent to the SCA, a heritage precinct or a listed heritage item. This is because Policy 12.2.2.2 c seeks to have the intended development respond to the relevant element of the Town Centres character.
98. The other key reason why we think notified Policy 12.2.2.2 c. is appropriate is because of the link to the definition of a "sense of place". This policy requires development to "positively respond" to the towns centre's character.
99. For these reasons we do not think it necessary to amend policy 12.2.2.2 c in the manner sought by the submitters⁶⁸. Nor do we consider it necessary to amend Policy 12.2.2.1 for the reasons we set out above. We recommend that both policies be adopted as notified and the submissions⁶⁹ be rejected.
100. Policy 12.2.2.3 addressed height and mass of buildings. Later we will address building height in relation to the various height precincts in the QTCZ. This policy is to provide the policy framework relating to building height.

⁶⁸ Submissions 59, and 82

⁶⁹ Submissions 59 and 82

101. Toni Okkerse⁷⁰ supported Policy 12.2.2.3, however wanted provision made for car parking based on the size of the building. We accept this submission insofar as it supports Policy 12.2.2.3. We have addressed the submission in relation to car parking above.
102. Three submissions⁷¹ sought amendments to include other matters of control, such as wind tunnel effects of buildings, or ensuring the pleasantness of the environment for pedestrians. Submissions 672 and 663⁷² noted that the intent of Policy 12.2.2.3 was to control building height and mass but were concerned that this intent was not followed through in the rules of the PDP. The submitters contended the rules would restrict building development and would not provide any certainty that new building development could occur. They wished to see this uncertainty corrected. They sought amendments to support the controlled activity status to manage effects of building height and mass on public spaces.
103. The same submissions sought amendments to provide certainty, due to costs involved and the level of investment required to fund building developments. This concern from a building developer's perspective is understandable, but we do not think that cost concern is a valid means of achieving Objective 12.2.2. However, we can accept that controlling the height and mass of a building will provide some level of certainty about a buildings height and mass. Ms Jones' recommended the inclusion in the policy of the following as subparagraph a⁷³:

Provide a reasonable degree of certainty in terms of the potential building height and mass;

104. We agree with that amendment and recommend it be adopted.
105. In relation to including reference to wind tunnel effects on pedestrian environments, we agree that this effect is appropriately connected with both Objective 12.2.2 and Policy 12.2.2.3. Ms Jones recommended the following be included as the fourth matter under this policy⁷⁴:

Minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.

106. We think that that is an appropriate matter to be included Policy 12.2.2.3 and recommend it be adopted.
107. We note Ms Jones⁷⁵ recommended a correction by deleting the word "and" after it appeared at the end of the second bullet point of notified Policy 12.2.2.3. We understood including the word "and" was a printing error; that the sub paragraphs of notified Policy 12.2.2.3 were to be read and applied as separate.
108. We agree with that amendment and recommend the deletion of the word "and" as correction of a minor error under Clause 16(2).
109. Accordingly, for the reasons provided, we recommend changes to Policy 12.2.2.3 underlined and struck out as follows:

⁷⁰ Submission 82, supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249 and FS1274

⁷¹ Submissions 621, 672 and 663

⁷² Opposed by FS1139 and FS1191

⁷³ V Jones, Section 42A Report, Appendix 1

⁷⁴ *ibid*

⁷⁵ In her Section 42A Report, Appendix 1

12.2.2.3 *Control the height and mass of buildings in order to:*

- a. *Provide a reasonable degree of certainty in terms of the potential building height and mass*
- b. *Retain and provide opportunities to frame important view shafts to the surrounding landscape ~~and~~*
- c. *Maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36)*
- d. *Minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.*

110. Like some other policies, the bullet points included in the notified version of Policy 12.2.2.4 were replaced with subparagraphs labelled a., b. and c. in Ms Jones' Section 42A Report version. We utilise that labelling to discuss the notified policy.
111. We consider this policy appropriately links to Objective 12.2.2 and seeks to provide for the circumstance where the building would exceed the discretionary height standards. Ms Jones made it clear that in the absence of assessment matters in the PDP, the policy should provide some guidance about how the exceedance in height would be assessed.⁷⁶ Submitters⁷⁷ sought the inclusion of words within sub paragraph a. to provide that guidance.
112. Some submissions⁷⁸ requested that the policy be removed so that there be no provision made for buildings to exceed the height limits in the CBD. This outcome would not allow for growth in the CBD. Taking into account the evidence received, we conclude that increases in height can be provided for while still achieving high quality urban design outcomes that support the town's character heritage values and sense of place.
113. Undertaking a resource consent process enables appropriate assessments to be undertaken. In addition removing Policy 12.2.2.4 would not ensure buildings did not exceed permitted heights. Applications would still be possible and there would be no guidance for decision-makers. Absence of an encouraging policy does not equate to a prohibited activity. So for these reason we recommend those submissions⁷⁹ be rejected.
114. NZIA⁸⁰ sought to add a specific reference within the PDP requiring the urban design panel to review all projects in the town centre. In this way, they said, high quality urban design outcomes would be achieved. We have earlier commented that the Guidelines are restricted in application to the Special Character Area of the QTC. Presumably the authors of the Guidelines considered that limited application was appropriate.

⁷⁶ V Jones, Section 42A Report at [10.9a]

⁷⁷ Submissions 621, 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249), 663, 672 and 630 (opposed by FS1043).

⁷⁸ Submissions 59 (supported by FS1063, opposed by FS1236), 82 (supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249 and FS1274) and 206.

⁷⁹ Submissions 59 (supported by FS1063, opposed by FS1236), 82 (supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249 and FS1274) and 206.

⁸⁰ Submission 238, opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

115. In any event, Ms Jones told us that, in her experience, most new builds and significant projects are in fact reviewed by urban design professionals or at least a single urban design professional while the project progresses through the consent phase.⁸¹ She was of the view that not all buildings in the town centre would warrant such a review. She advised that the Council can, pursuant to section 92 of the Act, commission an urban design report if the context of the application so requires.⁸²
116. Overall, she did not consider making an urban design review mandatory was appropriate primarily because mandatory reviews were not justified for all new builds and alterations.⁸³ Therefore, to do so was neither efficient nor effective. We agree. We also are persuaded to that point of view because we agree that the Council has other powers to commission urban design reports where they are warranted, for example, due to the significance of the site or the building within the town centre.
117. For these reasons we agree with her recommendation that a specific reference within subparagraph a. of Policy 12.2.2.4 requiring all buildings and alteration to obtain urban design panel approval not be included. This approach is also consistent with the approach provided for within the Guidelines themselves.
118. Two submitters⁸⁴ considered subparagraph b to be too restrictive because not increasing shading while increasing height was too difficult. They considered some degree of relaxation of the policy was necessary in order to implement the PDP's Strategic Objectives as expressed in Chapter 3 and, more particularly, Objective 12.2.2.
119. In response, Ms Jones sought to relax the policy by including words within subparagraph b acknowledging and accepting that increase in heights and individual developments may increase the shading of public pedestrian spaces.⁸⁵ However, provided that shading is limited, and provided that shading is offset or compensated for by either the provision of additional public space or a pedestrian link with the site, then that increased shading effect would be acceptable.⁸⁶
120. We agree that increases in height are likely to lead to increases in shading and we agree that limiting shading of public pedestrian space is an important matter. However, we recognise and accept that a shading effect may be offset or compensated by the provision of either additional public space or a pedestrian link with the site. Available public spaces within the town centre are relatively limited. Increasing such spaces would help contribute to a high quality urban design outcome. Pedestrian links would contribute and support the town's character and its heritage values. Such links are part of both the town character and its heritage. Both public spaces and pedestrian links help add to the town centres sense of place. For these reasons we recommend the amendments to sub paragraph b of Policy 12.2.2.4 suggested by Ms Jones, be adopted.

⁸¹ V Jones, Section 42A Report at [10.10].

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Submissions 663 (opposed by FS1139 and FS1191) and 672.

⁸⁵ V Jones, Section 42A Report at [10.9c]

⁸⁶ Ibid.

121. So for the reasons set out above we recommend the inclusion of all of Ms Jones additions to sub paragraph b. of policy 12.2.2.4 and we recommend that the submissions seeking to disallow height exceedance being included in sub paragraph a is be rejected.
122. Accordingly, we recommend Policy 12.2.2.4 read, with the additions underlined, as follows:
- 12.2.2.4 Allow buildings to exceed the discretionary height standards in situations where:*
- a. The outcome is of a high-quality design, which is superior to that which would be achievable under the permitted height; and*
 - b. The cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site and*
 - c. The increase in height will facilitate the provision of residential activity.*
123. As Policy 12.2.2.5 relates to exceeding non-complying height standards, commencing the policy with the word “allow” is challenging. Three submitters⁸⁷ recognised this. They also sought to include the circumstances where it may be appropriate to allow additional height. In the main, submitters wished to retain urban design excellence for such buildings as well as gaining additional public benefits, such as pedestrian links and the opening up of Horne Creek.
124. Other submitters⁸⁸ requested that the policy be removed in its entirety and there be no provision for buildings to exceed height limits in the CBD.
125. If growth is to be achieved, opportunity needs to be provided for that growth by way of allowing exceedance of height limits. That is provided that urban design issues are addressed to ensure the town’s character, heritage values and sense of place are respected and supported.
126. Ms Jones recommended⁸⁹ re-wording Policy 12.2.2.5 so as not to “allow”, but to “prevent” buildings exceeding the non-complying height standards, except where preconditions (a) and (b)(i) or(ii) are satisfied. We support that wording change as it clarifies the intent of the policy. As we read those preconditions, they fully support objective 12.2.2 because they focus on urban design outcomes and particularise those urban design outcomes as being beneficial to the public environment.
127. The rewording Ms Jones’ recommended set out in detail the urban design outcomes that would be beneficial to the public environment. The origins of the rewording arise from

⁸⁷ Submissions 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249), 663 (opposed by FS1139 and FS1191) and 672

⁸⁸ Submissions 59 (supported by FS1063, opposed by FS1236),⁸² (supported by FS1063, opposed by FS1107, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249 and FS1274), 206 (supported by FS1063 and opposed by FS1236 and FS1274)

⁸⁹ V Jones, Section 42A Report at [10.13]

submissions⁹⁰ she recommended should be accepted. The submissions sought to include, as urban design benefits, new or retention of existing, uncovered pedestrian links or lanes, restoration and opening up of Horne Creek as part of the open space network where applicable, and finally, the minimising of wind tunnel effects in order to maintain pleasant pedestrian environments.

128. We consider there is merit in the submissions and in the response of Ms Jones to them. Therefore we recommend acceptance of the submission points as they provide appropriate detail on urban design outcomes that have a net benefit to the public environment so assisting in attaining Objective 12.2.2.
129. Ms Jones⁹¹ dealt with an additional urban design outcome beneficial to the public environment, namely landmark buildings. She sought to include this matter as a final bullet point. She considered landmark buildings on key corner sites would be an example of the urban design outcomes sought by this policy. She accordingly supported the submission of NZIA⁹² on this point. She also relied on the evidence of Mr Tim Williams, in particular as it related to urban design when considering additional height within the town centre environment.⁹³
130. We are satisfied that inclusion of this additional bullet point to Policy 12.2.2.5, accepting the submission of NZIA, would help implement Objective 12.2.2. In particular a reference to landmark buildings is more consistent with the Urban Design Guidelines and will potentially contribute better to the QTC's sense of place through the creation of landmark buildings.
131. We queried at the hearing if "*landmark*" **building** should be defined. Ms Jones in her reply recorded she conferred with Mr Church who seems to have supported including a definition of a "*Landmark Building*". Ms Jones accepted this view but did not consider including a definition was essential for this particular policy. She referred us to Reply Rule 12.5.9.5(d) which she considered provided clarification.
132. However she proposed to add wording to Rule 12.3.2 which is renumbered as Rule 12.3.2.4 within her reply to provide a definition of a Landmark building.⁹⁴ The rule is further renumbered 12.3.2.6 in Appendix 1. She relied on the NZIA⁹⁵ submission for scope to add this new provision. We agree a definition is required for a "*landmark building*" within the plan and given this definition applies to all of Chapter 12 then this definition applies to policy 12.2.2.5.
133. Accordingly we recommend that the amendments and additions proposed by Ms Jones to Policy 12.2.2.5 be adopted along with replacing the bullet points with labels.
134. We consequently recommend Policy 12.2.2.5 now read as follows with amendments shown as strikethrough and underlined:

⁹⁰ Submissions 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249) and 621.

⁹¹ V Jones, Summary of Evidence,

⁹² Submissions 238 (opposed by FS1318, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249)

⁹³ V Jones, Section 42A Report at [13.40-41]

⁹⁴ Section 42A Report of Ms Jones at [9.3].

⁹⁵ Submitter 238

12.2.2.5 ~~Allow—Prevent—buildings—to~~ exceeding the non-complying maximum height standards, except that only it may be appropriate to allow additional height in situations where:

- a. ~~the proposed design is an example of design excellence; and building height and bulk have been reduced elsewhere on the site in order to~~
- b. ~~Building height and bulk have been reduced elsewhere on the site in order to:~~
 - i. ~~Reduce the impact of the proposed building on a listed heritage item or~~
 - ii. ~~Provide an urban design outcome that is~~ has a net beneficial ~~to the public environment.~~

For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:

- a. *Provision of sunlight to any public space of prominence or space where people regularly congregate*
- b. *Provision of a new, or retention of an existing, uncovered pedestrian link or lane*
- c. *Where applicable, the restoration and opening up of Horne Creek as part of the public open space network*
- d. *Provision of high quality, safe public open space*
- e. *Retention of a view shaft to an identified landscape feature*
- f. *Minimising wind tunnel effects of buildings in order to maintain pleasant pedestrian environment.*
- g. *The creation of landmark buildings on key block corners and key view terminations.*

135. Policy 12.2.2.6 did not attract any submissions. The policy was directed at the Special Character Area and in our view the wording of the policy was appropriate. We consider the policy is clear and prescribed a course of action which will implement Objective 12.2.2. We recommend this policy be adopted unaltered.

136. Ms Jones pointed out within her Section 42A Report⁹⁶ that some submitters⁹⁷ requested the deletion of Policy 12.2.2.7 as notified, stating it was too difficult to interpret or apply. Ms Jones noted that these submissions were also considered within Stream 1A Section 42A Report and Appendix 2 to that report recommended that this relief be rejected.⁹⁸ She agreed with that recommended rejection. The Stream 1A Panel did not hear any evidence on these submissions, from the submitters or the Council, and have made no recommendation on them.

137. We agree with Ms Jones and recommend retention of this policy because tangata whenua values are part of the town centre's heritage values and contribute to its sense of place.

⁹⁶ V Jones, Section 42A Report at [6.5b] and [18.14]

⁹⁷ Submissions 663 (opposed by FS1139 and FS1191) and 672

⁹⁸ V Jones, Section 42A Report at [18.14].

Notified Policy 12.2.2.7 does not place obligations on individual landowners. Expression of cultural heritage values is to occur in the design of public spaces where appropriate. The language is a little imprecise in that it is not clear how appropriateness is determined. Nevertheless we recommend retention of the policy with a minor amendment.

138. Consequently we recommend retention of this policy with our small recommended amendment struck out as follows:

12.2.2.7 Acknowledge and celebrate ~~our~~ cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.

139. Policy 12.2.2.8 related to flooding risk which is a known risk for the QTC. Given the town centre is well established, limited options are available to address flooding effects. Minimum floor heights are an available tool, particularly where new builds or renovations to existing buildings occur. To encourage higher floor levels is also appropriate.

140. However, we also agree that amenity and access to buildings and the general streetscape are considerations when assessing the effects of higher floor levels. Given that flooding will continue to occur encouraging building design and construction techniques which include installing electrical wiring and other services in buildings well above ground and flood level are sensible and pragmatic responses.

141. Some submitters⁹⁹ requested the policy only apply to land affected by flood risk, with this identification included on planning maps. Lines could be placed on maps identifying areas of flood risk. However there is no absolute certainty that a flood event would comply with those lines.

142. We agree with Ms Jones' approach that Policy 12.2.2.8 and its related rule 12.5.7 should require minimum floor level for properties with scope through the matters of discretion to seek alternative floor levels. Whether or not an alternative is suitable will be determined by the extent to which the alternate mitigation measure will sufficiently mitigate either flood risk or effect while ensuring any adverse effects of that measure on the amenity, accessibility and safety of the town centre are acceptable.

143. We also note Ms Jones' recommendation that each of the three sub paragraphs (a), (b) and (c) in Policy 12.2.2.8 are intended to be linked through the use of the word "and", so that they are read and applied jointly.¹⁰⁰ We agree.

144. The only other matter raised in submissions¹⁰¹ was to include "character values" within subparagraph (b) as a matter for assessment of the effect of higher floor levels. We agree this is appropriate because differing floor levels can have an impact on character values justifying inclusion of this matter as a matter of assessment.

145. We recommend that Policy 12.2.2.8 read with the additions underlined as follows:

12.2.2.8 Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:

⁹⁹ Submissions 663 (opposed by FS1139 and FS1191) and 672

¹⁰⁰ V Jones, Section 42A Report, Appendix 1, at p12-3.

¹⁰¹ Submissions 663 and 672

- a. *Requiring minimum floor heights to be met; and*
- b. *Encouraging higher floor levels (of at least RL 312.8 masl) where amenity, mobility, and streetscape, and character values are not adversely affected; and*
- c. *Encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk.*

146. Several submitters¹⁰² requested either deletion of Policy 12.2.2.9 or amendment of it. The amendments sought to diminish the policy by seeking to “manage” the design of comprehensive developments within the Town Centre Transition Sub-zone.¹⁰³ The policy as notified used the word “require” in relation to high quality comprehensive developments within that transition sub-zone.
147. The TCTSZ separates the QTCZ from the immediately surrounding high density residential zone. Appropriately providing for the transitions between zones is important. The policy is, however, further focused on comprehensive developments on large sites in the QTCZ.
148. In her Reply, Ms Jones recommended that identified details be shifted from Rule 12.5.1.1 to this policy to provide greater policy direction.¹⁰⁴ She stated that these details are already in the matters of discretion included in the rule with the exception of provision of open space which she supported to be included. She recommended the addition of words that direct attention to pedestrian links and lanes, open spaces, outdoor dining and well-planned storage loading/servicing areas being provided within the development.
149. We agree with her that it is the largest sites, both within the TCTSZ and within the QTC, which offer the opportunity to make a significant and positive contribution to the overall quality and character of the town. We also agree this outcome can be achieved particularly through the provision of pedestrian links or lanes, and open spaces.
150. In our view, the policy as notified using the word “require” is appropriate, particularly when considering Objective 12.2.2. We think Ms Jones’ recommended refinement by the inclusion of additional words from Rule 12.5.1.1 within the policy is also helpful because it identifies with more precision outcomes or actions which better support Objective 12.2.2.
151. Our recommendation is to adopt Policy 12.2.2.9 with the amendments underlined as set out below:

12.2.2.9 Require high quality comprehensive developments within the Town Centre Transition Sub-Zone and on large sites elsewhere in the Town Centre, which provides primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

3.4. Additional Policy

152. NZIA¹⁰⁵ requested that a further Policy 12.2.2.10 be added in recognition that Council has a role in managing and investing in the street environment and encouraging vitality through both soft and hard landscaping.

¹⁰² Submissions 663 (opposed by FS1139 and FS1191) and 672

¹⁰³ V Jones, Section 42A at [13.14].

¹⁰⁴ V Jones, Reply Statement at [4.3a]

¹⁰⁵ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

153. Ms Jones, in her Section 42A Report, did not support the inclusion of such a policy within the QTCZ.¹⁰⁶ Nor do we, as while such council initiatives are integral to achieving the objective, the commitment to undertake such works is more appropriately determined in the Council's long term plan process. We therefore recommend this submission be rejected.

3.5. **Objective 12.2.3 and Policies 12.2.3.1 – 12.2.3.6**

154. As notified these read:

12.2.3. Objective

An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone."

Policies

12.2.3.1 *Require activities within the Town Centre Zone to comply with noise limits, and sensitive uses within the Town Centre to insulate for noise in order to mitigate the adverse effects of noise within and adjacent to the Town Centre Zone.*

12.2.3.2 *Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre and controlling the height and design of buildings at the zone boundary.*

12.2.3.3 *Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:*

- a. *Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre*
- b. *Providing for noisier night time activity within the entertainment precinct in order to minimise effects on adjacent residential zones and*
- c. *Ensuring that the nature and scale of licensed premises located in the Town Centre Transition subzone are compatible with adjoining residential zones.*

12.2.3.4 *Enable residential and visitor accommodation activities within the Town Centre while:*

- a. *Acknowledging that the level of amenity will be lower than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated for noise*
- b. *Discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre*
- c. *Avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel, discouraging the provision of onsite car*

¹⁰⁶ V Jones, Section 42A Report at [13.16].

parking, and through the careful location and design of any onsite parking and loading areas and

d. Discouraging new residential and visitor accommodation uses within the Entertainment Precinct.

12.2.3.5 Avoid the establishment of activities that cause noxious effects that are not appropriate for the Town Centre.

12.2.3.6 Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.

155. This objective did not attract submissions in opposition¹⁰⁷. One submitter¹⁰⁸ did seek to clarify the meaning of the words “*reasonable level*”. That submitter sought clarification pointing out that policy 12.2.1.4 sought to enable residential activities and visitor accommodation. This raised the question as to what would a reasonable level of amenity be which would enable residential activities and visitor accommodation within and beyond the Town Centre Zone?
156. Ms Jones acknowledged the vagueness of the words. She went on to note that the vagueness was addressed when regard was had to the related policies and rules. It was her view, and we agree, that once the policies accompanying the objective and the relevant rules are considered, it is possible to better understand what is meant by the words “*reasonable level*”. We agree with her that a footnote clarifying what would be a reasonable level of amenity is not required because that clarification is provided through the linked policies and rules and their application.
157. At the heart of the issue is the challenge to provide for a range of activities within the town centre, some of which are directed at entertainment and supporting the tourism market, while at the same time providing a level of amenity conducive to activities such as residential and accommodation for visitors.
158. Overall Ms Jones was of the view that notified objective 12.2.3 would appropriately give effect to the Act. She contended that the related policy direction, which we discuss below, would be generally appropriate for the reasons that are referred to in the Section 32 report. We agree with her views in relation to the notified objective and recommend it be adopted as notified.
159. As notified Policies 12.2.3.1 - 12.2.3.3 established a clear hierarchy of anticipated noise levels within the Town Centre.¹⁰⁹
160. Two submitters¹¹⁰ sought deletion of Policy 12.2.3.1 and incorporation of its intent into Policy 12.2.3.3. Ms Jones recommended acceptance of those submissions¹¹¹ and we agree.
161. We do not see value in a policy that requires activities within the town centre to comply with the noise limits. That is a given. Next, to a lesser extent, if a new sensitive activity wished to locate in the town centre then the existing noise environment would need to be taken into

¹⁰⁷ Submission 380 supported the objective

¹⁰⁸ Submission 714

¹⁰⁹ Section 42A Report of Ms Jones at [12.23].

¹¹⁰ Submissions 672 and 663 (opposed by FS1191, FS1318, FS1139)

¹¹¹ Section 42A Report of Ms Jones at [12.17b].

account so as to provide for and avoid reverse sensitivity effects. Effectively a new noise sensitive activity in all likelihood would need to insulate for noise to achieve this outcome.

162. Finally, the issue of noise is really a night time noise issue. The evidence raised, in particular, the potential adverse impacts of night-time noise on amenity values and sleep disturbance for visitors within visitor accommodation in some areas of the QTC.
163. We agree with Ms Jones that this approach to sensitive uses within the town centre is best included within reworded Policy 12.2.3.3 as that policy relates to when noise is an issue, night time.
164. For these reasons we recommend that Policy 12.2.3.1 be deleted and its contents be addressed within Policy 12.2.3.3. This will cause a re-numbering of policies 12.2.3.2 to 12.2.3.7.
165. There were no submissions received on Policy 12.2.3.2 so we discuss it no further and recommend its adoption as notified.
166. We consider Policy 12.2.3.3 to be the key policy in this group. This policy recognises the importance to the Town Centre of the activities that cause that night time noise. It seeks to enable it by providing the Entertainment Precinct for noisier night time activity. We assume the expectation is, over time, those who need this noisier locality for their activities will gravitate or shift to it. At the same time the policy seeks compliance with noise limits in other parts of the QTCZ.
167. The provision of night-time entertainment, including dining and socialising indoors and outdoors, is an integral element of the town centre, adding to and supporting the vibrancy and economic prosperity of the town centre. Specifically providing for those activities as notified Policy 12.2.3.3 sought to do is important because many visitors to the QTC wish to avail themselves of night time dining and socialising.
168. Provision of such activities in the QTC is long standing and makes for an active and vibrant town centre. The availability of night time activities adds to the visitor's diversity of experience. Visitors know this offering is available in the Town Centre and will expect it be maintained. Many businesses have long standing investment in the broad entertainment activities the Town Centre offers.
169. Encouraging noisier night time activity within the TCEP in order to minimise noise effects on residential zones adjacent to the town centre is both a pragmatic and workable solution, albeit may take some time before the noisier night-time activities aggregate within the Entertainment Precinct.
170. Through controlling the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone is also, we think, a useful and appropriate course of action to ensure that residential amenity in the adjoining residential zones is supported.
171. With the expectation that the TCEP, in particular, will both attract and provide for noisier night-time activity, we think it follows that those noise sensitive uses that wish to locate in the town centre will need to be able to mitigate the adverse effects of noise through insulation, or reverse sensitivity impacts or effects will undoubtedly arise. If this were not to occur then the desired outcome provided for within Objective 12.2.3 would not be realised.

172. Several submitters¹¹² supported the intent of Policy 12.2.3.3, and Kopuwai Investments limited¹¹³ sought minor amendments to subparagraphs (b) and (c) to clarify the meaning of the policy. Imperium Group¹¹⁴ sought to delete sub paragraph (b) of this policy.
173. Evan Jenkins¹¹⁵ supported the general approach of the policies but broadly pointed out in his submission that ‘vibrant’ does not mean loud; that the town centre is for all age groups, and that unless well monitored, the less restrictive noise policy may be abused.
174. Ms Jones pointed out in her Section 42A Report that the notified policies and rules provide for the noisiest activity within the TCEP and they enable only minor noise increases beyond that in a manner that would effectively direct certain activities to the most suitable parts of the town centre.¹¹⁶ Additionally, she pointed out that greater control over licenced premises within the TCTZ will create enclaves that will appeal to the different sectors of the resident and visitor community.¹¹⁷ We also note Dr Chiles’ advice that the noise levels now proposed reflect reality and are consistent with other town centres, and that it would be possible to monitor noise levels.¹¹⁸ We accept the submission insofar as it supports Policy 12.2.3.3 and consider that, based on the conclusions of Ms Jones and the advice of Dr Chiles, that Mr Jenkins’ concerns will be addressed.
175. We earlier referred to the submissions¹¹⁹ seeking alteration to Policy 12.2.3.3 by amalgamating it with Policy 12.2.3.1 and we recommend this occur by including sub paragraphs (d) and (e) as we have set out below.
176. Accordingly the wording we recommend for Policy 12.2.3.3 is as follows;

“12.2.3.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:

- a. Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre and*
- b. Providing for noisier night time activity within the entertainment precinct in order to minimise effects on ~~adjacent~~ residential zones adjacent to the Town Centre and*
- c. Ensuring that the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone result in effects that are compatible with adjoining residential zones and*
- d. Enabling activities within the Town Centre Zone that comply with the noise limits and*

¹¹² Submissions 187 (opposed by FS1318), 587 (opposed by FS1318), 589 (opposed by FS1318) and 804

¹¹³ Submission 714

¹¹⁴ Submission 151

¹¹⁵ Submission 474

¹¹⁶ Section 42A Report of Ms Jones at [12.20].

¹¹⁷ Ibid.

¹¹⁸ Evidence of Dr Chiles at [7.2].

¹¹⁹ Submissions 672, and 663 (opposed by FS1139, FS1191)

e. Requiring sensitive uses within the Town Centre to mitigate the adverse effects of noise through insulation."

177. We have already recorded the importance of residential and visitor accommodation to both the town centre and the district itself. Policy 12.2.3.4 is important because it seeks recognition of the reality that the QTCZ is a noisy and active day and night time environment. In particular, night-time activities, such as entertainment bars and outdoor dining establishments, contribute to noise and high activity levels. The night-time activities can and do take place late into the night.
178. Policy 12.2.3.4 endeavoured to paint an accurate picture about what was occurring within the town centre and to send signals discouraging residential uses, particularly at ground level, and in those locations within the QTC where bars and restaurants predominate, particularly the TCEP.
179. NZIA¹²⁰ supported Policy 12.2.3.4 but sought amendment to refer to noisy and active rather than to lower amenity levels. We accept this as the requested change simply reflects the existing reality.
180. Kopuwai Investments Limited¹²¹ sought acknowledgement of self-protection¹²¹ as a method by adding the words "*and self-protected*" to subparagraph (a) after the word '*insulated*'. We agree with Ms Jones that it is unclear what is meant by this wording and therefore that it is ineffective and inefficient.¹²² We recommend this submission be rejected for that reason.
181. Imperium Group¹²³ sought to delete notified Policy 12.2.3.4(d). Ms Jones, within her Section 42A Report agreed in part with Submitter 151 to remove part (d) of notified Policy 12.2.3.4. She recommended that it be amended to better reflect the fact that the rules do not directly discourage such uses, but rather, only anticipate such uses where sufficient insulation was provided (by making it non-complying where this was not provided).¹²⁴
182. We think this would send a clear signal that the TCEP is certainly not a preferred location for new residential and visitor accommodation. However, if that location were to be used for those activities, it would only be an appropriate location if adequate insulation and mechanical ventilation were installed. We consider Ms Jones' proposed amendments in response to this submission to be appropriate.
183. Accordingly, we recommend that Policy 12.2.3.4 be amended as underlined and struckout, to read:

12.2.3.4 Enable residential and visitor accommodation activities within the Town Centre while:

a. Acknowledging that ~~the level of amenity will be lower~~ it will be noisier and more active than in residential zones due to the density, mixed use, and late night

¹²⁰ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

¹²¹ Submission 714

¹²² V Jones, Section 42A Report at [12.17d].

¹²³ Submission 151

¹²⁴ V Jones, Section 42A Report at [12.17e]

nature of the Town Centre and requiring that such sensitive uses are insulated for noise; and

- b. Discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre; and*
- c. Avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel, discouraging the provision of onsite car parking, and through the careful location and design of any onsite parking and loading areas; and*
- d. Only enabling ~~Discouraging~~ new residential and visitor accommodation uses within the Town Centre Entertainment Precinct where adequate insulation and mechanical ventilation is installed.*

- 184. No submissions on Policy 12.2.3.5 were received and we recommend it be adopted as notified.
- 185. There was only one submission received on Policy 12.2.3.6.¹²⁵ Mr Jenkins sought additional detail be included within this policy directed at fairy lighting in trees. He referred to the southern light strategy to support his views.
- 186. Ms Jones did not recommend any further detail be included within Policy 12.2.3.6 and we agree with her recommendation. We think the policy, as expressed, adequately provides that the issue of glare and adverse effects on the night sky be appropriately addressed.
- 187. We do recommend a minor change to make it consistent with similar policies recommended by differently constituted Hearing Panels. That is, it is the effect on views of the night sky which the policy should deal with.
- 188. We discuss this issue in greater detail when considering the glare standard now renumbered as Rule 12.5.13.1 and for the reasons we there discuss, we recommend Policy 12.2.3.5 be amended as underlined below:

Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

3.6. New Policy

- 189. Several submitters¹²⁶, sought the inclusion of a new policy to recognise the important contribution that sunny open spaces, footpaths and pedestrian spaces make to the vibrancy and economic prosperity of the town centre.
- 190. We recognise how provision of open spaces, particularly sunny open spaces, utilisation of foot paths and provision of pedestrian space allows people to enjoy the outdoor aspect of the town centre. This is particularly so for outdoor dining during summer daytime periods. Having people in public places undertaking activities of this nature does this and we think adds to the sense of vibrancy of the town centre.

¹²⁵ Submission 474

¹²⁶ Submissions 59, 82, 599, 206 and 417

191. In response to these submissions¹²⁷, Ms Jones recommended a new Policy 12.2.3.7.¹²⁸ We recommend the inclusion of this new policy as it assists in realising Objective 12.2.3. This will become Policy 12.2.3.6 with the deletion of Policy 12.2.3.1 earlier.

12.2.3.6 Policy

Recognise the important contribution that sunny open spaces, footpaths, and pedestrian spaces makes to the vibrancy and economic prosperity of the Town Centre.

3.7. **Objective 12.2.4 and Policies 12.2.4.1 – 12.2.4.6**

192. As notified these read:

12.2.4 Objective

A compact Town Centre that is safe and easily accessible for both visitors and residents.

Policies

12.2.4.1 *Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.*

12.2.4.2 *Ensure that the Town Centre remains compact and easily walkable by avoiding outward expansion of the Town Centre Zone. Encourage walking to and within the Town Centre by improving the quality of the pedestrian experience by:*

- a. *Maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality*
- b. *Requiring new pedestrian linkages in appropriate locations when redevelopment occurs*
- c. *Strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it and*
- d. *Encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings.*

12.2.4.3 *Minimise opportunities for criminal activity through incorporating Crime Prevention through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, car parking areas, public and semi-public spaces, access ways/ pedestrian links/ lanes, and landscaping.*

12.2.4.4 *Off-street parking is predominantly located at the periphery of the Town Centre in order to limit the impact of vehicles, particularly during periods of peak visitor numbers.*

12.2.4.5 *Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements.*

¹²⁷ Submissions 59, 82, 599, 206 and 417.

¹²⁸ V Jones, Section 42A Report at [10.14].

12.2.4.6 *Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety and amenity of pedestrians and cyclists, particularly in peak periods.*

193. Several submitters¹²⁹ supported the objective as notified. In our view one of the key attributes of the town centre is that it is compact with the result that its small geographic size enables ease of access. Accessibility is enhanced through pedestrian walkways and laneways. This compactness and ease of accessibility is one of the features of the town centre which adds to its attractiveness and interest for both visitors and residents.
194. We agree with the submitters and recommend their submissions are accepted. We also recommend retaining Objective 12.2.4 as notified.
195. The only submission¹³⁰ on Policy 12.2.4.1 sought that it be retained. Submission 238 referred to this policy, but when the relief is examined, the reference was in error and should have referred to Policy 12.2.4.2.
196. We consider this policy is well suited and appropriate to implement Objective 12.2.4. Priorities in public transport and providing safe and pleasant pedestrian access is critical to implementing this objective. Also important is encouraging the reduction of vehicle dominance within the town centre itself.
197. Accordingly, we recommend it be adopted as notified.
198. While several submitters¹³¹ supported Policy 12.2.4.2, two¹³² also sought to change it. The Otago Regional Council¹³³ (ORC) requested the inclusion of the word “accessibility” into the opening paragraph. NZIA¹³⁴ requested additional bullet points relating to the promotion and encouragement of laneways and small streets being open to the sky, as well as promoting the opening up of Horne Creek as a visual feature.
199. The ORC submission sought the limitation of car parks in the periphery of the town centre so as to encourage or support the shift to shared and active transport modes. This is a transportation issue and we agree with Ms Jones that it is more appropriately considered in relation to Chapter 29 in Stage 2 of the PDP.
200. The ORC also wished to refine provisions relating to verandas within this policy, ensuring that they do not interfere with curb side movement of high sided vehicles.
201. Other submitters¹³⁵ were interested to ensure that the effects of buildings did not cause additional shading degrading the pedestrian environment or enjoyment of public spaces. Those submitters did, however, seek a trade-off where there was a small increase of shading of public pedestrian spaces such that it could be offset or compensated by the provision of additional public space or a pedestrian link within the site.

¹²⁹ Submissions 217, 380, 798 and 807

¹³⁰ Submission 719

¹³¹ Submissions 719 and 807.

¹³² Submissions 238 and 798

¹³³ Submission 798

¹³⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

¹³⁵ Submissions 59, 82, 206, 417, 599, 663, 672, 59, 82, 599, 206, 417 (opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249)

202. In the main, Ms Jones agreed with and supported these various submissions.¹³⁶ We agree. The addition of the word “*accessible*” derives a meaning from its context meaning the town centre is accessible to pedestrians in general. Verandas need to be sensibly designed so as not to interfere with curb side movement of high sided vehicles, although we thought this outcome would go without saying.
203. We agree that uncovered pedestrian links and lanes are both the key to, and an integral feature, of the QTC character. They should be promoted, retained and maintained. In respect of Horne Creek, we agree that all that can be achieved within the policy framework is to send the signal about promoting the opening up of Horne Creek as distinct from requiring the same.¹³⁷ We agree that those parts of the town centre where Horne Creek is opened up have a special character. The visual and aural appeal of running water in a semi natural state is a pleasing amenity feature in a busy town centre. However, given the Creek runs through both private and publicly-held land, and is partially covered over or piped, we consider the Council has no jurisdiction to require its opening, but does have the ability to promote it.
204. The final amendments link to other submissions relating to height of buildings and increasing the allowable height in various height precincts of the town centre. Increases in height lead to the need to carefully assess additional shading. Additional shading is inevitable with a height increase. That height increase enables one of the key characteristics of the town centre, namely its compact nature to be retained. We recognise an increase in height will inevitably lead to additional shading. However, the ability to offset any such effect by the provision of additional public space or pedestrian links is of value. We consider this policy, amended as recommended by Ms Jones, assists in achieving Objective 12.2.4. We recommend submissions amending Policy 12.2.4.2 be accepted.
205. We recommend Policy 12.2.4.2 read with the amendments underlined as follows:
- “Ensure that the Town Centre remains compact, accessible, and easily walkable by avoiding outward expansion of the Town Centre Zone. Encourage walking to and within the Town Centre by improving the quality of the pedestrian experience by:*
- a. Maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality;*
 - b. Requiring new pedestrian linkages in appropriate locations when redevelopment occurs;*
 - c. Strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it; ~~and~~*
 - d. Encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings; and may need to be specifically designed so as to not interfere with kerbside movements of high-sided vehicles*
 - e. Promoting and encouraging the maintenance and creation of uncovered pedestrian links and lanes wherever possible, in recognition that these are a key feature of Queenstown character;*

¹³⁶ Section 42A Report of Ms Jones at [13.19].

¹³⁷ Ibid.

- f. Promoting the opening up of Horne Creek wherever possible, in recognition that it is a key visual and pedestrian feature of Queenstown, which contributes significantly to its character; and
- g. Ensuring the cumulative effect of buildings does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site.”
206. One submission¹³⁸ sought that Policy 12.2.4.3 be amended to refer to antisocial rather than criminal behaviour, and that the CPTED principles not be applied to the design of lot configuration, the street network, car parking areas, access ways, pedestrian links and/or lanes or landscaping.
207. Like Ms Jones, we think the word “antisocial behaviour” rather than “criminal activity” is more appropriate in the policy context. We also agree with Ms Jones that lot configuration and the design of any extension to the street network will be considered through the Subdivision Chapter.¹³⁹ Therefore, those particular matters do not need to be specifically mentioned within this policy. However, notwithstanding deletion of references to lot configuration and street network, and inclusion of reference to streetscapes, these CPTED principles are still deserving of mention and reference within this policy.
208. The references in Policy 12.2.4.3 relate in the main to the public domain. Generally CPTED matters are given effect to by councils while designing public spaces. Private land owners do tend to have differing priorities more focused on security.
209. Consequently, we recommend Policy 12.2.4.3 read:
- Minimise opportunities for ~~criminal activity~~ anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of ~~lot configuration and the streetscapes network~~, carparking areas, public and semi-public spaces, accessways/ pedestrian links/ lanes, and landscaping.*
210. NZTA¹⁴⁰ submitted in favour of Policy 12.2.4.4. ORC¹⁴¹ suggested that accessibility to the Town Centre could be assisted by limiting the supply of car parks on the periphery of it. However, this submission did not directly refer to this policy and no evidence was provided in support of the submission.
211. We are satisfied this policy as worded appropriately supports the implementation of Objective 12.2.4 and accordingly recommend this policy be adopted as notified.
212. Ms Jones discussed Policy 12.2.4.5 in her Section 42A Report under Issue 9 Transportation. This policy received attention from other submitters¹⁴². However, only those submission

¹³⁸ Submission 663, opposed by FS1139 and FS1191

¹³⁹ V Jones, Section 42A Report at [13.21].

¹⁴⁰ Submission 719

¹⁴¹ Submission 798

¹⁴² Submissions 719, 238, 621 and 798.

points that related directly to the objectives and policies contained in Chapter 12 are addressed by this Report.

213. ORC observed in its submission that public transport users are multi modal. This means they generally walk or cycle to access bus services therefore developments should create active transport connection linking existing public transport services and infrastructure where possible. ORC raised the point that poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement however no specific relief was sought. We note Ms Jones, when considering both this submission and notified Rule 12.5.5, recommended inclusion of wording to deal with this concern.¹⁴³
214. NZTA¹⁴⁴ submitted in favour of retaining notified policy 12.2.4.5. NZIA¹⁴⁵ and Real Journeys Ltd¹⁴⁶ requested the policy not only be considered when designing roading improvements but also when designing any transportation related improvements, or, alternatively, when considering jetty applications.
215. Real Journeys, in particular, sought to include the consideration of jetty applications when considering current or future public transport needs. We agree with Ms Jones¹⁴⁷ that when jetty applications are being considered, it is appropriate to consider how those applications may impact on the planning for future public transport options. We consider that travel by watercraft assists in making the town centre accessible for both visitors and residents. We are satisfied that the amendments sought by the submitter support Objective 12.2.4.
216. For these reasons we recommend that Policy 12.2.4.5 be amended to include the words “*or considering jetty applications*” as shown underlined below:
- Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering jetty applications.*
217. NZTA¹⁴⁸ sought amendments to Policy 12.2.4.6, while other submitters¹⁴⁹ requested the policy be deleted. The refinement sought by NZTA was to include words so as to ensure that the safety and efficiency and functionality of the roading network were matters considered when the location and design of visitor accommodation was being considered.
218. Like Ms Jones, we agree that the changes requested by NZTA are appropriate as incorporating them would help this policy better achieve Objective 12.2.4.¹⁵⁰
219. We do not support the submissions requesting that the policy be deleted because traffic issues are an important consideration for the location and design of visitor accommodation, particularly when considering safety and accessibility of both visitors and residents alike.

¹⁴³ V Jones, Section 42A Report at [13.52].

¹⁴⁴ Submission 719

¹⁴⁵ Submission 238, supported by FS1097 and FS1117, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

¹⁴⁶ Submission 621

¹⁴⁷ V Jones, Section 42A Report at [17.5]

¹⁴⁸ Submission 719

¹⁴⁹ Submissions 663 (opposed by FS1139 and FS1191) and 672

¹⁵⁰ V Jones, Section 42A Report at [15.4].

220. We recommend the Policy read with the additions underlined as follows:

Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety, efficiency, and functionality of the roading network, and the safety and amenity of pedestrians and cyclists, particularly in peak periods.

3.8. Objective 12.2.5 and Policies 12.2.5.1 – 12.2.5.6

221. As notified, these read:

12.2.5 Objective

Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment for the benefit of both residents and visitors.

Policies

12.2.5.1 *Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.*

12.2.5.2 *Promote a comprehensive approach to the provision of facilities for water-based activities.*

12.2.5.3 *Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters.*

12.2.5.4 *Retain and enhance all the public open space areas adjacent to the waterfront.*

12.2.5.5 *Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.*

12.2.5.6 *Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict location and appearance criteria.*

222. The main issues Ms Jones¹⁵¹ identified arising from the ODP were, first that the community and visual values of the land/water interface had not been properly identified in the ODP. Secondly, the extent of the Queenstown Bay Waterfront area was not clearly defined. She observed that all but one of the ODP policies had been included in the PDP.¹⁵² However, those that referred to managing the waterfront area in accordance with various foreshore management plans were not included.

223. Several submitters¹⁵³ supported Objective 12.2.5 as notified. Te Anau Developments Limited¹⁵⁴ and Queenstown Park Limited¹⁵⁵, requested that Objective 12.2.5 and the supporting policies be amended to ensure tourism activities, including the transport of passengers and supporting buildings, infrastructure, and structures, were specifically provided for.

¹⁵¹ V Jones, Section 42A Report at [16.6]

¹⁵² Ibid at [16.17].

¹⁵³ Submissions 217, 380 and 817.

¹⁵⁴ Submission 607

¹⁵⁵ FS1097

224. In response to these submissions, Ms Jones expressed the view that it was unnecessary and inappropriate to change the objective and policies to specifically provide for tourism activities as both the objectives and policies already acknowledged the area is to be managed for visitors as well as residents¹⁵⁶. We agree.
225. In addition, she suggested that an amended policy which provides for tourism, including supporting buildings and structures as sought, would be inconsistent with the rules. We will return to rules later, but we agree with Ms Jones that rules classify many buildings and structures that would arguably support tourism, as non-complying in this Sub-Zone.
226. Other submitters¹⁵⁷ sought the objective and all its related policies be amended to recognise the importance of public transport links on the water and better integration of land and water-based journeys. Ms Jones was of the view this matter was best addressed in Stage 2 of the proposed District Plan.¹⁵⁸ Consequently she recommended rejecting these particular submission points for those reasons.
227. The Stage 2 variations propose the addition of a seventh policy under this objective., relating to public ferry services. While this may satisfy the relief sought by those submitters, we recommend the submissions be rejected at this stage.
228. We recommend adoption of the objective with the minor wording changes recommended by Ms Jones to improve clarity¹⁵⁹. This change can be made pursuant to Clause 16(2). We recommend Objective 12.2.5 read, with the amendments underlined, as follows:

Objective 12.2.5

Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment ~~for the~~ that benefits ~~of~~ both residents and visitors.

229. Multiple submitters¹⁶⁰ sought to amend notified Objective 12.2.5 and associated Policies 12.2.5.1, 12.2.5.2, 12.2.5.5, and 12.2.5.6 to recognise the importance of public transport links on the water and better integration of land and water-based journeys. The amendment proposed by the Stage 2 variations confirms that this is a matter better dealt with in association with the Transport Chapter. We recommend these submissions be rejected.
230. Real Journeys Limited¹⁶¹ requested that Policy 12.2.5.2 be amended to promote the strategic comprehensive approach to the provision of facilities for water-based activities. Queenstown Wharves¹⁶² requested it be deleted.
231. Ms Jones recognised that Policy 12.2.5.2 is an important policy which both appropriately and sufficiently signals the desire for a comprehensive approach to activities within the Sub-Zone. She was of the view¹⁶³, and we agree with her, that the inclusion of the word “strategic” is unnecessary. Accordingly, we recommend that Submissions 621 and 766 are rejected.

¹⁵⁶ V Jones, Section 42A Report at [16.14a].

¹⁵⁷ Submissions 766, 798, (supported by FS1341 and FS1342) and 807.

¹⁵⁸ V Jones, Section 42A Report at [17.8].

¹⁵⁹ V Jones, Summary of Evidence, Appendix 1

¹⁶⁰ Submissions 766, 798, 807 and FS1341.

¹⁶¹ Submission 621

¹⁶² Submission 766, supported by FS1341

¹⁶³ V Jones, Section 42A Report at [16.14b].

232. Remarkables Park Limited¹⁶⁴ and Queenstown Wharves¹⁶⁵ sought that Policy 12.2.5.3, regarding conserving and enhancing the natural qualities of the foreshore and adjoining waters, be deleted. Both of these submissions consider there to be a conflict between Policy 12.2.5.1 and Policy 12.2.5.3. Policy 12.2.5.1 seeks to encourage a vibrant waterfront and whilst the submitters consider retention of the waterfront amenity values to be important, they do not consider that there should be a separate policy to “*conserve and enhance*”.
233. Real Journeys Limited¹⁶⁶ also sought that this policy be amended to conserve, maintain and enhance, as far as practical where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters.
234. Ms Jones was of the view that referencing amenity and natural qualities was important to support the relevant rules which prevent certain activities and built forms in the more natural parts of the Sub-Zone¹⁶⁷. She further considered that amending Policy 12.2.5.3 as sought by Real Journeys Limited, would weaken it because the submitter sought inclusion of the word “*maintain*” and the words “*as far as practical*”¹⁶⁸. We agree with that conclusion.
235. However, in Ms Jones’ Summary of Evidence presented at the hearing, she recommended additional wording for Policy 12.2.5.3 and Policy 12.2.5.6 to provide “more direction in terms of development within the QTC WSZ.”¹⁶⁹ Ms Jones advised that these amendments were made in response to Ms Carter’s evidence for Queenstown Wharves GP Limited.¹⁷⁰
236. In particular Ms Carter was seeking greater direction within Policies 12.2.5.1 to 12.2.5.6 in order to achieve Objective 12.2.5, and a more integrated approach within those policies.¹⁷¹ Indeed, we agree that Objective 12.2.5 seeks integrated management of the Queenstown Bay land –water interface.
237. Based on Ms Carter’s evidence and the Queenstown Wharves submission, Ms Jones recommended the inclusion of additional words to Policy 12.2.5.3, immediately following the word waters, they are:
- the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the ‘Queenstown beach and gardens foreshore area’ (as identified on the planning map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.*
238. We agree with Ms Jones’ recommendation to include these additional words based as it is on the evidence of Ms Carter, with which we agree. We accept including these words better supports Objective 12.2.5 in achieving integrated management of this important Queenstown Bay environment. In particular, these words appropriately capture the existing context of the Bay against which integrated management can be achieved.

¹⁶⁴ Submission 807

¹⁶⁵ Submission 766, supported by FS1341

¹⁶⁶ Submission 621

¹⁶⁷ V Jones, Section 42A Report at [16.14c].

¹⁶⁸ Ibid

¹⁶⁹ V Jones, Summary of Evidence at [6c].

¹⁷⁰ Submission 766

¹⁷¹ J Carter, EIC at [6.7] and [7.1-7.2].

239. Queenstown Wharves¹⁷² sought that Policy 12.2.5.4 be retained as notified.
240. Ms Jones in her Section 42A Report, recommended accepting this submission. Policy 12.2.5.4 relates to retention and enhancement of access to all public open space areas adjacent to the waterfront. We agree with the submission and Ms Jones' recommendation as access to public places adjacent the waterfront enables enjoyment of the Queenstown Bay area by both residents and visitors thus supporting Objective 12.2.5.
241. The only submission¹⁷³ on Policy 12.2.5.5 sought its amendment in relation to water transport. We agree with Ms Jones that is a matter better dealt with in the context of the Transport Chapter and recommend that submission be rejected.
242. NZIA¹⁷⁴ generally supported Policy 12.2.5.6 but requested it be amended to be read subject to the review by the urban design panel in recognition that it is not just location and appearance that is to be considered, but also the blocking of views and filling up of harbour space etc.
243. Real Journeys Limited¹⁷⁵ requested that Policy 12.2.5.6 be amended so as to provide for the development, maintenance and upgrading of structures within the Queenstown Bay waterfront area, recognising these structures are required to meet minimum safety and design standards subject to compliance with strict location and appearance criteria.
244. With regard to Policy 12.2.5.6 and the need to require structures in the Sub-Zone to be considered by the urban design panel (UDP), Ms Jones did not recommend mandating any such review through the policy in the District Plan¹⁷⁶.
245. We agree with her because we consider that matters such as potential effect on views can already be provided for in terms of the district plan. While review by the UDP may assist in decision-making, we do not consider it appropriate to make it a mandatory requirement via the PDP in the absence of clear design guidelines.
246. After considering Ms Black's evidence for Real Journeys Limited, Ms Jones recommended a limited amendment to provide more direction in terms of development within the WSZ.¹⁷⁷
247. We agree with Ms Jones' recommended amendments as they provide more clarity as to why structures are subject to bulk, location and appearance criteria.

3.9. New Policies

248. Kopuwai Investments Limited¹⁷⁸ sought the inclusion of two new policies:

12.2.5.6 Encourage the day time and night time use of outdoor areas for the use by bars and restaurants in and around the Steamer Wharf Complex with appropriate seating, tables and/or planting to enhance the vibrancy and visual amenity.

¹⁷² Submission 766, supported by FS1341

¹⁷³ Submission 766, supported by FS12341

¹⁷⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

¹⁷⁵ Submission 621

¹⁷⁶ Ibid at [16.14e].

¹⁷⁷ V Jones, Summary of Evidence, at [6c].

¹⁷⁸ Submission 714, opposed by FS1318

12.2.5.7 *Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.*

249. Ms Jones did not recommend adding these additional policies as she considered the intent was somewhat covered by the more general notified Policy 12.2.5.1 and Policy 12.2.3.1 respectively.

250. Further, in relation to the first suggested policy, we consider that encouraging the daytime and night-time use of these areas is not a District Plan matter, rather it is an operational matter. In respect of the second suggested policy, we cannot direct that the Building Code be exceeded in the PDP. For those reasons, we recommend these two new policies not be adopted and that the Kopuwai submission is rejected.

251. Consequently, it is our recommendation that Policies 12.2.5.1 to 12.2.5.6 as set out by Ms Jones in her reply be adopted. We set out the amended policy wording below, with the amendments underlined:

12.2.5.1 *Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.*

12.2.5.2 *Promote a comprehensive approach to the provision of facilities for water-based activities.*

12.2.5.3 *Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the planning map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.*

12.2.5.4 *Retain and enhance all the public open space areas adjacent to the waterfront.*

12.2.5.5 *Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.*

12.2.5.6 *Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk, location and appearance criteria, provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced.*

4. 12.3 OTHER PROVISIONS AND RULES

4.1. 12.3.1 District Wide Chapters

252. Rule 12.3.1 is a cross reference to other District Wide Chapters that may apply in addition to the rules in Chapter 12.

253. There were no submissions received nor any comment in the officer's report relating to this section. Ms Jones recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.
254. We recommend minor amendments be made as a minor change in accordance with Clause 16(2) consistent with our approach to this section throughout the PDP.
255. The recommended layout is shown in Appendix 1.

4.2. 12.3.2 Clarification and 12.3.2.3 General Rules Preliminary Matter

256. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.
257. Within rules 12.3.2.3-.5 there are three 'rules'. Each of them commence with the words "*For the purpose of this chapter*". The rules then proceed to define a comprehensive development, a landmark building and finally a sense of place.
258. The status of the provisions within the notified subheading of "*Clarification*" and "*General Rules*" has arisen in the previous hearings. Mr Winchester, for the Council, reminded us in his opening that, within the residential hearing, counsel suggested, so as to provide more certainty as to the regulatory status of these provisions, that they be further reordered under additional headings "*General Rules*" and "*Advice Notes*".¹⁷⁹ He advised that these changes do not affect the regulatory impact of these provisions and further those changes were considered to be non-substantive.¹⁸⁰
259. He further elaborated that for the business chapters the clarification provisions should be placed under the subheadings "*General Rules*" and "*Advice Notes*" advising us that changes have also been made to the PDP to align with other chapters.¹⁸¹
260. We accept Mr Winchester's submission that altering the subheadings '*Clarification*' and '*General Rules*' is required to provide more certainty as to the regulatory status of the provisions. We agree also that his recommended changes are non-substantive. However we think that a sub heading should be more descriptive than simply '*General Rules*' or '*Advice Notes*' to provide greater clarity. In our view these provisions belong within a separate section entitled "*Interpreting and Applying the Rules*" because that is their purpose.
261. We recommend these minor amendments be made as a non-substantive change in accordance with Clause 16(2).
262. The recommended layout is shown in Appendix 1.

5. DEFINITIONS PROPOSED TO BE INSERTED

263. There are some definitions that are applicable to the provisions of Chapter 12. In her Reply, Ms Jones recommended that the definitions be located in Chapter 12. Ms Jones explained that in her view this was more appropriate than including these definitions in Chapter 2. This was because they are definitions for the purpose of this chapter, and they are not appropriate

¹⁷⁹ Legal Submissions of Mr Winchester at [9.6].

¹⁸⁰ Ibid.

¹⁸¹ ibid at [9.7].

to apply across all chapters in the PDP. Ms Jones recommended these definitions all sit under the heading “General Rules”.¹⁸²

264. While we do not totally disagree with Ms Jones, we understand that the officer reporting to the Stream 10 Hearing Panel (which heard submissions on Chapter 2 – Definitions) recommended that all definitions be located in that chapter. That recommendation has been accepted and we see little value in repeating definitions in this chapter also. We also note that while Ms Jones claimed the definitions were only used in this chapter, “comprehensive development” is also used in Chapter 13.
265. Our role is to consider the submissions on these definitions and recommend to the Stream 10 Hearing Panel the appropriate wording for the definitions and whether submissions are to be accepted or rejected. We discuss these definitions below.

Comprehensive Development

Comprehensive development means the construction of a building or buildings on a site or across a number of sites with a total land area of greater than 1400 m².

266. At notification, the definition of a comprehensive development, in part, resided in Rule 12.5.1. Ms Jones recommended in her Reply to locate this definition with the other relevant definitions for this chapter. We consider that removing the definition element from Rule 12.5.1 assists with the legibility of the rule and makes the provisions easier for plan users to understand. We note that the area of land to be the trigger for development was a matter of contention. We discuss this in detail in relation to Rule 12.5.1.
267. As this definition is derived from Rule 12.5.1, our reasons for recommending the wording of that rule contain the reasons for recommending the wording of this definition. On that basis, we recommend to the Stream 10 Hearing Panel that comprehensive development be defined as set out above.

Landmark Building

Landmark building means a building that is easily recognisable due to notable physical features, including additional height. Landmark buildings provide an external point of reference that helps orientation and navigation through the urban environment and are typically located on corners or at the termination of a visual axis.

268. The term “landmark building” is used in proposed Rule 12.5.8.5 (d) and its relevance is discussed in more detail when we discuss that rule. We questioned Ms Jones as to whether a definition should be included in the PDP.
269. In her Reply, Ms Jones advised that she had discussed this with Mr Church and she recommended adding a definition for the term landmark buildings.¹⁸³ She did note that whilst there was some clarification in notified Policy 12.2.2.5 and Rule 12.5.8.5(d) this definition would be useful for readers.¹⁸⁴
270. We agree that it is useful to have a definition, and, like Ms Jones, we consider the definition proposed appropriate. We consider that as the definition is primarily for clarification it can be

¹⁸² V Jones, Reply Statement at [4.3d].

¹⁸³ V Jones, Section 42A Report at [9.2]

¹⁸⁴ Ibid

included under Clause 16(2), and recommend to the Stream 10 Hearing Panel that it be so included in Chapter 2.

Sense of Place

***Sense of place** means the unique collection of visual, cultural, social, and environmental qualities and characteristics that provide meaning to a location and make it distinctly different from another. Defining, maintaining, and enhancing the distinct characteristics and quirks that make a town centre unique fosters community pride and gives the town a competitive advantage over others as it provides a reason to visit and positive and engaging experience. Elements of the Queenstown Town Centre that contribute to its sense of place are the core of low rise character buildings and narrow streets and laneways at its centre, the pedestrian links, small block size of the street grid and its location adjacent the lake and surrounded by the ever present mountainous landscape.*

271. NZIA¹⁸⁵ submitted that it was “good to see acknowledgement of sense of place” but sought more information on what this meant. In her Section 42A Report Ms Jones recommended that an explanation for the term “sense of place” be added as an advice note to Objective 12.2.2.¹⁸⁶ She subsequently recommended it be listed as a definition within this chapter.
272. We agree that this definition assists in responding to the NZIA submission. We recommend to the Stream 10 Hearing Panel that Submission 238 be accepted in part by including this definition in Chapter 2.
273. We set out the recommended definitions in Appendix 8.

6. 12.4 RULES – ACTIVITIES

6.1. Rule 12.4.1 Activities not listed in this table and comply with all standards

274. Rule 12.4.1 effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 12.1.
275. Peter Fleming¹⁸⁷ opposed Rule 12.4.1 but did not give any reasons for his request. In the absence of any evidence and on the basis that we consider Rule 12.4.1 appropriate, we recommend this submission be rejected.
276. At the commencement of the Stream 8 hearings, during the Council’s opening, we queried the approach taken in the various business chapters regarding the need to comply with all standards in order to be a permitted activity. In the QTC, WTC, ATC, LSC and BMU zones, activities which are not listed in this table and comply with all standards are permitted activities.
277. In the Reply Submissions, Ms Scott pointed out that default permitted activities need to state that any activity not listed must comply with all of the standards listed in the chapter, otherwise there would be no regulation around any unlisted activity at all.¹⁸⁸
278. Ms Scott, again in the Reply, set out the way in which the provisions are intended to work.¹⁸⁹

¹⁸⁵ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248.

¹⁸⁶ V Jones, Section 42A Report at [13.7b].

¹⁸⁷ Submission 599

¹⁸⁸ Submissions in Reply of Ms Scott on behalf of QLDC at [2.3].

¹⁸⁹ bid at [2.4].

- a. an activity not listed in the table must comply with all standards in order to be permitted
- b. if an activity not listed in the table breaches one of the standards, then it is no longer permitted, and a consent is required and
- c. the standard breached is what determines the basis on which consent is required (for example, if the unlisted activity breached Rule 12.5.1 then it would become restricted discretionary; if it breached Rule 12.5.10 then it would become noncomplying).

279. Ms Scott submitted that an argument that an activity does not contravene any District Rule in terms of section 9 of the Act merely because that activity is not expressly described in the table would not be tenable. She explained that this was because Rule 12.4.1 was drafted so as to capture all potential and described activities and require them to comply with a group of standards. In that respect, she said, Rule 12.4.1 is a catch- all District Rule for the purposes of section 9 of the RMA.
280. Ms Jones, in her Reply Statement, added that she considered the inclusion of this Rule at the start of the activity table in each chapter is the most legible approach.¹⁹⁰ She considered it important due to the fact that the default status varies between the zones.
281. She did point out the duplication arising from the advice note in 12.3.2.1 which also requires compliance with the standards table.¹⁹¹ She pointed out that the purpose of the advice note is more focused on identifying the non-compliant status. She was of the view the inclusion within Rule 12.4.1 of the reference to compliance with all standards to be clearer and would ensure there was no room for debate as to the correct interpretation.
282. She noted that at first blush it seemed inconsistent to have listed activities default to a non-complying status in some instances and permitted and others.¹⁹² However, she rationalised this apparent inconsistency, noting the vastly different purposes of the various zones.¹⁹³ For example, the likes of rural and residential having a relatively narrow purpose with a narrow range of uses being anticipated and the business zones being of a highly mixed use nature. Overall she did not recommend any changes to Rule 12.4.1.¹⁹⁴
283. After considering Ms Scott’s submissions and the views expressed by Ms Jones we agree that the tabular approach is appropriate. Also we agree that Rule 12.4.1 does not require change for all of the reasons advanced by both Ms Scott and Ms Jones. Accordingly, we recommend retention of the table and the approach contained in the replies to determining activity status. Also we recommend retention of Rule 12.4.1 unaltered.

6.2. Rule 12.4.2 Visitor Accommodation

284. As notified, Rule 12.4.2 provided for visitor accommodation (the activity rather than the buildings) in the QTCZ as a controlled activity, with control limited to (in summary):
- a. Parking and traffic
 - b. landscaping
 - c. location, nature and scale and
 - d. noise effects when adjoining a residential zone.

¹⁹⁰ V Jones, Reply Statement at [3.3].

¹⁹¹ Ibid at [3.4].

¹⁹² Ibid at [3.5].

¹⁹³ Ibid.

¹⁹⁴ Ibid at [3.6].

285. NZTA¹⁹⁵ sought to have the rule amended to include the words “*maintaining the safety and efficiency of the roading network*”. The change to this rule mimicked the change NZTA sought to Policy 12.2.4.6.
286. Ms Jones supported the NZTA submission on this rule, considering that acknowledging the importance of the safety and efficiency of the roading network, was, while an important change, overall a minor change.¹⁹⁶
287. Downtown QT¹⁹⁷ and Queenstown Chamber of Commerce¹⁹⁸ both supported the residential and visitor accommodation provisions in the QTCZ. The Chamber added the proviso that insulation and mechanical ventilation be included with residential and visitor accommodation to prevent reverse sensitivity effects. We will return to that point when we discuss noise within the QTCZ.
288. Peter Fleming¹⁹⁹ opposed the rule relating to visitor accommodation seeking that any existing use rights regarding visitor accommodation not be diminished.
289. In considering these submissions, Ms Jones noted that the rules in the PDP were similar to those within the ODP with the main difference being that external building appearance would now be subject to a restricted discretionary consent, whereas previously it was controlled. She noted that the location, nature and scale of visitor accommodation and ancillary activities within the relevant site and in relation to neighbouring sites was a new matter of control. She further noted that matters of traffic generation and traffic demand management were new matters of control and where the site adjoined a residential zone, the hours of operation of ancillary activities and noise generation were new matters of control.
290. For these reasons, she considered that Rule 12.4.2, as amended by the NZTA submission, would provide the Council with useful additional controls in terms of encouraging site layout that benefit street scape, avoid or minimise conflict between uses and avoid or minimise potential adverse effects on the roading network and pedestrian movement. We agree with Ms Jones’ reasons.
291. As for Mr Fleming’s submission²⁰⁰ noted above, we agree with Ms Jones that it should be rejected. Adopting plan provisions only where they do not diminish existing use rights is neither a valid nor relevant consideration in determining the appropriateness of a plan provision. In any event, we observe existing use rights are provided for under section 10 of the Act and cannot be taken away.
292. We recommend the following wording for Rule 12.4.2, with our recommended amendments underlined and struck out:

12.4.2 ***Visitor Accommodation***, ~~*in respect of:*~~

Control is reserved to:

C

¹⁹⁵ Submission 719

¹⁹⁶ V Jones, Section 42A Report, Appendix 1 at p 12-6.

¹⁹⁷ Submission 630, opposed by FS1043

¹⁹⁸ Submission 774

¹⁹⁹ Submission 599

²⁰⁰ Submission 599

- a. *The location, provision, and screening of access and parking, traffic generation, and travel demand management, with a view to maintaining the safety and efficiency of the roading network, and minimising private vehicle movements to/ from the accommodation; ensuring that where onsite parking is provided it is located or screened such that it does not adversely affect the streetscape or pedestrian amenity; and promoting the provision of safe and efficient loading zones for buses*
- b. *Landscaping*
- c. *The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses and*
- d. *Where the site adjoins a residential zone:*
 - i Noise generation and methods of mitigation;*
 - ii Hours of operation, in respect of ancillary activities.*

6.3. **Rule 12.4.3 Commercial Activities within the Queenstown Town Centre Waterfront Subzone**

293. As notified, this rule provided for commercial activities in the QTC Waterfront Subzone (“WSZ”) as controlled activities, with control reserved to, in summary:

- a. Traffic
- b. Access and loading
- c. Temporary structures and
- d. Outdoor storage.

294. Real Journeys Limited²⁰¹ requested that subparagraph (a) be amended by including the bolded words as follows:

- a. Any adverse effects of additional traffic generation from the activity **and mitigation of those effects.**

295. Ms Jones did not consider it was necessary to add this additional wording.²⁰² We agree with Ms Jones because the assessment of effects of the additional traffic generation will take into account the mitigation in determining the actual adverse effects of such additional traffic.

296. Our recommended wording is shown below using strikethrough and underlining:

12.4.3 Commercial Activities within the Queenstown Town Centre Waterfront Subzone C
(including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2, ~~in respect of:~~

Control is reserved to:

- a. *Any adverse effects of additional traffic generation from the activity*

²⁰¹ Submission 621

²⁰² Section 42A Report of Ms Jones at [16.16].

- b. *The location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles and*
- c. *The erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of:*
 - i. *any adverse effect on visual amenity and on pedestrian or vehicle movement; and*
 - ii. *the extent to which a comprehensive approach has been taken to providing for such areas within the subzone.*

6.4. Rules 12.4.4 and 12.4.5 Licensed Premises

297. As notified, these rules provided for licensed premises. Rule 12.4.4 provided that a restricted discretionary consent was required for licenced premises in two circumstances:
- a. Other than in the TCTSZ for consumption of liquor on premises between 11pm and 8am and
 - b. Within the TCTSZ for the consumption of liquor between 6pm and 11pm.
298. In both circumstances, discretion was restricted to:
- a. Scale
 - b. Car parking and traffic
 - c. Amenity effects
 - d. Screening or buffering from residential areas
 - e. Configuration of activities
 - f. Noise and hours of operation and
 - g. Consideration of any alcohol policy or bylaw.
299. Rule 12.4.5 required a discretionary activity consent for the consumption of liquor on the premises between 11pm and 8am in the TCTSZ.
300. The Good Group ²⁰³ submitted that the activity status of Rule 12.4.4.1 should be a controlled activity, as it was under the ODP.
301. Ms Jones supported this submission²⁰⁴. Ms Jones considered a controlled activity status would be efficient and effective, particularly where an application was in accordance with the Sale and Supply of Alcohol Act 2012 (SSAA).²⁰⁵ Ms Jones noted the SSAA enables a wider range of amenity and good order nuisance-related effects to be considered.²⁰⁶ Also, based on the opinions and evidence of Ms Swinney²⁰⁷, Ms Jones considered this approach was proving to be effective.
302. We agree and think that effects relating to amenity, layout, screening, noise and hours of operation are all able to be managed through resource consent conditions.

²⁰³ Submission 544

²⁰⁴ V Jones, Section 42A Report at [12.25]

²⁰⁵ Ibid at [12.25a].

²⁰⁶ Ibid at [12.25b]

²⁰⁷ In particular at [5.6].

303. As such, we recommend accepting the Good Group submission and changing the activity status to controlled.
304. The Good Group also sought that there be no time restriction on serving alcohol to diners. Other submitters²⁰⁸ requested a new rule enabling licensed premises to operate until 1.00am as a permitted activity and restricted thereafter, within a new Steamer Wharf Entertainment Precinct, and that the matters of discretion be amended.
305. Ms Jones addressed the issue of identifying Steamer Wharf as an entertainment precinct including extended hours of operation until 1.00am. She recommended against it on the basis of noise effects on nearby residentially zoned land.²⁰⁹ This was particularly so if hours of night time operations are extended beyond 11pm. She referred us to the noise contours in the evidence of Dr Chiles to support her view.²¹⁰
306. Currently, resource consents are required to extend hours of operation at Steamer Wharf. This approach allows assessment and the imposition of conditions to control details of the operation, and more effective and efficient monitoring and enforcement. Ms Jones also pointed out that extending operating hours for Steamer Wharf would be inconsistent with the rules that apply to licensed premises in the rest of the QTCZ.²¹¹ We agree for the reasons advanced and recommend these submissions be rejected.
307. Peter Fleming²¹² opposed notified Rule 12.4.4 specifically opposing the use of public areas for the consumption of liquor and hours of operation. Ms Jones pointed out that neither the ODP nor the PDP regulate liquor consumption in public areas.²¹³ However, both plans require a licensed premise to obtain a resource consent to operate after 11pm.
308. We recommend Mr Fleming's submission be rejected as the rule reflects the existing practice, and there was no evidence of any issues with that practice. In addition, there is a means of regulating the activity.
309. Kopuwai Investments Limited²¹⁴ sought that notified Rule 12.4.4.1 be amended and Rules 12.4.4.2 and 12.4.5 be deleted, with the effect of:
- a. Relaxing the licensed premises rule in respect of the Town Centre Transition Sub-Zone such that licensed premises would be permitted up until 11 pm and restricted discretionary activity thereafter, as opposed to requiring a restricted discretionary activity consent for such activity to occur between 6 pm and 11 pm and a full discretionary consent thereafter
 - b. Removing Council's discretion over car parking and traffic generation; the configuration of activities within the building and site (e.g. outdoor seating, entrances); and any alcohol policy or bylaw.
310. We have already recommended that the activity status of notified Rule 12.4.4 be changed from restricted discretionary activity to controlled so that deals with that part of the submission. However, we note here that we recommend a further consequential amendment following on

²⁰⁸ Submissions 587, 589 (opposed by FS1318) and 714.

²⁰⁹ V Jones, Section 42A Report at [12.27].

²¹⁰ In particular the noise contours attached to Dr Chiles' evidence as Appendix C.

²¹¹ V Jones, Section 42A Report at [12.27].

²¹² Submission 599.

²¹³ V Jones, Section 42A Report at [12.28].

²¹⁴ Submission 714.

from the change in activity status for this rule. We discuss this minor change below when we discuss Ms Jones' Reply in relation to this rule.

311. In response to the remainder of Kopuwai Investments Limited submission, Ms Jones, relying in part on the evidence of Ms Swinney, was of the opinion that it remained appropriate to apply more stringent time constraints to licensed premises within the TCTZ and to apply a stricter activity status to any such premises that wished to operate after 11.00 pm.²¹⁵ She stated this was due to the fact that these areas were located directly across the road from residentially zoned land and as such, it was important that greater control was retained in order to ensure that the layout and noise management of any such premises was able to be conditioned or declined if necessary. We agree and support that approach for the reasons she advanced.
312. In line with having changed the activity status of notified Rule 12.4.4 to controlled, Ms Jones recommended changing the status of Rule 12.4.5 to restricted discretionary activity and to apply the matters of control listed for Rule 12.4.4 as matters of discretion in Rule 12.4.5.²¹⁶ Kopuwai Investments Limited sought a change in status for Rule 12.4.5 from the notified position of discretionary to restricted discretionary which Ms Jones supported.
313. We agree with this recommendation on both the status change and the using of the same control/discretion matters. As we see it the control/discretion matters are appropriate to allow assessment of the relevant effects of the activity within the context in which they would be occurring. The change in activity status would ensure Rule 12.4.5 remained effective given the TCTSZ is closer to more noise sensitive areas. This change would also ensure a consistency of approach to status as between the two rules.
314. In response to the request to amend the matters of discretion/control in notified Rule 12.4.4.²¹⁷, Ms Jones was of the opinion that car parking and traffic generation should be removed as a matter of control as onsite parking is not required or generally provided in the Town Centre.²¹⁸ We note that the Council has notified Chapter 29 (Transport) and, as notified, item 29.9.1 in Table 29.5 specified that no parks were required in the QTCZ for any activity. Thus, we agree with Ms Jones that there is no point in having those matters listed as matters of control or discretion.
315. The configuration of "*the premises...*" should, in Ms Jones' view, remain a matter of control as the location and design of outdoor seating can exacerbate (or help alleviate) potential conflicts with neighbouring sites (especially in the TCTSZ) and affect peoples' safety/wellbeing (in terms of complying with CPTED principles).²¹⁹
316. Ms Jones recommended that consideration of any alcohol policy or bylaw be removed as a matter of control as it is unreasonably uncertain. With reference to evidence presented by Ms Swinney, Team Leader Alcohol Licensing for the Council, we agree it is not appropriate to include a matter of control as "*Consideration of any alcohol policy or bylaw*".

²¹⁵ Section 42A Report of Ms Jones at [12.31].

²¹⁶ V Jones, Section 42A Report at [12.31].

²¹⁷ Submission 599

²¹⁸ V Jones, Section 42A Report at [12.32].

²¹⁹ Ibid.

317. Ms Swinney told us that there were no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.²²⁰
318. Based on Ms Swinney's evidence we agree with Ms Jones' recommendation to remove the reference to this matter of control. Further, we agree with Ms Jones that the matters she has identified as matters of control/discretion are appropriate for the reasons she stated.
319. Because Ms Jones' recommendations in the above paragraphs were new, she undertook a Section 32AA assessment²²¹. We have considered that assessment and adopt it.
320. We also considered Rule 12.4.4.2 needed a non-substantive amendment through deleting the words "*with respect to the scale of this activity, car parking, retention of amenity, noise and hours of operation*", as these matters were already listed within the matters of control causing a duplication. We recommend that this amendment be made utilising Clause 16(2).
321. Jay Berriman²²² requested that the Council restrict the number of liquor licenses in the QTC in order to discourage increases in noise and antisocial behaviour, and to achieve a more balanced approach to the night entertainment which promotes the town's image as a high end product.
322. After referring to Ms Swinney's evidence, which outlined the issues that have arisen when others have tried to impose a cap under the LAP process, Ms Jones' opinion²²³ on limiting the number of premises is:
- a. There is no evidence that there is a clear relationship between the number of licenses and the environmental and economic effects that have been cited (relating to noise and economic and social wellbeing)
 - b. The capping of premises would need to be extremely well justified in order to be defensible under the Act and, on the face of it, does not sit well with the enabling and effects-based nature of the legislation
 - c. Such effects are more a function of how well designed, located, and managed the licensed premises are, rather than the sheer number of premises.
323. We agree with her reasoning and opinion and adopt it. In our view, simply restricting the number of liquor licences is a blunt instrument. Doing so would not allow resource consent applications to both made and assessed. Accordingly for these reasons we recommend rejection of this submission.
324. Real Journeys Limited²²⁴ requested that notified Rule 12.4.4 be amended to also apply to premises hosting off-licenses. Ms Jones advised the ODP also only regulates the effects from on-licenses - those premises licenced for the consumption of alcohol on the premises.²²⁵
325. We note that Ms Swinney's evidence²²⁶ confirmed that, in her opinion, off licenses are unlikely to result in environmental effects that cannot be adequately managed or avoided through the SSAA.

²²⁰ S Swinney, EiC at [5.32].

²²¹ V Jones, Section 42A Report, Appendix 4

²²² Submission 217

²²³ V Jones, Section 42A Report at [12.35].

²²⁴ Submission 621

²²⁵ V Jones, Section 42A Report at [12.36].

²²⁶ S Swinney, EiC at [6.43].

326. Regardless, she noted that pursuant to the SSAA, off-licenses are only able to remain open until 11.00 pm (and most close by 10.00 pm due to cost implications of staying open later) and therefore the rule would only have any effect between the hours of 6.00pm – 11.00pm within the TCTS. ²²⁷ In summary, she did not consider it necessary to require a resource consent under the District Plan for off-licenses as the effects can be adequately managed under the SSAA.
327. We agree with that view for the reasons advanced and accordingly recommend rejection of the Real Journeys Limited submission.
328. A related issue was Warren Cooper’s submission ²²⁸, requesting that the status quo be retained for outside dining hours. Queenstown Chamber of Commerce ²²⁹ specifically requested that the rules provide for extended outdoor trading to allow patrons to enjoy the evenings until 11.00 pm.
329. Ms Jones expressed the view that there is a perceived restriction on outdoor dining after 10pm. ²³⁰ While not specifically regulated in the PDP (or the ODP), this has arisen as a consequence of the restrictive noise rules which effectively prevented activity outdoors after 10.00 pm, and which have resulted in conditions on consents restricting such use under the ODP. ²³¹
330. Ms Jones further noted that notified Rule 12.4.4.1 would permit the serving of alcohol to any person (inside or outside) until 11.00 pm and to diners (inside or outside) until 12.00 am (midnight). She also observed that the more lenient noise rules (notified Rule 12.5.11) were likely to enable normal outdoor dining/ drinking activity to extend beyond 10.00 pm. Further, she considered that to be wholly appropriate given the objectives of the PDP and, for that reason recommended no change be made to these rules.
331. We agree with both her recommendation and the reasons she relied on.
332. Finally, in her reply, after considering our questions at the hearing, Ms Jones recommended Rule 12.4.4 be amended to read “*control is reserved*” rather than “*discretion is restricted*”. We agree as this wording better fits the now controlled status of the activity. We are satisfied this is a minor non-substantive change under Clause 16(2) of the First Schedule.
333. We recommend Rules 12.4.4 and 12.4.5 be adopted in the form set out below:

12.4.4	Licensed Premises	C
	12.4.4.1 Other than in the Town Centre Transition Sub-Zone, premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:	

²²⁷ *ibid* at [6.4]

²²⁸ Submission 654, supported by FS1043, FS1063, and FS1318

²²⁹ Submission 774

²³⁰ V Jones, Section 42A Report at [12.37].

²³¹ *ibid*.

- a. To any person who is residing (permanently or temporarily) on the premises and/or
- b. To any person who is present on the premises for the purpose of dining up until 12am.

12.4.4.2 Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 6pm and 11pm, provided that this rule shall not apply to the sale of liquor:

- a. To any person who is residing (permanently or temporarily) on the premises; and/or
- b. To any person who is present on the premises for the purpose of dining up until 12am.

In relation to both 12.4.4.1 and 12.4.4.2 above, control is reserved to:

- a. The scale of the activity
- b. Effects on amenity (including that of adjoining residential zones and public reserves)
- c. The provision of screening and/ or buffer areas between the site and adjoining residential zones
- d. The configuration of activities within the building and site (e.g. outdoor seating, entrances) and
- e. Noise issues, and hours of operation.

12.4.5 **Licensed Premises within the Town Centre Transition Sub-Zone** RD

Premises within the Town Centre Transition sub-zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.

This rule shall not apply to the sale of liquor:

- a. To any person who is residing (permanently or temporarily) on the premises and/or
- b. To any person who is present on the premises for the purpose of dining up until 12 am.

Discretion is restricted to:

- a. The scale of the activity

- b. Effects on amenity (including that of adjoining residential zones and public reserves)
- c. The provision of screening and/ or buffer areas between the site and adjoining residential zones
- d. The configuration of activities within the building and site (e.g. outdoor seating, entrances)
- e. Noise issues, and hours of operation.

6.5. **Rule 12.4.6 Buildings- Rules 12.4.6.1 and 12.4.6.2**

334. As notified these rules read:

12.4.6 **Buildings** RD*

12.4.6.1. Buildings, including verandas, and any pedestrian link provided as part of the building/ development:

* Discretion is restricted to consideration of all of the following:
 Consistency with the Queenstown Town Centre Design Guidelines (2015), where applicable;
 External appearance, including materials and colours;
 Signage platforms;
 Lighting;
 The impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas;
 The contribution the building makes to the safety of the Town Centre through adherence to CPTED principles;
 The contribution the building makes to pedestrian flows;
 The provision of active street frontages and, where relevant, outdoor dining/patronage opportunities; and
 Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property; whether the proposal will alter the risk to any site; and the extent to which such risk can be avoided or sufficiently mitigated.

And, in addition;

12.4.6.2 In the Town Centre Transition subzone and on sites larger than 1800m², any application under this rule shall include application for approval of a structure plan in respect of the entire site and adherence with that approved plan in consequent applications under this rule.

*In addition to those matters listed in rule 12.4.6.1 above, the Council's discretion is extended to also include consideration of the provision of and adherence with the structure plan including:

the location of buildings, services, loading, and storage areas;
the provision of open and/or public spaces; and
pedestrian, cycle, and vehicle linkages

335. These rules, as notified, provided the activity status for all buildings within the QTC.
336. NZIA²³² requested restricted discretionary activity status only apply to buildings that have been to the UDP, and otherwise full discretionary status apply. The reason given in the submission was that there needed to be some incentive to have all buildings in the QTC subject to review by the UDP.
337. For a number of reasons set out in her Section 42A Report, Ms Jones did not support this submission²³³. We agree with her.
338. The key reason we recommend rejecting this submission is that for such a rule to be effective some sort of pass/fail from the UDP would be needed. That outcome would determine status and we think giving this power to a third party of deciding activity status is inappropriate. It is Council's role to determine and provide for status of an activity within its district plan. Also, having a process involving the UDP, as the submitter seeks, would, we think extend the resource consenting process raising issues as to efficiency.
339. Several submitters²³⁴ requested that notified Rule 12.4.6.1 be amended such that all buildings were controlled, rather than restricted discretionary.
340. Some of these submissions²³⁵ sought to change the matters of control (assuming status was changed to controlled), limiting them to consideration of external building design and appearance in relation to streetscape character, building design in relation to adjoining pedestrian links listed in notified Rule 12.5.8, signage platforms, and lighting. The submitters contended that it was a more succinct approach yet captured all but the natural hazard issue and provided greater certainty and would impose less cost. There were further submissions both in support and in opposition.²³⁶
341. Ms Jones pointed out that in the ODP, buildings in the SCA are a restricted discretionary activity and buildings beyond this area are a controlled activity. She agreed with the reasoning within the Section 32 report²³⁷ behind the decision to propose restricted discretionary activity status to all buildings in the QTC.
342. In summary, those reasons were that applying a restricted discretionary activity status to building(s) throughout the QTC²³⁸ would:
- a. provide greater certainty and be more effective at requiring consistency with the SCA Design Guidelines, which would enable the Council to ensure that the key character elements of the SCA were recognised and reflected in designs

²³² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242 FS1248, and FS1249

²³³ V Jones, Section 42A Report at [13.24]

²³⁴ Submissions 606, 609, 614, 617, 596, 398, 663 (opposed by FS1139 and FS1191), 672, 724, 574, and 616.

²³⁵ Submitters 663, 672, and 724

²³⁶ Supported by FS1200 and opposed by FS1274, FS1063, FS1139, and FS1191

²³⁷ V Jones, Section 42A Report at p23-26.

²³⁸ *ibid* at [13.27].

- b. be more effective at achieving quality architecture and urban design and enable poor design to be declined
 - c. result in economic benefits to applicants and a reduction in transaction costs (and therefore the overall development costs). This conclusion was based on the fact that, even if a non-notified restricted discretionary activity consent were more costly to obtain than a controlled consent, this was counteracted by removing or relaxing the bulk and location controls of the ODP, that have routinely triggered potentially notifiable restricted discretionary activity and non-complying consents
 - d. be more efficient from a District Plan drafting and administration perspective in that it would enable a single rule to be relied on to manage the design of building(s) rather than having different rules for the SCA and the rest of the QTCZ.
343. We agree with her reasons outlined above and agree Rule 12.4.6 should have Restricted Discretionary status and so recommend.
344. Ms Jones also noted that, in the past the Council has had considerable leverage to influence design and quality at resource consent stage due to breaches in standards including building coverage standards²³⁹. Consequently, she advised, very few buildings have actually been processed as controlled activities (i.e. for design control only).
345. From Ms Jones' own experience as the Council's 'Manager: Strategy and Planning' and as a member of the UDP, she was personally aware of a number of examples where the outcome was improved greatly through a process that did not occur with controlled activity resource consents.²⁴⁰
346. Ms Jones did note that requiring a restricted discretionary consent for all buildings and external alterations will create greater uncertainty and cost. However, in her view this was justified by the importance of the QTC and the risks to the environment and the economy from poor design outcomes.²⁴¹
347. In addition, Ms Jones was of the view that the non-notification clause for restricted discretionary buildings would reduce uncertainty, cost, and time delays considerably; and the consent would likely be less onerous than ODP rules, which, she advised, routinely trigger non-complying consent status.²⁴²
348. Finally, she noted the lack of controlled activity applications being processed under the ODP meant there was no evidence of the adequacy of the ODP classification.²⁴³
349. Ms Jones considered that a relaxation of the bulk and location rules and a strengthening of design control in the manner recommended was the most appropriate method to achieve the objectives.²⁴⁴ As such, no change to the notified Rule 12.4.6 relating to status was recommended in her view.

²³⁹ *ibid* at [13.28].

²⁴⁰ *ibid* at [13.30].

²⁴¹ *ibid* at [13.31].

²⁴² *ibid* at [13.31].

²⁴³ *ibid* at [13.31].

²⁴⁴ *ibid* at [13.32].

350. Mr Church agreed with this approach as to status for similar reasons but primarily because the restricted discretionary status would allow assessment.²⁴⁵
351. Taking into account all of these matters advanced by Ms Jones, and the recommendations and opinions of Mr Church, we agree and recommend no change to activity status for notified Rule 12.4.6.
352. Downtown QT²⁴⁶ sought to provide for “pop up” buildings and art works and sculptures by providing such activities permitted activity status. The “pop up” building could be utilised for retail, bar and street entertainment purposes. For the “pop up” buildings a six month time limit would apply. The submitter contended this outcome would enable a diversity of street life. The relief sought that the rule apply to the entire QTC, or other areas such as the Lake Esplanade. The submitter suggested regulation of such activities was also provided via bylaws. Providing this exemption would help further support entertainment which is very important to the local economy.
353. In her Section 42A Report, Ms Jones agreed the exceptions sought were appropriate.²⁴⁷ She recommended ‘Pop Ups and Art Works’ be exempted from obtaining a resource consent in respect of design.²⁴⁸ We agree for the reasons advanced by the submitter and recommend this part of the submission be accepted resulting in an amendment to the notified version of Rule 12.4.6.
354. The ORC²⁴⁹ sought provision for unobstructed movement of high sided vehicles within the matters of consideration. Ms Jones signalled support for this outcome in her Section 42A Report.²⁵⁰ We agree. Efficient movement of transportation is important for the QTCZ. We recommend inclusion of this matter of consideration.
355. Finally, in relation to the matters for consideration under this rule, two submitters²⁵¹ sought minor changes to the matters relating to Natural Hazards. We see them as non-substantive changes and recommend they be adopted as they assist the legibility of that part of the rule.
356. In her Reply, Ms Jones recommended the removal of the word “remedied” from the natural hazard matter, and its replacement with the word “reduced” so as to make this provision consistence with other PDP Chapters.²⁵² We agree that the matter of discretion needs to be amended, but we adopt the wording used by the Stream 6 Panel so that administratively, natural hazard matters of discretion are included, rather than assessment matters. We consider this a non-substantive change and recommend it be made under Clause 16(2).
357. Ms Jones also recommended inclusion of additional words to the first assessment matter in rule 12.4.6.1 to make it clear the Design Guidelines related only to the SCA.²⁵³ We agree with those clarifications and recommend acceptance.

²⁴⁵ Ibid at [13.29].

²⁴⁶ Submission 630, opposed by FS1043

²⁴⁷ V Jones, Section 42A Report at [13.60].

²⁴⁸ Ibid at [13.68-69].

²⁴⁹ Submission 798

²⁵⁰ V Jones, Section 42A Report at [13.52]

²⁵¹ Submissions 621 and 798

²⁵² V Jones, Reply Statement at [2.1f].

²⁵³ Ibid at [2.1e].

Notified Rule 12.4.6.2

358. Several submitters²⁵⁴ sought the deletion of notified Rule 12.4.6.2 which required the provision of the structure plan for sites over 1800 m² in any area, or for any site within the TCTSZ. They contended the rule would not achieve efficient land use, would be inefficient as it would add additional consenting costs, and would be unnecessary given the control over building provided through rule 12.4.6.1.
359. Although not recorded in the body of her Section 42A Report, Ms Jones recommended to delete Rule 12.4.6.2 as it duplicated Rule 12.5.1.2. In her Reply she identified errors in her Section 42A Report.²⁵⁵ She recorded that paragraph 14.1(a) should have stated “*that it is recommended to remove Rule 12.4.6.2 rather than amend it.*”²⁵⁶
360. While we discuss comprehensive development later,²⁵⁷ we recommend deleting Rule 12.4.6.2, preferring instead Rule 12.5.1; in particular Rules 12.5.1.1 and 12.5.1.2.
361. Our recommended wording for Rule 12.4.6 is as follows, with our recommended amendments underlined or struck out:

12.4.6	<p><u>Buildings except temporary ‘pop up’ buildings that are in place for no longer than 6 months and permanent and temporary outdoor art installations</u></p> <p>12.4.6.1 Buildings, including verandas, and any pedestrian link provided as part of the building/ development:</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. Consistency with the Queenstown Town Centre <u>Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area); where applicable</u></p> <p>b. External appearance, including materials and colours</p> <p>c. Signage platforms</p> <p>d. Lighting</p> <p>e. The impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas</p> <p>f. The contribution the building makes to the safety of the Town Centre through adherence to CPTED principles The contribution the building makes to pedestrian flows and linkages <u>and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable</u></p>	RD*
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²⁵⁴ Submissions 398,574,663 (opposed by FS1139 and FS 1191)
²⁵⁵ Reply of Ms Jones at [13.1b].
²⁵⁶ Ibid.
²⁵⁷ Rule 12.5.1

	<p>g. The provision of active street frontages and, where relevant, outdoor dining/patronage opportunities and</p> <p>h. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area:</p> <ul style="list-style-type: none"> i. The nature and degree of risk the hazard(s) pose to people and property ii. whether the proposal will alter the risk to any site; and the extent to which iii. <u>whether</u> such risk can be avoided or sufficiently mitigated <u>remedied</u> <u>reduced</u>. <p>And, in addition;</p> <p>14.4.6.2 In the Town Centre Transition subzone and on sites larger than 1800m², any application under this Rule <u>12.2.6.1</u> shall include application for approval of a structure plan in respect of the entire site and adherence with that approved plan in consequent applications under this rule.</p> <p>*In addition to those matters listed in rule 12.4.6.1 above, the Council's discretion is extended to also include consideration of the provision of and adherence with the structure plan including: the location of buildings, services, loading, and storage areas; the provision of open and/or public spaces; and pedestrian, cycle, and vehicle linkages</p>	
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- 6.6. Rule 12.4.7 Surface of Water and Interface Activities and Rule 12.4.8 Surface of Water and Interface Activities
362. As notified, this rule read:

12.4.7	<p>Surface of Water and Interface Activities</p> <p>12.4.7.1 Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone between the Town Pier and St Omer Park.</p> <p>12.4.7.2 Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Zone.</p> <p>In respect of the above activities, the Council’s discretion is unlimited but it shall consider:</p> <p>The extent to which the proposal will:</p> <ul style="list-style-type: none"> a. Create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore b. Provide a continuous waterfront walkway from Horne Creek right through to St Omer Park c. Maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities and d. Provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping. <p>The extent to which any proposed structures or buildings will:</p> <ul style="list-style-type: none"> a. Enclose views across Queenstown Bay; and b. Result in a loss of the generally open character of the Queenstown Bay and its interface with the land. 	D
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363. These rules and the related sub-rules received attention from Ms Jones within her Section 42A Report, her summary of evidence and finally within her Reply.

364. Her summary of evidence was prepared after she had reviewed the submitters’ pre-circulated evidence. This meant she was able to both update her Section 42A Report and provide a response to some of the submitter evidence when she presented her Section 42A Report at the hearing. Later she was able to further address submitter evidence and submitter legal submissions and respond to our question within her reply. As we move through these rules from beginning to end we will identify the source of Ms Jones’ suggested changes, be it her Section 42A Report, her evidence summary or her reply. We also provide discussion and comment on submissions, submitter evidence and submitter legal submissions in the sequence that they were presented.

6.7. Minor Drafting Amendments

365. Ms Jones also noticed in reviewing the chapter that, while the waterfront area is referred to as the Queenstown Town Centre Waterfront Subzone in Rule 12.4.2, it is incorrectly referred to as the Queenstown Waterfront Zone in Rules 12.4.7.1, 12.4.7.2, 12.4.8.1, 12.4.8.2 and 12.4.8.3.²⁵⁸ She advised this was a drafting error and should be corrected for consistency.²⁵⁹ She considered that this was a non-substantive change and would not affect the regulatory impact of the rule. Further she considered it would avoid any uncertainty that the QTCZ zone-wide provisions also apply to the QTCWSZ.²⁶⁰ In her Section 42A Report, she recommended it be changed by including the word “sub” before the word “zone” as that word appeared throughout the rules.
366. Ms Jones recommended in her Reply, following consideration of questions from us at the hearing, amending the headings of both Rules 12.4.7 and 12.4.8 from simply “*Surface of Water and Interface Activities*”, so that the headings more clearly reflect the content of each rule.²⁶¹ She proposed wording the headings as “*Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Subzone.*”²⁶²
367. We agree both with her amended wording and that the amendment is not substantive but would improve efficiency through increased legibility.²⁶³ We recommend adoption of these heading changes to Rule 12.4.7 and Rule 12.4.8 for these reasons. In our view, the recommended heading links much more directly to the content of the amended rules than the previous heading.

6.8. Mapping Issues

368. Next, we address mapping issues in Rules 12.4.7.1, 12.4.7.2, 12.4.8.2 and 12.4.8.3. Two submitters²⁶⁴ requested that the Queenstown Waterfront Subzone be reinstated on proposed planning maps 35 and 36 as shown in the ODP, and that the boundary be clarified particularly in relation to the boundary of St Omer Park. The submissions noted that the intention in the PDP was to retain this as per the ODP and to make no change other than to make it clearer on the planning maps. Queenstown Wharves²⁶⁵ noted in particular that it appeared from the planning maps that St Omer Park extended further than the lines denoting where the non-complying status ended.
369. Ms Jones advised in her Section 42A Report that the omission of the St Omer Park boundary was a mapping error in the notified planning maps.²⁶⁶ Due to the importance of the specific rules that apply to the waterfront subzone, she recommend that the boundary be reinstated on the planning maps as per the ODP and in the manner intended. Ms Jones said adding this subzone boundary, together with a consequential change to wording of Rule 12.4.7.1, which refers specifically to the St Omer Park boundary, should rectify the ambiguity (that as currently drafted, part of the park is within the waterfront zone and part of it is outside of it) identified by the submitter.²⁶⁷

²⁵⁸ Section 42A Report of Ms Jones at [16.5].

²⁵⁹ V Jones, Section 42A Report at [16.5].

²⁶⁰ Ibid.

²⁶¹ V Jones, Reply Statement at [5.2].

²⁶² V Jones, Reply Statement, Appendix 1 at p 12-11.

²⁶³ V Jones, Reply Statement at [5.2].

²⁶⁴ Submissions 383 and 766

²⁶⁵ Submission 766

²⁶⁶ V Jones, Section 42A Report at [16.3]

²⁶⁷ Ibid.

370. Real Journeys Limited²⁶⁸ sought Rule 12.4.7. and Rule 12.4.8 be amended to ensure that all areas referred to in the rules were accurately identified on the planning maps and that the maps be referred to in the rules. Ms Jones recommended²⁶⁹ that the reference to "*as shown on the planning maps*" be included in Rules 12.4.7.1, 12.4.7.2, 12.4.8.2 and 12.4.8.3.
371. Also in response to Submission 621, Ms Jones recognised the wording amendment she advanced for Rule 12.4.7.1, relating to including reference to St Omer Park, within her Section 42A Report was redundant.
372. Within her summary of evidence and presentation at the hearing she recommended removal of the words "between the Town Pier " and "and Queenstown Gardens" as those words would be redundant, given her recommendation to amend Rule 12.4.7.1.
373. Ms Carter, for Queenstown Wharves²⁷⁰, noted in her evidence that while Ms Jones's suggested amendments to Rule 12.4.7.1 were helpful, further clarification was required. She provided her Figure 1 to illustrate the three different areas that make up the QTCWSZ, namely the active Frontage, Queenstown beach and the Queenstown Gardens shoreline.²⁷¹
374. Ms Carter described the characteristics of those areas in her evidence and opined that those areas each had a different set of values and resource management issues.²⁷² Ms Carter recommended that a plan clearly show the three different areas within the QTCWSZ, and that the objective and associated policies and rules be re-drafted to recognise the three areas that comprise the WSZ.²⁷³
375. Ms Jones²⁷⁴ responded to Ms Carter's evidence by proposing amendments to the QTCZ purpose²⁷⁵ to acknowledge the importance of the QTCWSZ; and by amending Policies 12.2.5.3 and 12.2.5.6 to provide more direction in terms of development within the QTWSZ; adding more detail on Planning Map 35 to more clearly distinguish between the '*active frontage*' and the '*Queenstown Beach and Gardens foreshore*' areas; and by making minor non-substantive amendments to Rules 12.4.7.1 by adding reference to "*active frontage area*" and to 12.4.8.1 to refer to the two areas, "*Queenstown beach and gardens foreshore area*" in the QTCWSZ.
376. In our view the points raised by the submitters²⁷⁶, and evidence in support from Ms Carter, along with the recommendations of Ms Jones, all assist with better defining and identifying the QTCWSZ and the key elements within it compared to the notified provisions. The amendments arising from these two sources would add clarity and certainty to these rule provisions and we recommend their adoption.
377. In her Summary of Evidence, Ms Jones also recommended making moorings within the '*Queenstown beach and gardens foreshore area*' of the QTCWSZ a restricted discretionary

²⁶⁸ Submission 621, supported by FS1115

²⁶⁹ V Jones, Section 42A Report at [16.4]. 87

²⁷⁰ Submission 766

²⁷¹ J Carter, EiC at p6.

²⁷² Ibid at [4.8].

²⁷³ Ibid at [4.9]

²⁷⁴ V Jones, Summary of Evidence, at paragraph 6(c)

²⁷⁵ Section 12.1

²⁷⁶ Submission 621, and 766

activity rather than permitted as in the notified version.²⁷⁷ She reasoned that this would more effectively conserve the natural qualities and amenity values of the foreshore and adjoining waters, enable cumulative effects of such to be considered via resource consent, and be more consistent with the rules relating to moorings in the majority of the Frankton Arm.²⁷⁸

378. To include a new rule numbered 12.4.7.3 and the matters to which discretion would be restricted, Ms Jones provided a Section 32AA evaluation of her recommended amendments within her reply at Appendix 2.²⁷⁹ Having reviewed that assessment we agree with it and adopt it for the purposes of our recommendations. We agree with her recommendation and the need and wording of new Rule 12.4.7.3. We consider the assessment matters for the new rule are appropriate. The new Rule 12.4.7.3 and its related discretionary assessment matters are set out in full below.

6.9. Matters of Discretion

379. Two submissions²⁸⁰ sought expansion of the assessment matters in respect of Rules 12.4.7.1 and 12.4.7.2 when processing applications for wharfs, jetties and surface water activities. These matters were fully detailed in paragraphs 16.21 and 16.22 of Ms Jones Section 42A Report. They included provision of one central facility in Queenstown Bay for boat refuelling, bilge and sewage pumping, maintaining or enhancing public access to the lake, water quality, navigation and people's safety. Ms Jones considered inclusion of some of these further assessment matters as appropriate to more fully inform Council discretion when processing applications for wharves, jetties and commercial surface of water activities. We agree with Ms Jones and the submitters that the inclusion within the rules of these additional assessment matters is necessary to enable an appropriate assessment of activities in this zone.

380. The same submitters also sought to include a reference to Rules 12.4.7.1 and 12.4.7.2 at the commencement of those discretionary matters. This, we consider, clarifies the overall rule and assists with legibility, particularly because of the subsequent inclusion of new Rule 12.4.7.3 and the new matters of discretion relevant to that rule. We agree and also recommend inclusion of those matters of discretion that appear in the recommended version of the rule set out below.

381. Submission 810 sought a further additional matter of discretion be included, namely the extent to which any proposed wharfs and jetties would affect the values of wahi tupuna. Ms Jones in her Section 42A Report²⁸¹ noted this submission was considered in Hearing Stream 1A with the relevant Section 42A Report recommending the relief sought being rejected.

382. Ms Jones recommended inclusion of this matter of discretion.²⁸² Although she provided no explanation as to her recommendation, we agree with this inclusion. We consider that this matter of discretion would aid in achieving Objective 12.2.2 and Policy 12.2.2.7. Just as we support these provisions in recognising and providing for cultural heritage, we also acknowledge and support the rule that seeks to implement the overarching objective to contribute to the town's heritage and sense of place.

²⁷⁷ V Jones, Summary of Evidence at [6d].

²⁷⁸ Ibid.

²⁷⁹ V Jones, Reply Statement at [5.6].

²⁸⁰ Submitter 621 and 810 FS 1115.5

²⁸¹ V Jones, Section 42A at paragraph 16.21 on page 90

²⁸² ibid at [16.23].

383. Within submissions, a number of other issues were raised, such as providing for maintenance of wharves and jetties²⁸³ and that the status of activities for Rules 12.4.7.1 and 12.4.7.2 be amended from discretionary to controlled.²⁸⁴ We do not support those submissions for the same reasons as set out in Ms Jones' Section 42A Report²⁸⁵.

6.10. Other Submissions

384. Real Journeys Limited²⁸⁶ and Te Anau Developments Limited²⁸⁷ wanted all of the provisions relating to the protection, use and development of the surface of lakes and rivers and their margins to be inserted into a separate chapter. We consider that these provisions fit appropriately within this Chapter because of the relationship with the town centre. Retaining these provisions within the Chapter also aids in making the PDP more legible and giving these provisions a separate section would increase the volume of the PDP. For those reasons we recommend the submissions be rejected. This recommendation is consistent with that made by the Stream 2 Hearing Panel, where the same matter was raised.

385. Two submitters²⁸⁸ requested the amendment of Rule 12.4.7 to enable certain buildings (e.g. ticket offices) while continuing to restrict other buildings (as non-complying), with Real Journeys Limited²⁸⁹ suggesting the inclusion of a new restricted discretionary activity provision.

386. Glare and effect on navigation was discussed by Ms Black in her evidence for Real Journeys²⁹⁰. However, the focus of her evidence on glare was directed at notified Rule 12.5.14.1 which dealt specifically with glare.²⁹¹ Rule 12.4.7 is restricted in its application to wharves, jetties, commercial surface of water activities and moorings. The glare she was concerned about emanated from buildings activities and lighting located not on wharves and jetties, but from buildings, street lights and the like in the town centre.

387. In our view, this rule can only control glare for navigation purposes from wharves and jetties. Nevertheless, even accepting the limited ambit of the application of the rule and observing Council's discretion under the rule is unlimited, we note the matters of discretion would include navigation and people's safety. Thus, to a limited extent, the submitter's concerns can be dealt with in the rule.

388. Manoeuvring of TSS Earnslaw was also raised as an issue by Ms Black. She described the challenges the characteristics of the vessel caused in relation to manoeuvring it. In that regard, she supported the discretionary activity status of Rule 12.4.7 considering that the manoeuvring issues raised could be addressed when that rule was triggered.²⁹²

389. Also, Ms Black considered these manoeuvring challenges would be assisted by making all structures and moorings between the Town Pier and Queenstown Gardens a non-complying

²⁸³ Submissions 621 (supported by FS1115) and 766

²⁸⁴ Submissions 766 and 807.

²⁸⁵ at paragraph 16.19.

²⁸⁶ Submission 621

²⁸⁷ Submission 607

²⁸⁸ Submissions 621 and 766 (supported by FS1341)

²⁸⁹ Submission 621

²⁹⁰ Submission 621

²⁹¹ F Black, EIC at [3.1].

²⁹² F Black, EIC at [3.6].

activity so as to avoid a proliferation of such structures in this area.²⁹³ Ms Jones recommended the status of moorings in this area be restricted discretionary and recommended the matters of discretion include whether the structure would cause an impediment to craft manoeuvring.

390. While Ms Jones' recommendation on status differs from the submitter's relief, we think Ms Jones' recommendation strikes an appropriate balance between the competing interests and provides an efficient and effective mechanism to address issues.
391. We think that Ms Jones' recommended Rule 12.4.7.3 will be more effective and efficient at implementing revised Objective 12.2.5 and the associated policies. This new rule provides greater certainty as to what is expected to occur in the Queenstown gardens and beach part of the QTCWSZ whilst accepting that in the main the QTCWSZ would provide a dynamic environment.
392. Finally, in addition to the recommendations in response to submitters concerns, Ms Jones recommended a non-substantive change for consistency and clarity. In her Reply, Ms Jones²⁹⁴ recommended amending the assessment matters by replacing the assessment matter commencing '*the extent to which any proposed structures or buildings...*' to '*the extent to which any proposed wharfs and jetties...*'. This, she said, would make this rule consistent with the fact that the rule only relates to wharfs and jetties.²⁹⁵
393. She noted²⁹⁶ that any other buildings in the QTCWSZ are not subject to this rule but are, in fact, non-complying (under Rule 12.4.8.2) or restricted discretionary (under Rule 12.4.6). While not substantive, this minor amendment would, she said, improve efficiency by removing the existing conflict within the rule and thereby avoiding potential confusion. We agree.

Rule 12.4.8.2

394. Notified Rule 12.4.8.2 provided that any buildings located on wharves and jetties within the QTCWSZ were non-complying.
395. In addition to the restricted discretionary rule sought, Submission 621 sought to amend Rule 12.4.8.2 as follows:

Any buildings and structures, located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone, which are not provided for by Rule 12.4.7.

396. Queenstown Wharves²⁹⁷ sought to delete the non-complying activity rule for buildings located on jetties and wharves. Queenstown Wharves submitted that the effects from buildings could be adequately managed by Rule 12.4.7.1.
397. The submission also suggested that if the rule were to be retained, then it should be amended to exclude provision of buildings that are for the purpose of providing water based public transport facilities.

²⁹³ Ibid at [3.9].

²⁹⁴ V Jones, Reply Statement at [5.1].

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ Submission 766, supported by FS1341.15

398. Ms Jones did not consider that this would achieve the objectives of the PDP.²⁹⁸ In her opinion, buildings on wharfs and jetties within the QTCWS specified in Rule 12.4.8 would have the potential to have a significant effect on views, natural qualities, amenity, and pedestrian flows/accessibility in the waterfront subzone. Also, she advised that there was ample commercial capacity within the QTCZ adjacent to subzone for buildings in which ticketing and the like could occur. She did not recommend any change in this regard.²⁹⁹
399. Submitters³⁰⁰ raised the need to provide, in this part of the PDP, specific policies and rules for the provision of public transport. We agree with Ms Jones that this is a matter better dealt with in the context of the Transport Chapter and recommend those submissions be rejected.
400. In our view, redrafted Rule 12.4.7 in combination with Rule 12.4.8 would be more effective and efficient in achieving Objective 12.2.5 and associated policies. We accept that the QTCWSZ will provide a dynamic and vibrant area, but at the same time this rule provides certainty as to what is expected to occur in this area by outlining matters that will be considered in decision-making.
401. Buildings or structures in this area have the potential to impact on the views, natural qualities, amenity and accessibility of the QTCWSZ. The wording of the rule means that effects on the natural qualities of the Queenstown gardens and beach area and the views from both will be considered and conserved to a degree. Further understanding what is anticipated in the area provides some certainty also to the Earnslaw and other boating activity, that the area will be relatively free of obstacles, such as permanently moored craft.
402. In conclusion, for all of the reasons expressed above we recommend that Rules 12.4.7 and 12.4.8 be adopted in the form set out below.

²⁹⁸ V Jones, Section 42A Report at [16.26].

²⁹⁹ Ibid at [16.26].

³⁰⁰ Parts of submissions 766.2, 798.54, FS1341.1, FS1341.3 and FS1341.25, FS1342.16, 766.3, 766.5, 766.7, 766.33, FS1341.4, and FS1341.6, and 807.81 and 807.82 .

<p>12.4.7</p>	<p>Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Subzone</p> <p>12.4.7.1 Wharfs and Jetties within the ‘active frontage area’ of the Queenstown Town Centre Waterfront subzone as shown on the planning maps;</p> <p>12.4.7.2 Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Subzone, as shown on the planning maps.</p> <p>In respect of 12.4.7.1 and 12.4.7.2, the Council’s discretion is unlimited but it shall consider the extent to which the proposal will:</p> <ul style="list-style-type: none"> a. Create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore b. Maintain a continuous waterfront walkway from Horne Creek right through to St Omer Park c. Maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities d. Provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping e. Maintain or enhance public access to the lake and amenity values including character and f. Affect water quality, navigation and people’s safety, and adjoining infrastructure; g. The extent to which any proposed wharfs and jetties structures or buildings will: <ul style="list-style-type: none"> i. Enclose views across Queenstown Bay and ii. Result in a loss of the generally open character of the Queenstown Bay and its interface with the land iii. Affect the values of wahi tupuna 	<p>D</p>
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	<p>12.4.7.3 Moorings within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Subzone (as shown on the planning maps).</p> <p>In respect of 12.4.7.3, discretion is restricted to:</p> <ul style="list-style-type: none"> a. Whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands b. Whether the structure causes an impediment to craft manoeuvring and using shore waters c. The degree to which the structure will diminish the recreational experience of people using public areas around the shoreline d. The effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect e. Whether the structure will be used by a number and range of people and craft, including the general public f. The degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	RD
<p>12.4.8</p>	<p>Wharfs and jetties, buildings on wharfs and jetties, and the use of buildings or boating craft for accommodation within the Queenstown Town Centre Waterfront Subzone</p> <p>12.4.8.1 Wharfs and Jetties within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Sub-Zone (as shown on the planning maps).</p> <p>12.4.8.2 Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Sub-Zone, as shown on the planning maps;</p> <p>12.4.8.3 Buildings or boating craft within the Queenstown Town Centre Waterfront Sub-Zone if used for visitor, residential or overnight accommodation, as shown on the planning maps.</p>	NC

- 6.11. Rule 12.4.9 Industrial Activities at Ground Floor Level
- Rule 12.4.10 Factory Farming
- Rule 12.4.11 Forestry Activities
- Rule 12.4.12 Mining Activities
- Rule 12.4.13 Airports other than the use of land and water for emergency landings, rescues and firefighting
- Rule 12.4.14 Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building
- Rule 12.4.15 Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket)
- Rule 12.4.16 Any activity requiring an Offensive Trade Licence under the Health Act 1956.
- 403. Notified Rules 12.4.9 to 12.4.16 were not the subject of direct submissions but were subject to those submissions³⁰¹ requesting that all provisions not otherwise submitted on be retained as notified unless they duplicate other provisions, in which case they should be deleted.
- 404. We agree with the recommendation contained in Ms Jones' Section 42A Report that those seeking the provisions be confirmed in part or in whole are recommended to be accepted in part.³⁰²
- 405. Taking a broader view, in particular having regard to the desired purpose of the objectives and policies, we conclude that the activity status which is either non-complying or prohibited provided for by this group of rules is appropriate. This is because having provision for any of the activities provided for within this group of rules within the QTC would not achieve the desired purpose or the outcomes sought by the objectives and policies of the PDP.

7. 12.5 RULES – STANDARDS

- 7.1. Rule 12.5.1 Building Coverage in the Town Centre Transition subzone and comprehensive development of sites 1800m² or greater
- 406. As notified, this rule read:

12.5.1	<p>Building coverage in the Town Centre Transition subzone and comprehensive developments of sites 1800m² or greater</p> <p>12.5.1.1 In the Town Centre Transition subzone or for any comprehensive development of sites greater than 1800m², the maximum building coverage shall be 75%. primarily for the purpose of providing pedestrian links, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.</p> <p>Note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as setbacks, outdoor storage areas, and pedestrian linkages might be required.</p>	RD*
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³⁰¹ Submissions 672, 663, 212 (supported by FS1117)
³⁰² V Jones, Section 42A Report at [18.15].

	<p>12.5.1.2 Any application for development within the Town Centre Transition Subzone or on a site 1800m² or greater shall be accompanied by a comprehensive Structure Plan for an area of at least 1800m².</p> <p>*In regard to rules 12.5.1.1 and 12.5.1.2, discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. The adequate provision of pedestrian links, open spaces, outdoor dining opportunities b. The adequate provision of storage and loading/ servicing areas c. The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, and the amenity and safety of adjoining public spaces and designated sites. 	
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407. This rule deals with two matters:
- a. Rule 12.2.5.1 provided for a maximum building coverage of 75% for sites in the Town Centre Transition Subzone, or for any development on a site greater than 1800m².
 - b. Rule 12.2.5.2 stated the need to provide a comprehensive Structure Plan when undertaking development in the Town Centre Transition Subzone, or for any development on a site greater than 1800m².
408. The maximum building coverage as notified for these described sites was 75%. Any activity that breached the 75% maximum coverage would be a restricted discretionary activity. The matters of discretion to consider related to how well the building fitted into its surrounds and in particular public access to the building.
409. By way of context the ODP provided differing building coverage percentages for differing precincts ranging from 95% to 70%. The ODP did not use a structure plan/comprehensive development approach based on site size.
410. There were several submissions received on Rule 12.5.1, both with respect to the 1800m² as the trigger site area and also the 75% maximum coverage percentage.
411. Seven submitters³⁰³ sought to remove all controls over site coverage for the majority of the QTCZ. NZIA submitted to request that development over 80% of a site in the QTCZ be a discretionary activity.
412. Redson Holdings Ltd³⁰⁴ submitted in support of the notified rule, on the proviso that there would be no restrictive site coverage provisions within the wider QTCZ on sites smaller than 1800m². The submitter owned a site in Beach Street which has an area of 555m².

³⁰³ Submissions 491, 596, 606, 609, 614, 616 and 650.

³⁰⁴ Submission 491, opposed by FS1236

413. IHG Queenstown Ltd and Carter Queenstown Ltd³⁰⁵ submitted requesting that the 75% coverage only apply to the QTCT Subzone, and not to sites over 1800m². The submitter did not consider such a restriction would promote the efficient use of land in the QTCZ.
414. NZIA³⁰⁶ requested that all development beyond 80% of a site be discretionary to allow for permeability and connections to be made through the sites. Further NZIA noted in its submission that this would align with that sought in Wanaka township.
415. Ms Jones advised that in her view it was still appropriate to enable 100% site coverage through the QTCZ, except in relation to large comprehensive developments and in the TCTZ.³⁰⁷ (our emphasis added). She based this opinion on the Section 32 Evaluation Report³⁰⁸ and Mr Church's evidence.³⁰⁹ She said although there may be some times where there is benefit in providing some unbuilt private or semi-public space, she considered these opportunities would be rare in the heart of the QTC.³¹⁰ Rather, she was of the view that on balance the environmental and economic costs associated with imposing the site coverage rule on all sites would outweigh any benefits.³¹¹
416. As such, she recommended retaining the maximum site coverage rule with some amendments as follows.

7.2. 75% Maximum Coverage

417. Ms Jones explained how the 75% maximum coverage rule was determined. In summary:³¹²
- a. She considered the building coverage in the comprehensive development in the Marine Parade/Church/ Earl/ Camp Street block³¹³ at 75% and the building coverage provided within the post office precinct development at 67% to be good examples of comprehensively planned developments;
 - b. If the recommended viewshafts on the Man Street carpark block were developed as open space (as recommended in her Section 42A Report) then the building coverage would be 72%;
 - c. Development within the PC50 area is subject to maximum coverage rules of 70-80% in the respective Lakeview and Isle Street subzones.
418. Ms Jones said that, in the absence of evidence to the contrary, she considered that retaining the 75% maximum coverage requirement was appropriate.³¹⁴ She noted that if this 75% coverage were exceeded, then the activity status would be restricted discretionary and that would not preclude proposals from being considered on a case by case basis.³¹⁵ She further noted that this would avoid almost all resource consents in the Town Centre from having to obtain a resource consent, which was the case with the ODP.³¹⁶

³⁰⁵ Submission 663, opposed by FS1139 and FS1191

³⁰⁶ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

³⁰⁷ V Jones, Section 42A Report at [14.4].

³⁰⁸ Section 32 Evaluation Report, namely at p18-19.

³⁰⁹ T Church, EIC, at [17.1-17.11]

³¹⁰ V Jones, Section 42A Report at [14.4].

³¹¹ Ibid.

³¹² *ibid* at [14.9].

³¹³ RM000902

³¹⁴ V Jones, Section 42A Report at [14.10].

³¹⁵ *Ibid*.

³¹⁶ *Ibid*.

419. Relying on the aforementioned NZIA³¹⁷ submission for scope, Ms Jones recommended reducing the site size triggering the 75% maximum coverage rule to 1400m². The NZIA submission sought all sites to be subject to an 80% coverage. That would mean all sites would be subject to a maximum site coverage restriction. As such, Ms Jones relied on that to provide scope to recommend reducing the site size that would trigger the maximum restriction in order to enable the rule to apply to more sites.
420. Ms Jones' recommendation was informed by the expert evidence of Mr Church. Ms Jones sought Mr Church's opinion as to whether the notified 75% site coverage and Structure Plan requirement for comprehensive developments was appropriate.³¹⁸
421. In his evidence, Mr Church referred to the same comprehensive developments as Ms Jones.³¹⁹ He said his understanding was that the 75% building coverage threshold was based on the recent Church Street and Ngai Tahu Courthouse developments.³²⁰ In his view, those developments represented good urban design outcomes for comprehensive development within the context of the town centre.³²¹
- 7.3. Reducing the site area trigger to 1400m²**
422. Basing his opinion on an analysis of contiguous property across the town centre he considered the 1800m² threshold should be reduced to 1400m².³²² He included in his Appendix 1 a comparison of the QTCZ to show the likely additional sites captured by this reduction, based on current property configurations.
423. Mr Church was of the view, that a 1400m² threshold would capture a better range of larger sites where there was potential for redevelopment that could contain multiple buildings, laneways, open spaces and comprehensive car parking and servicing solutions.³²³
424. Ms Jones also asked Mr Church if the proposed removal of any maximum coverage rules from the Town Centre (other than large sites/Transition area) would be appropriate.³²⁴
425. In his evidence, Mr Church noted that the QTC is the most intensive urban form in the District. Based on his experience, it was his view that areas of intensification typically transfer on-site amenity and some services into the public realm.³²⁵ He noted that Queenstown was no exception and he considered that there was a resulting heavy reliance on public amenity in the town centre, including good quality streetscape with street trees, and landscaped open spaces.³²⁶ He further noted that views to the natural landscape beyond substitute for on-site landscape and amenity and provide critical visual relief within the town centre.³²⁷

³¹⁷ Submission 238
³¹⁸ T Church, EIC at [14.2].
³¹⁹ Ibid at [14.3-14.5].
³²⁰ Ibid at [14.5].
³²¹ Ibid.
³²² Ibid at [14.6].
³²³ T Church, EIC at [14.6].
³²⁴ Ibid at [17.2].
³²⁵ Ibid at [17.3-17.4]
³²⁶ Ibid at [17.4].
³²⁷ Ibid.

426. In summary, Mr Church supported the removal of site coverage across the whole town centre and suggested 75% coverage be consistently applied to sites over the 1,400m² threshold and delivered as part of the Comprehensive Development Plan.³²⁸
427. Ms Jones, for her part, considered her re-draft of Rule 12.5.1, as per her Section 42A Report, would more effectively implement the outcomes sought by Objectives 12.2.2 and 12.2.4 and provide complementary support to Rules 12.4.6.2 and 12.5.8.
428. At the hearing several submitters presented evidence regarding site coverage.
429. Mr Richard Staniland³²⁹ gave examples on behalf of Skyline Enterprises Limited³³⁰ in relation to the O'Connells Pavilion site. Based on these examples of economic loss, it was his opinion the proposal to reduce the site size trigger from 1800 m² to 1400 m² should be rejected.
430. Mr Williams³³¹ agreed that the largest sites should be considered comprehensively with matters including mid-block connections, grain of development and massing becoming more important on those larger development sites.
431. It was his opinion that reducing the site size trigger to 1400 m² would represent an inefficient use of the town centre land resource and, moreover, it was not necessary to choose this trigger point to manage the potential effects the rule sought to manage.³³²
432. Mr Williams was of the view that the main driver of the comprehensive development rule and accompanying site coverage rules was to encourage additional lanes and pedestrian links and/or view shafts.³³³ He noted that because the planning framework sought to identify pedestrian links within plan provisions and to protect them, that outcome needed to be taken into consideration when determining whether or not the 1400 m² site size trigger was actually required.³³⁴ In other words, in his view, the outcome sought was already available via other plan provisions.

7.4. Scope for Amendments

433. Mr Todd, legal counsel for MSPL³³⁵, submitted that there was no scope for Ms Jones' recommended coverage changes to Rule 12.5.1. Mr Todd pointed out that the relief sought by NZIA was that all development in excess of 80% of the site should be a discretionary activity. Therefore he questioned how this could justify a more restrictive rule whereby all development on sites over 1400 m² would have a maximum site coverage of 75%.
434. Ms Jones relied on the submission by NZIA³³⁶ for scope for her recommended changes particularly to site size. Ms Jones considered the submission was couched in a zone –wide manner, presumably linked to the QTCZ, and provided a “reasonable argument”³³⁷ that it provided scope to amend the notified coverage rule 12.5.1.

³²⁸ Ibid at [17.11].

³²⁹ R Staniland, EIC at [4-8].

³³⁰ Submission 574.

³³¹ T Williams, EIC at paragraphs 42-50 page10

³³² Ibid at [45].

³³³ Ibid at [47].

³³⁴ Ibid.

³³⁵ Submission 398

³³⁶ Submission 238

³³⁷ V Jones Section 42A Report, at Paragraph 14.8 page 81

435. Ms Scott, in the Council's legal submissions in reply, pointed out the NZIA further submission sought an 80% coverage rule for all sites rather than being limited to only those sites in the town centre transition sub-zone and sites over 1800 m².
436. Ms Scott argued that the changes recommended by Ms Jones, principally in her Section 42A Report, also had the same effect of the NZIA submission of capturing more sites within the rule. However, she pointed out that Ms Jones took a different route to do so, being the reduction in the site size trigger to 1400 m² as distinct from 80% of site coverage across all sites as utilised by NZIA.
437. Ms Jones, in her Reply Statement, pointed out that in so far as Mr Todd's clients were concerned, the ODP already provided a 95% coverage rule for the O'Connell site with part of the site being subject to an 80% coverage rule.³³⁸ Therefore, she said, her proposed rule would not represent a change from a permitted 100% coverage for the site. She made similar points for the Stratton House site, noting that a pedestrian link was offered and accepted within a resource consent in lieu of height breaches.
438. Ms Jones revisited Rule 12.5.1.1 in her Reply and suggested two alternatives, particularly if we found her suggested amendments were not in scope.
439. The first being to amend building coverage limit to 80% as sought by NZIA; or, alternatively, apply the 75% coverage as recommended in her Section 42A Report but limit its application only to sites over 1800 m².
440. We need to decide if reducing the site size to 1400m² would be within scope, and if necessary whether the alternatives raised in Ms Jones' Reply of either 80% site coverage or 75% coverage and a site size trigger for a structure plan at 1800m² would be within scope.
441. Certainly the NZIA further submission has some clarity issues. However, of the two competing arguments on scope we prefer the view of Ms Jones and Ms Scott over that of Mr Todd. In our view Mr Todd has taken a more limited and literal interpretation of the NZIA submission.
442. We think Ms Jones and Ms Scott are correct in that the effect of the NZIA submission would be to catch more sites, just as there would be more sites caught, albeit a lesser number than that caught by the NZIA submission, if the site size trigger were reduced to 1400m². We conclude there is scope for Ms Jones' recommendations.
443. Moving to consider the options presented to us by Ms Jones, she had, within her Section 42A Report, extensively outlined her support for a 75% threshold. Further she was in support of enabling 100% site coverage on smaller sites throughout the QTCZ. Changing to 80% of all sites seemed to us to be at odds with this earlier view. Also, increasing the allowable site coverage size even by a small amount did not seem to us to support Objectives 12.2.2 and 12.2.4 nor support Rules 12.4.6.2 and 12.5.8. We also consider adopting a site size trigger of 1400m² as opposed to the notified 1800m² better supports those same objectives and related rules.
444. Further, we are not convinced that smaller sites should be subjected to a maximum site coverage of 80%. We agree with Ms Jones and consider that in order to provide the most

³³⁸ V Jones, Rely Statement at [4.2].

efficient use of land in the QTCZ there should be no site coverage rules, for those sites under the 1400m² threshold.

445. For these reasons we recommend the NZIA further submission be accepted in part and the site coverage be 75% and the site size trigger be set at 1400m². We recommend rejecting those submissions that sought to increase the site coverage to 80% or retain the threshold at 1800m².

7.5. Matters of Discretion

446. Several submitters³³⁹ sought to include additional points within the final matter of discretion. Those additional points related to listed heritage items and heritage precincts as well as consideration of shading and wind effects.

447. In her Section 42A Report, Ms Jones recommended including these in the matters of discretion. We agree. These are relevant considerations for development and recognise the importance of the QTC heritage and also recognise and provide for amenity effects on neighbouring sites from shading and wind.

448. We recommend these submissions are accepted and the additional points are included.

7.6. Rule 12.5.1.2

449. This Rule as notified required that any site to which Rule 12.5.1.2 applied should be accompanied by a comprehensive Structure Plan. Mr Church considered that based on his experience of structure planning and preparing the guidance for these, there are considerable benefits to RMA matters.³⁴⁰ Referring to the Quality Planning website, he summarised these as the ability to:³⁴¹

- a. provide integrated management of complex environmental issues
- b. coordinate the staging of development over time
- c. ensure co-ordinated and compatible patterns and intensities of development across parcels of land in different ownership, and between existing and proposed areas of development and redevelopment
- d. provide certainty regarding the layout and character of development
- e. ensure that new development achieves good urban design outcomes by defining the layout, pattern, density and character of new development and transportation networks and
- f. complement other tools such as urban design guides.

450. Mr Church noted that in some instances, namely greenfield or broad urban areas these structure planning processes can be significant undertakings.³⁴² However, both Ms Jones and Mr Church considered that the intention of the rule was not to be onerous for applicants, but rather to ensure that a *“well-considered, master planned approach is followed resulting in a plan that is carefully integrated into the town centre and surrounding context.”*³⁴³

451. Mr Church supported this approach with one recommendation to rename the term from 'Structure Plan' to a 'Comprehensive Development Plan' or similar to better describe its

³³⁹ Submissions 59, 82, 206, 417, 599 and 621.

³⁴⁰ T Church, EIC at [14.10].

³⁴¹ Ibid.

³⁴² Ibid at [14.11].

³⁴³ T Church, EIC at [14.11].

purpose.³⁴⁴ He also recommended the Council provided further guidance outside the Plan regarding the expected review process, required content of an application and interpretation of the matters of discretion, to give more certainty to future applicants.³⁴⁵

452. We recommend renaming this term as suggested by Mr Church. We also recommend that the Council consider Mr Church's recommendation to provide guidance to applicants outside of the Plan.

7.7. Minor Amendments

453. There are a number of consequential changes to the first assessment matter to include the words "*cycle and vehicle and lanes.*" This change comes about as a consequence of Ms Jones' recommendation to remove Rule 12.4.6.2.
454. The next change recommended by Ms Jones within her Reply Statement related to shifting the words "*the provision of open space within the site, for outdoor dining or other purposes:*" from within paragraph 12.5.1.2 to the list of matters informing the exercise of the discretion. We agree and recommend that change because it enhances the clarity of the rule.
455. In her Reply Statement, Ms Jones also recommended that the definition of "comprehensive development" as she enhanced it be moved to Rule 12.3.2.3. We have discussed this earlier and recommend the definition sit in Chapter 2.
456. Finally, we have identified a drafting issue with this rule. Rule 12.5.1.1 states that the maximum building coverage in the two instances discussed shall be 75%. Non-compliance is stated to be restricted discretionary and matters of discretion are listed.
457. Rule 12.5.1.2 requires that in the same two instances, a Comprehensive Development Plan is to be provided, irrespective of the maximum building coverage proposed, and non-compliance is also a restricted discretionary activity subject to the same matters of discretion. Ms Jones' recommended amendments included the statement that the Comprehensive Development Plan is "*of sufficient detail to enable the matters of discretion listed below to be fully considered*". That implies that the Comprehensive Development Plan is a necessary part of any restricted discretionary consent application, however, if the proposal involves building coverage less than 75%, the lodgement of such a plan would satisfy the standard and no consent would be required. On the other hand, failure to lodge such a plan would equally require a restricted discretionary consent application and be tested against the same matters of discretion that the plan was supposed to enable full consideration of.
458. In our view, the only practical solution to this is to delete the words quoted above, noting that such a deletion is the only amendment within the scope of the submissions. However, it seems to us that the intention was to require Comprehensive Development Plans to be subject to some form of consent, whether in every development proposal on these sites, or only when the 75% coverage limit was breached. We recommend the Council review this rule, firstly determining whether it is setting a standard or an activity, then drafting a rule that achieves the outcome desired.
459. Taking all of the above into account we recommend Rule 12.5.1 be adopted as set out below:

³⁴⁴ Ibid at [14.12].

³⁴⁵ Ibid at [14.14].

<p>12.5.1</p>	<p>Maximum building coverage in the Town Centre Transition Sub-Zone and in relation to comprehensive developments</p> <p>12.5.1.1 In the Town Centre Transition Sub-Zone or when undertaking a comprehensive development (as defined), the maximum building coverage shall be 75%.</p> <p>Advice note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as outdoor storage areas, and pedestrian linkages might be required.</p> <p>12.5.1.2 Any application for building within the Town Centre Transition Sub-Zone or for a comprehensive development (as defined) shall include a Comprehensive Development Plan that covers the entire development area.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The adequate provision of cycle, vehicle, and pedestrian links and lanes, open spaces, outdoor dining opportunities b. The adequate provision of storage and loading/ servicing areas c. The provision of open space within the site, for outdoor dining or other purposes d. The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, listed heritage items, and heritage precincts, and the amenity and safety of adjoining public spaces and designated sites, including shading and wind effects.
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7.8. Rule 12.5.2 Street Scene - building setbacks

460. As notified Rule 12.5.2 provided for a minimum setback of 0.8 m for buildings on the north side of Beach Street and 1 m for buildings on the south side of Beach Street. Any non-compliance with these setbacks was a restricted discretionary activity with the matters of discretion being the effects on overall streetscape.

461. Several submitters³⁴⁶ sought the removal or alteration of the setbacks on both sides of Beach Street. These submitters considered that the rule would limit the efficient use of a scarce resource and would place significant limits on development potential without any identifiable benefits³⁴⁷. They further considered that a suitable design could be achieved without arbitrarily imposing any additional bulk and location controls, and that imposing additional setbacks would not reflect the positive effects that the existing varied setbacks of the buildings have on the streetscape.

³⁴⁶ Submissions 383,606 (opposed by 1063),616.617

³⁴⁷ See Submission 616 and V Jones, Section 42A Report at [14.16].

462. Having considered the submitter's position, Ms Jones³⁴⁸ noted the most compelling reason for retaining the setbacks was that on the north-side of Beach Street they provided an indirect way of achieving two-storey buildings with 7 m high facades and a parapet at the stipulated height or within the recession plane and with minimal effect on sunlight access. However, she concluded that the setbacks on Beach Street were not the most appropriate method of achieving Objectives 12.2.2 and 12.2.4.
463. In reaching that view she relied on the evidence of Ms Gillies and Mr Church. Ms Gillies, in her evidence³⁴⁹, was very clear that because of the historic character of the heritage streetscape in Beach Street, which did not include setbacks from the street boundary, she did not support setbacks. She did observe that the ODP included a requirement for setbacks but explained that setbacks were an urban design theory designed to produce a varied frontage resulting in the visual interest and varied experiences.³⁵⁰ However, she pointed out that this was a modern theory and did not relate to historic streetscape design as existed in Precinct P5.³⁵¹
464. Mr Church expressed the view that he could see no urban design rationale for the Beach Street setbacks being retained, other than providing additional sunlight access to the street.³⁵² He was of the view that sunlight access could be addressed through the use of facade heights and recession planes.
465. Further, Mr Church noted Beach Street was now pedestrianised and therefore he saw no real merit in having the street any wider for other functions such as vehicle accessibility.³⁵³ We assumed he did not see benefit in encouraging on-site outdoor dining. More importantly, we thought, he noted the intimacy of Beach Street without setbacks added to the character of the town centre, and it was one of the few narrow streets remaining from the early morphology of the town.³⁵⁴
466. Mr Church considered stepped or uneven building setbacks were not a characteristic that predominated across the SCA. He supported Ms Gillies' view and recommended removing the provision of the 0.8 m to 1.0 m setbacks on Beach Street in combination with appropriate facade height and recession plane controls to avoid any significant loss of sunlight to the Street.³⁵⁵
467. We note that Mr Williams, who had been engaged by submitters³⁵⁶ with an interest in the Beach Street set back issue, supported Ms Jones' recommendation to remove the setback requirements for buildings on Beach Street. It was his view that those setbacks did not serve any real benefit to the built form outcomes and placed a constraint on efficient development of sites along Beach Street³⁵⁷.

348 V Jones, Section 42A Report at [14.21].

349 J Gillies, EIC at [10.1-10.3]

350 Ibid at [10.2].

351 J Gillies, EIC at [10.2].

352 T Church, EIC at [18.1 to 18.7]

353 Ibid at [18.4].

354 Ibid at [18.5].

355 Ibid at [18.7].

356 Submission 616

357 T Williams, EIC at [15].

468. Appended to her Section 42A Report, Ms Jones undertook a Section 32AA evaluation of dispensing with the street scene setback rules for Beach Street.³⁵⁸ Having considered that evaluation we accept it and adopt it.

469. Essentially for the reasons advanced by Ms Jones, Ms Gillies, Mr Church and Mr Williams, we agree that the notified Rule 12.5.2 applying to Beach Street should be deleted because it is not the most appropriate method of achieving Objectives 12.2.2 and 12.2.4.

470. We recommend the deletion of Rule 12.5.2 in its entirety.

7.9. Rule 12.5.3 Waste and Recycling Storage Space

471. This rule did not attract submissions. The only changes we recommend to it are the non-substantive minor changes to reference to the matters of discretion, consistent with the approach taken elsewhere in the PDP.

472. We recommend Rule 12.5.2 be worded as follows:

12.5.2	Waste and Recycling Storage Space	RD
	<p>12.5.2.1 Offices shall provide a minimum of 2.6m³ of waste and recycling storage (bin capacity) and minimum 8m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.2 Retail activities shall provide a minimum of 5m³ of waste and recycling storage (bin capacity) and minimum 15m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.3 Food and beverage outlets shall provide a minimum of 1.5m³ (bin capacity) and 5m² floor area of waste and recycling storage per 20 dining spaces, or part thereof.</p> <p>12.5.2.4 Residential and Visitor Accommodation activities shall provide a minimum of 80 litres of waste and recycling storage per bedroom, or part thereof.</p>	<p>Discretion is restricted to:</p> <p>a. The adequacy of the area, dimensions, design, and location of the space allocated, such that it is of an adequate size, can be easily cleaned, and is accessible to the waste collection contractor, such that it need not be put out on the kerb for collection. The storage area needs to be designed around the type(s) of bin to be used to provide a practicable arrangement. The area needs to be easily cleaned and sanitised, potentially including a foul floor gully trap for wash down and spills of waste.</p>

³⁵⁸ V Jones, Section 42A Report, Appendix 4, at p7.

7.10. Rule 12.5.4 Screening of Storage Space

473. This notified rule is carried over from the ODP. The rule attracted submissions³⁵⁹ seeking changes. In essence the notified rule required that all storage areas on sites with frontage to certain streets be located within a building, or otherwise, be screened.
474. Real Journeys³⁶⁰ sought to amend the rule to clarify that temporary storage of equipment on the wharf being transported via a vessel is either permitted or exempt from the rule. The submitter also sought to amend the rule to include a permitted rule allowing for storage of rubbish provided it was screened from neighbouring properties and public places.
475. IHG Queenstown Ltd and Carter Queenstown Ltd³⁶¹ requested that notified Rule 12.5.4.1 be deleted and that notified rule 12.5.4.2 should be applied to all sites in the zone. This would mean that storage areas would either be situated within the building or screened from view from all public places, adjoining sites including adjoining zones.
476. Ms Jones expressed the view that notified Rule 12.5.4.1 would not apply to the storage of goods on wharves as this rule only applied to sites that have frontage to Beach Street.³⁶² In other words, frontage to Beach Street (or one of the other streets listed) was required to trigger notified Rule 12.5.4.1. Goods stored on the wharf were controlled by notified Rule 12.4.3.
477. In relation to Submission 663, Ms Jones observed that the wording of notified Rules 12.5.4.1 and 12.5.4.2 had been carried over from the ODP but simplified to remove reference to street names and instead apply to the whole of the SCA. Also she ultimately agreed it was somewhat irrelevant whether the storage was within a building or within a well screened outdoor area.³⁶³ She concluded, and we agree, that relaxing notified Rule 12.5.4.2 to enable this alternative of screening without the need for the storage to be within a building would simplify the rule and provide for a greater range of suitable storage options.
478. Ms Jones had also expressed a concern that allowing outdoor storage areas could cause adverse visual effects and crime related effects.³⁶⁴ To address this concern, she recommended adding a further matter of discretion to the redraft rule relating to CPTED principles. She considered the addition of this further matter of discretion to be a consequential amendment of removing the need for storage to be within a building as required by notified Rule 12.5.4.1
479. In summary, Ms Jones recommended ³⁶⁵ removing notified Rule 12.5.4.1 and applying redrafted Rule 12.5.4.2 to all parts of the QTCZ, as well as adding a further matter of discretion to the redraft rule relating to CPTED principles.
480. We note that this redraft negates, to a degree, Ms Jones' comments that this rule would not apply to goods stored on the wharf. In our view, using the term "storage area" implies a permanent storage arrangement, not the temporary location of goods while they are waiting to be loaded onto a boat.

³⁵⁹ Submissions 621 and 663 (opposed by FS1191, FS1139)

³⁶⁰ Submission 621

³⁶¹ Submission 663, opposed by FS1139 and FS1191

³⁶² V Jones, Section 42A Report at [13.46].

³⁶³ Ibid at [13.49]

³⁶⁴ Ibid.

³⁶⁵ ibid at [13.50].

481. We have considered Ms Jones' Section 32AA assessment in relation to her recommendation described above and we agree with it for the reasons she provides. Having greater flexibility for storage options provided they are well screened is a sensible outcome and preferred over the notified Rule.

482. Accordingly we recommend Rule 12.5.4 be renumbered and amended to read:

12.5.3	Screening of Storage Areas <i>Storage areas shall be situated within a building or screened from view from all public places, adjoining sites and adjoining zones.</i>	<i>RD</i> <i>Discretion is restricted to:</i> <i>a. Effects on visual amenity</i> <i>b. Consistency with the character of the locality</i> <i>c. Effects on human safety in terms of CPTED principles and</i> <i>d. Whether pedestrian and vehicle access is compromised.</i>
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7.11. Rule 12.5.5 Verandas

483. As notified, Rule 12.5.5 required all new, reconstructed or altered buildings with frontage to listed roads to provide a veranda or other means of weather protection. Non-compliance with this required consent as a restricted discretionary activity.

484. This rule attracted a single submission³⁶⁶ that requested that buildings along Hay Street need not provide a veranda. Ms Jones explained the merit of requiring a veranda on Hay Street because it would provide an increasingly important pedestrian link to the Lakeview sub-zone. However, she also acknowledged that for practical reasons, namely the steepness of Hay Street, provision of verandas were impractical.³⁶⁷ She also noted that there was no requirement to provide verandas in the Isle Street or Lakeview Town Centre sub-zone beyond Hay Street. Finally because an all-weather pedestrian link already exists through the centre of the Man Street block, she recommended Submission 663 be accepted so that the requirement to provide a veranda on Hay Street be deleted from notified Rule 12.5.5.1.

485. We agree with that reasoning and accordingly recommend that the rule be adopted subject to deletion of Hay Street from the list of streets where verandas are to be provided, and renumbered as 12.5.4.1.

486. The ORC³⁶⁸ raised the issue of verandas potentially interfering with high-sided vehicles, in relation to notified Rule 12.5.5.2. We have discussed this issue earlier in relation to notified Rule 12.4.6.1. We are satisfied that with the amendment we are recommending to Rule 12.4.6.1, no change is necessary to this rule in response to this submission.

487. Consequently, we recommend the rule be renumbered as Rule 12.5.4, and be adopted as follows:

³⁶⁶ Submission 663, opposed by FS1139 and 1191

³⁶⁷ V Jones, Section 42A Report at [13.51].

³⁶⁸ Submission 798.

12.5.4	<p>Verandas</p> <p>12.5.4.1 Every new, reconstructed or altered building (excluding repainting) with frontage to the roads listed below shall include a veranda or other means of weather protection.</p> <ul style="list-style-type: none"> a. Shotover Street (Stanley Street to Hay Street) b. Beach Street c. Rees Street d. Camp Street (Church Street to Man Street) e. Brecon Street (Man Street to Shotover Street) f. Church Street (north west side) g. Queenstown Mall (Ballarat Street) h. Athol Street i. Stanley Street (Coronation Drive to Memorial Street). <p>12.5.4.2 Verandas shall be no higher than 3m above pavement level and no verandas on the north side of a public place or road shall extend over that space by more than 2m and those verandas on the south side of roads shall not extend over the space by more than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Consistency of the proposal and the Queenstown Town Centre Design Guidelines (2015) where applicable and b. Effects on pedestrian amenity, the human scale of the built form, and on historic heritage values.
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7.12. Rule 12.5.6 Residential Activities

488. There were no submissions on this rule. The only changes we recommend to it are renumbering it as Rule 12.5.5 and those formatting changes required for consistency with the approach we have taken through the PDP. Apart from those changes, which are shown in Appendix 1, we recommend the rule be adopted as notified.

7.13. Rule 12.5.7 Flood Risk

489. There were no submissions on this rule. We recommend it be renumbering as Rule 12.5.6 and rewording the standard to make it clearer. We recommend no changes to the matters of discretion. We recommend the standard read:

No building greater than 20m² with a ground floor level less than RL 312.0 masl shall be relocated to a site, or constructed on a site, within this zone.

7.14. Rule 12.5.8 Provision of Pedestrian Links

490. As notified, Rule 12.5.8 dealt with the provision of pedestrian links for any new buildings or building development in sites identified by the rule, both in Figure 1 and listed. Where the required link was not proposed, then the rule required consent as a restricted discretionary activity.
491. The NZIA submission³⁶⁹ sought recognition of the importance of pedestrian links, particularly those that are open to the sky. Other submitters sought revisions to the pedestrian link map, complaining the link map was of an insufficient size that only detailed existing pedestrian linkages. They also suggested the map should include future linkages and encompass the Gorge Road retail area and the expanded town centre.
492. Peter Fleming³⁷⁰ sought that the pedestrian link map include legal descriptions on sites over which pedestrian links were provided. Tweed Developments Limited³⁷¹ considered that the notified Rule 12.5.8 and Figure 1 should also include pedestrian connections provided as a result of covenants and agreements between the Council and property owners.
493. Ms Gillies³⁷² expressed the view that the pedestrian links were possibly a feature unique to the Queenstown town centre. She noted some have direct links to the town centre's historic beginnings while others are much more recent in time. Some were open to the sky. In her view, the character of the existing pedestrian links was varied.
494. Ms Gillies was very clear in her opinion that any existing pedestrian links should be retained.³⁷³ She was less certain on whether or not new links should be open to the sky or closed. She agreed Figure 1 (showing the existing pedestrian links) was inaccurate and should be updated.³⁷⁴ She supported new pedestrian links being encouraged as part of new developments. However, she did not think intended or proposed links should be shown on the PDP maps.³⁷⁵ She considered that new links should evolve from an assessment of the relevant site and after careful regard of design issues arising.
495. Mr Church³⁷⁶ supported Ms Gillie's opinion on the amendments and additions to the identified pedestrian links plan.³⁷⁷ He supported the approach of a network of pedestrian links being maintained and enhanced through the targeted notified Rule 12.5.8.1.³⁷⁸
496. Mr Church also did not support potential future pedestrian links being included on the identified pedestrian links plan.³⁷⁹ He, however, noted that recording those potential future links would have the benefit of potentially expanding the pedestrian link network across the

³⁶⁹ Submission 238, supported by FS1368, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, and FS1249

³⁷⁰ Submission 599

³⁷¹ Submission 617

³⁷² J Gillies, EIC at [11.3 - 11.5].

³⁷³ Ibid at [11.2]

³⁷⁴ Ibid at [11.4]

³⁷⁵ ibid at [11.5].

³⁷⁶ T Church, EIC at paragraphs 15.1 to 15.3

³⁷⁷ Ibid at [15.6].

³⁷⁸ Ibid.

³⁷⁹ Ibid at [15.8].

town centre which would lead, he said, to positive urban design outcomes.³⁸⁰ In his opinion it was preferred that provision of those potential future pedestrian links be reviewed more holistically with other parts of the movement and open space networks and be incorporated into non-statutory guidance, such as a revised town centre strategy or preparation of a streetscape framework.³⁸¹

497. Essentially Mr Church supported identification of potential alignment of lanes through both non-statutory documents and the use of ongoing restricted discretionary applications for comprehensive development plans, site coverage and building rules to achieve identification.
498. He was also of the opinion that utilising pedestrian links and other types of open space as an incentive to fulfilling restricted discretionary or non-complying planning requirements was appropriate.³⁸² Overall he considered this halfway house where Council identified potential alignment of lanes early through non-statutory documents and then utilised the resource consenting process, provided an appropriate balance between anticipated outcomes and provided flexibility around exact alignment for future applicants.³⁸³
499. In Mr Church's view, the benefits of lanes being open to the sky would be that it would allow the narrow width of the lane to feel more spacious and allow the users to remain in touch with changes in the external environment and activities.³⁸⁴ Being open to the sky would also allow connection with the surrounding natural and cultural landscape.
500. However, he also recognised that there was a place for covered lanes, bridging lanes and/or arcades, particularly in larger scale buildings with larger floor plates.³⁸⁵ Overall, he was of the view that any new pedestrian link should be established as a lane that was open to the sky and with a minimum width of some 4 m.³⁸⁶
501. Following consideration of the submissions and the expert evidence of Ms Gillies and Mr Church, Ms Jones made a number of recommendations:³⁸⁷
- a. Correction of the notified pedestrian link map, Figure 1, so as to improve the map, accurately capture related legal descriptions, and ensure that all formal existing laneways in pedestrian links were included;
 - b. The pedestrian link map be referred to in notified Rule 12.5.8 but the actual map be inserted at the end of Chapter 12;
 - c. Future potent links and laneways not be included on the pedestrian link map in the PDP;
 - d. Provision of links and laneways when consenting the buildings, or when development plans and building coverage applications were being considered. She agreed with Mr Church that it was appropriate that future links should be shown on documents such as the Queenstown Town Centre Strategy (2009), which document could be taken into account when consents were sought;
 - e. Amending notified Policy 12.2.2.5 (b) to specify that where such links or laneways were being offered as a trade-off for height, then those laneways should be open to the sky. She noted that this could also include the uncovering and restoration of Horne Creek;

³⁸⁰ Ibid.

³⁸¹ Ibid at [15.8].

³⁸² Ibid at [15.10].

³⁸³ Ibid at [15.10].

³⁸⁴ Ibid at [15.14].

³⁸⁵ Ibid at [15.16-15.17].

³⁸⁶ Ibid at [15.17].

³⁸⁷ V Jones, Section 42A Report at [13.56].

- f. Amending notified Rule 12.5.8 to clarify that where existing lanes and links were open to the sky, then they were to remain so. Also, if provided as part of a redevelopment of the site, lanes would be a minimum of 4 m wide, but where the existing link was covered then when the site is redeveloped it could remain covered but be at least 1.8 m wide;
- g. The pedestrian link map should not be extended beyond the town centre because to do so would be beyond the scope of Chapter 12;
- h. It was unnecessary to include text in the PDP recognising covenants or the such like because the existence of such a covenant was available as a consequence of a title search and further, the rules specify connections only need be in a general location as distinct from a specific location. (In relation to the submission by Tweed Developments Limited³⁸⁸).
502. Ms Jones considered it was preferable for lanes and links to be open to the sky.³⁸⁹ However, she recognised that existing use rights make such an outcome unrealistic, particularly in relation to existing links.³⁹⁰ Further, she considered if the nature and scale of the development with an existing link was changing then it could be opened to the sky.³⁹¹ She observed, however, that the fine grain of the SCA could limit the suitability of wider mid-block lanes in that area and narrower pedestrian lanes, even those not open to the sky made an important contribution to the town centre character.³⁹²
503. Overall, Ms Jones was of the view that, provided any redevelopment of those existing lanes was of a high quality, and importantly the CPTED principles were adhered to, then those narrower closed lanes could continue to make a positive contribution in the town centre.³⁹³ However, she was of the view that the narrower closed lanes should not be replicated in any new development areas on the periphery of the town centre where the scale of the grid and built form differs and where lanes of the sort provided in the Church Street and Post Office precincts were much more suited.³⁹⁴
504. Mr Williams, appearing for several submitters³⁹⁵, accepted the desirability of providing pedestrian links but was concerned about the economic implications for the affected landowners of providing protection for those pedestrian links.
505. He referred us to the evidence of Mr Staniland and Mr Johnston for illustrations of the significance of the financial impact of providing pedestrian links.
506. Mr Johnston³⁹⁶ made the point that a rule requiring a pedestrian link would not only greatly diminish potential future design flexibility and earning capability in the form of rental income but would be effectively a designation.³⁹⁷ He added that it would strip Trojan Holding Limited of its development rights, with that company, not the designating authority, having to bear financial responsibility for the pedestrian link.³⁹⁸ Mr Todd elaborated on this point in his legal submissions which we will return to later.

³⁸⁸ Submission 617

³⁸⁹ V Jones, Section 42A Report at [13.57].

³⁹⁰ Ibid.

³⁹¹ Ibid.

³⁹² Ibid.

³⁹³ Ibid.

³⁹⁴ Ibid.

³⁹⁵ Submissions 398, 596, 606, 609, 616 and 617.

³⁹⁶ On behalf of Trojan Holdings Limited

³⁹⁷ N Johnston, EiC at [8].

³⁹⁸ Ibid.

507. Mr Staniland³⁹⁹ was concerned that the PDP sought to formalise pedestrian links within the Skyline Arcade building. He explained that informal pedestrian access was provided as part of the development of the Arcade Building when it was erected many years ago.⁴⁰⁰
508. It was his opinion and concern that it was unfair for the Council to impose a penalty in the form of a de facto designation of a pedestrian link on the submitter because future development options would be reduced as would rental returns.⁴⁰¹ Also, because this was a de facto designation SEL would not be able to obtain compensation as would usually be the case from the designating authority.⁴⁰² He wished to see the pedestrian links proposal for the QTCZ rejected.
509. Mr Williams was concerned that while Objective 12.2.2.5 identified the potential to enable additional height, it only made reference to connections or pedestrian links if they were uncovered.⁴⁰³ He noted, insofar as his clients were concerned, the Skyline Arcade and the link through Stratton House are covered.⁴⁰⁴ He observed that those connections gave rise to a significant financial cost to development but under the objective as worded there did not appear to be methods to offset this cost or loss. As he put it, because the policy did not provide additional height when the proposed pedestrian link was covered, he considered the provision of a covered link should also enable consideration of offsets.⁴⁰⁵
510. Mr Williams also considered that, given the financial cost of providing a pedestrian link through a building, some regard should be had to already established existing pedestrian links.⁴⁰⁶
511. As an example he drew attention to the link through Stratton House, noting that link was within 15 m of another lane which provided connection from Beach Street to Cow Lane.⁴⁰⁷ He also considered the PDP needed to recognise the significant financial cost of providing links and provide methods to compensate for this loss.⁴⁰⁸
512. Mr Todd, for these submitters⁴⁰⁹, identified for us that those submitters had voluntarily provided pedestrian walkways. He identified two such pedestrian walkways within the Trojan Holdings and Beach Street Holdings Limited building known as Stratton House located between the Beach Street and Cow Lane and the other being within the Skyline Arcade between Cow Lane and the Mall.⁴¹⁰
513. In essence, Mr Todd's clients' concern was the PDP⁴¹¹ seeking to provide for the formalisation, the retention and, in some cases, enhancement to these pedestrian links and others, through various properties in the Queenstown Town Centre.⁴¹² As we understood Mr Todd's

399 On behalf of Skyline Enterprises Limited.
400 R Staniland, EIC at [12].
401 Ibid.
402 Ibid.
403 T Williams, EIC at [53].
404 Ibid.
405 Ibid.
406 ibid at [54].
407 Ibid.
408 Ibid at [55].
409 Submitters 1238, 1239, 1241, 1248 and FS606, 609 and 616.
410 Synopsis of Legal Submissions of Mr Todd at [3].
411 Suggested in the Section 42A Report.
412 Synopsis of Legal Submissions of Mr Todd at [1].

submission, identification of those pedestrian links on the pedestrian link plan amounted to the formalisation he was concerned with.

514. Mr Todd submitted that the proposal to include in the PDP rules requiring such linkages was in effect the imposition of *de facto* designations.⁴¹³ Moreover, the Council had not taken any financial responsibility or indeed offered any compensation for the offsetting of such links.⁴¹⁴ This was exacerbated by the resultant potential loss of land available for development and subsequently leasing.
515. He further submitted that such a proposal was repugnant to sound resource management practice where no compensation or incentive was offered to the affected parties in return for something for which the public would benefit.⁴¹⁵ He further noted that it would be wrong to think that the Council was doing nothing more than formalising what was in existence through promoting this rule.⁴¹⁶
516. Mr Todd submitted that it would be wrong for the Council to seek to take advantage of what is a public benefit from a developer who has chosen to provide a pedestrian link in a particular design of a building.⁴¹⁷ He referred to the Environment Court case of *Thurlow Consulting Engineers and Surveyors Ltd v Auckland City Council*⁴¹⁸ where the Court found it would be inappropriate to provide for what was effectively a designation over land providing for the identification of a future road without the Council using its designation powers to take the land and compensate the land owner.⁴¹⁹
517. Within her Reply Statement, Ms Jones carried over many of the amendments to notified Rule 12.5.7 she recommended within her original Section 42A Report. The additional changes she recommended were matters of clarification, and we consider all of her further recommended changes provided certainty and clarity.
518. We find ourselves in agreement with her recommendations primarily for the reasons she advanced within her Section 42A Report. We agree with her that correctly referring to the location of existing pedestrian links with the QTC is important. We agree with the amendments she has made to correctly identify the location of these existing pedestrian links.
519. As to the submitters' concerns that including existing pedestrian links on Figure 1 within the PDP would amount to a *de facto* designation without providing them access to compensation, we find that we disagree.
520. We prefer the approach taken by Ms Scott in her legal submissions in reply⁴²⁰. We agree that the case relied upon by Mr Todd is capable of being distinguished. We also agree that the *Thurlow* case is not about the Court refusing to uphold a rule only because it was a *de facto* designation. More correctly, the Court refused to uphold the rule because of uncertain wording of the rule.

⁴¹³ Ibid at [4].

⁴¹⁴ Ibid.

⁴¹⁵ Ibid.

⁴¹⁶ Ibid at [5].

⁴¹⁷ Ibid.

⁴¹⁸ [2001] NZEnvC 82 (substantive) and [2001] NZEnvC 97 (costs)

⁴¹⁹ Synopsis of Legal Submissions of Mr Todd at [6].

⁴²⁰ Legal Submissions in Reply of Mr Winchester at [5.13 to 5.17]

521. None of the uncertainty evident in the *Thurlow* case exists here. There is no uncertainty about the location of the existing pedestrian links. As we read the rules, it is clear that if a pedestrian link is not provided, resource consent will be required but that the link needs to be in the general rather than the exact location shown as per the Reply version of Rule 12.5.8.1.
522. Also, we think it clear from the advice note included in the rule that where an alternative link is proposed, as part of the resource consent application, which is not on the development site but achieves the same or better outcome, then that is likely to be considered appropriate.
523. There was no evidence presented to us that the pedestrian links require a designation. We accept Ms Scott’s submission that the plan provisions for pedestrian links can be compared to other built form standards and requirements. Also, provided these plan rules are related to achieving the purpose of the Act, they can be included in a district plan as a standard as they have been in this case. We think the evidence of the submitters, as well as Mr Todd’s submissions, ignore the fact that provision of new pedestrian links could result in gains for a resource consent applicant through additional height.
524. In conclusion, it is our view that the submitters’ concerns about *de facto* designations and alternative nearby pedestrian links not being properly taken into account, are unfounded.
525. Accordingly, we recommend that the changes to notified Rule 12.5.8, renumbered 12.5.7, as set out below be adopted for the reasons we have set out above.

<p>12.5.7</p>	<p>Provision of Pedestrian Links and lanes</p> <p>12.5.7.1 All new buildings and building redevelopments located on sites which are identified for pedestrian links or lanes in Figure 1 (at the end of this chapter) shall provide a ground level pedestrian link or lane in the general location shown.</p> <p>12.5.7.2 Where a pedestrian link or lane required by Rule 12.5.8.1 is open to the public during retailing hours the Council will consider off-setting any such area against development levies and car parking requirements.</p> <p>12.5.7.3 Where an existing lane or link identified in Figure 1 is uncovered then, as part of any new building or redevelopment of the site, it shall remain uncovered and shall be a minimum of 4m wide and where an existing link is covered then it may remain covered and shall be at least 1.8 m wide, with an average minimum width of 2.5m.</p> <p>12.5.7.4 In all cases, lanes and links shall be open to the public during all retailing hours.</p>	<p>RD</p> <p>Where the required link is not proposed as part of development, discretion is restricted to:</p> <p>a. The adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link.</p>
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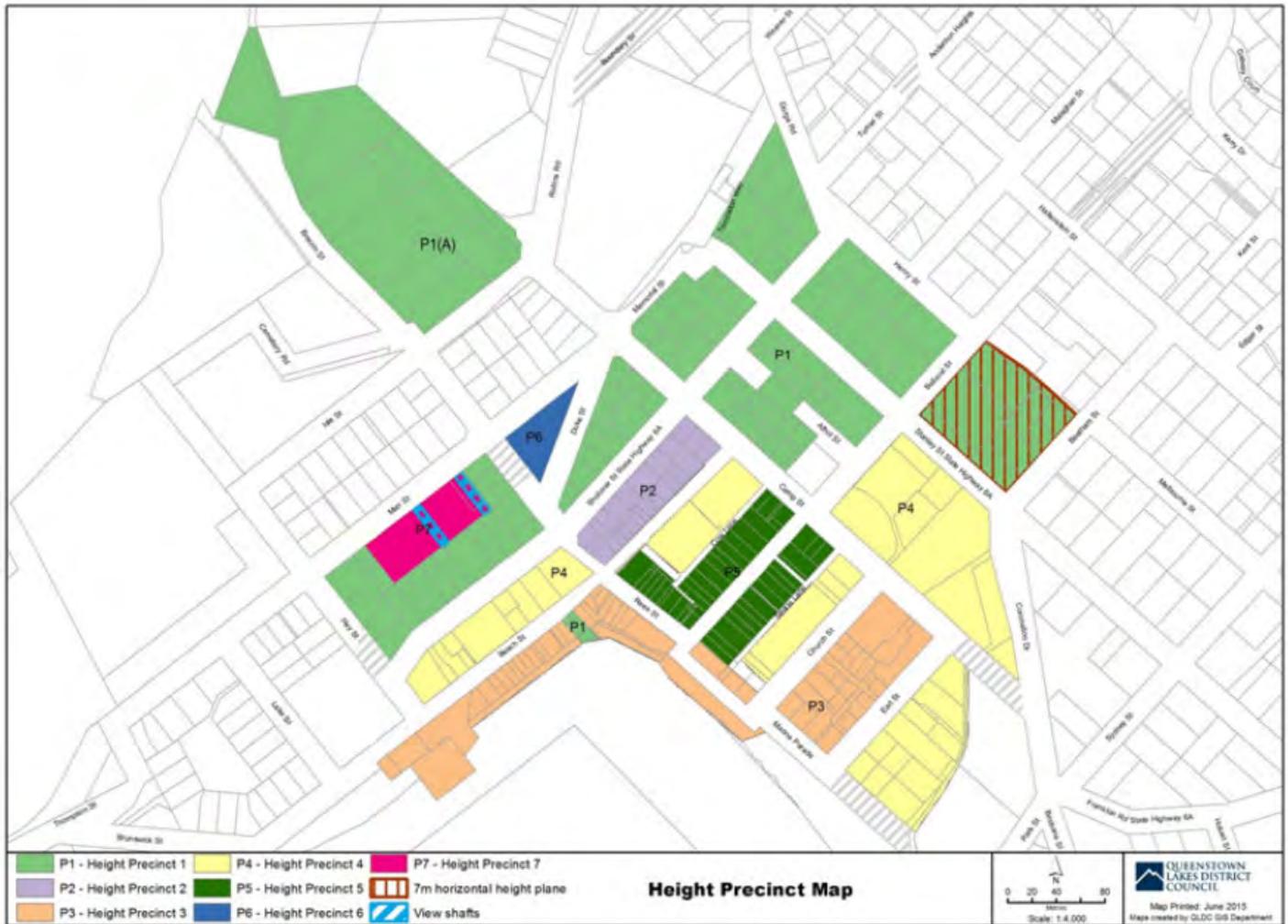
	<p>Location of Pedestrian Links within the Queenstown Town Centre.</p> <ul style="list-style-type: none"> a. Shotover St/ Beach St, Lot 2 DP 11098, Lot 3 DP 11098 b. Trustbank Arcade (Shotover St/ Beach St), Lot 1 DP 11098, Pt Sec 23 Bk VI Tn of Queenstown c. Plaza Arcade, Shotover St/ Beach St, Lot 1 DP 17661 d. Cow Lane/ Beach Street, Sec 30 Blk I Tn of Queenstown e. Cow Lane/ Beach Street, Lot 1 DP 25042 f. Cow lane/ Ballarat Street, Lot 2 DP 19416 g. Ballarat St/ Searle Lane, Sec 22 & Pt Sec 23 Blk II Tn of Queenstown h. Ballarat Street/ Searle Lane, part of the Searle Lane land parcel i. Church St/ Earl St, Lot 1 DP 27486 j. Searle Lane/ Church St, Lot 100 DP 303504 k. Camp/ Stanley St, post office precinct, Lot 2 DP 416867 l. Camp/ Athol St, Lot 1 DP 20875. <p>Advice Notes:</p> <ul style="list-style-type: none"> a. Where an uncovered pedestrian link or lane (i.e. open to the sky) is provided in accordance with this rule, additional building height may be appropriate pursuant to Policies 12.2.2.4 and 12.2.2.5. b. Where an alternative link is proposed as part of the application, which is not on the development site but achieves the same or a better outcome then this is likely to be considered appropriate. 	
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7.15. Height Rules

Height - General

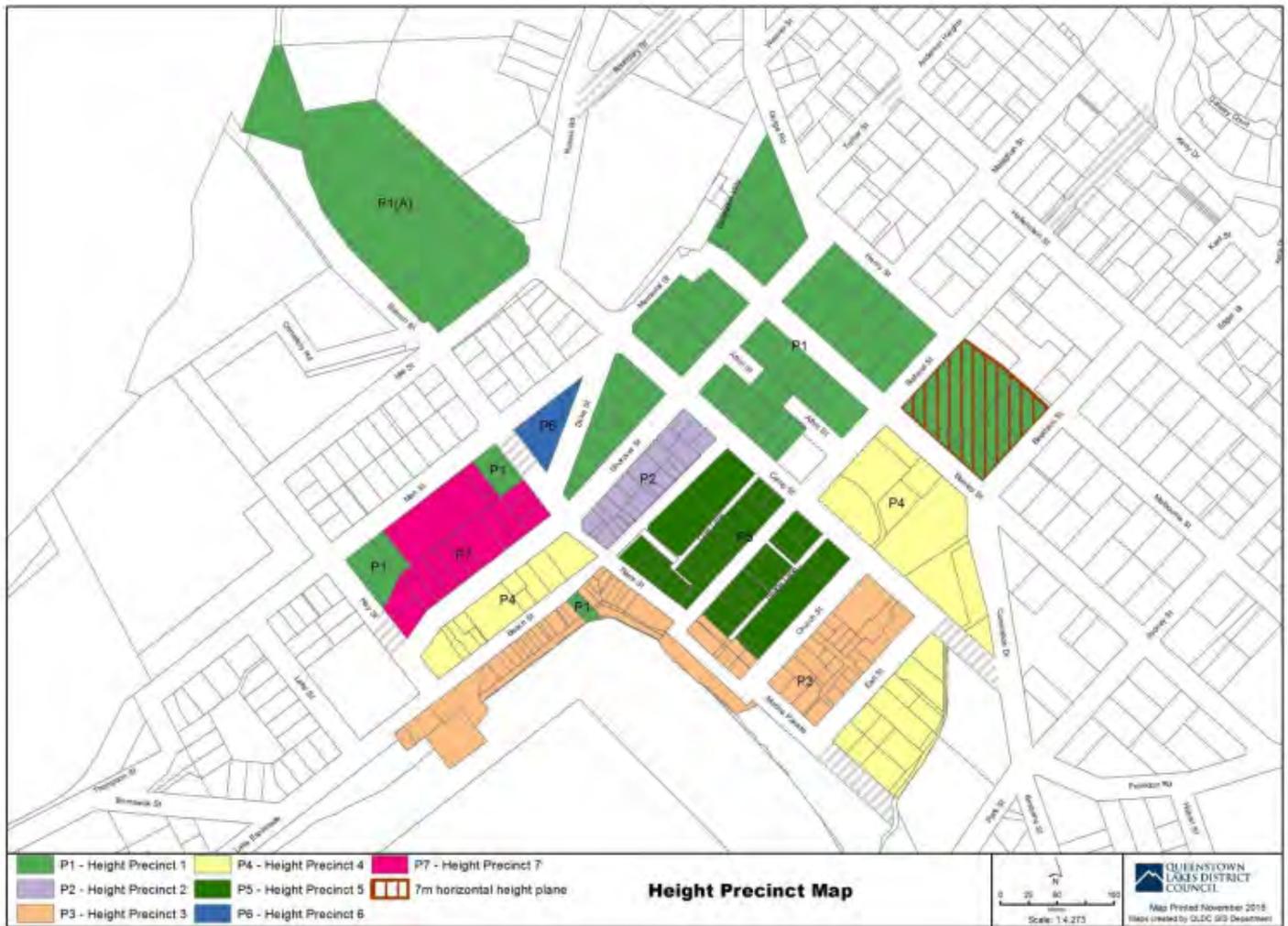
526. As notified, the QTCZ introduced the concept of mapped height precincts as a clearer way of applying different heights to the various parts of the QTC than the approach taken in the ODP.
527. The two notified Rules, 12.5.9 and 12.5.10, dealt not only with height for the various precincts, but included recession line controls. The discretionary height controls for Precincts 1 and 1A were included within notified Rule 12.5.9.1, and the recession line controls for Precinct 1A were in Rule 12.5.9.2. Non-compliance with these rules required consent as a restricted discretionary activity.
528. Notified Rule 12.5.10 included horizontal and recession plane line rules for Precincts 1, 2, 3, 4, 5, 6. This rule also provided view shaft rules for Precinct 7. We will return to these recession control sub-rules when we discuss each precinct. Rule 12.5.10 also set what was referred to in the rule as an “absolute” height limit in Precinct 1, and maximum height limits in all other parts of the QTC. Non-compliance with Rule 12.5.10 required consent as a non-complying activity.
529. Rules 12.5.9 and 12.5.10 both referred to the Height Precinct Map, Figure 2, which identified the height precincts and their locations. We will refer to this throughout our report as Figure 2, and identify which version we refer to. In addition to this, we include Figure 2 in the following discussion in order to aid the reader in understanding how the height precincts and rules evolved through the hearing process.
530. Christine Byrch⁴²¹ neither supported nor opposed notified Figure 2 and therefore we recommend this submission be rejected.
531. Notified Figure 2 was included in Chapter 12 as follows:

⁴²¹ Submission 243, opposed by FS1224



532. While out of chronological order, we note here the version of Figure 2 attached to Ms Jones Section 42A Report was inserted by error. Prior to the hearing, by memorandum of 8 November 2016, a version of Figure 2 consistent with the recommendations in her Section 42A Report, was circulated to all participants. That Map contained the following amendments to the Precincts:
- Precinct 7 was extended down to Shotover Street to include the majority of the Man/Hay/Shotover/Brecon Street Block
 - Precinct 5 was extended to include those parts of the south side of Upper Beach Street and the North side of Church Street, which were shown as Precinct 4 in the notified version
 - That part of Precinct 3 between the Mall and Church Street was extended north-east to include the adjacent sites.

533. The 8 November 2016 version of Figure 2 (S42A Figure 2) was as follows:



Background to the Notified Height Rules

534. Before we discuss the submissions, we provide some background to the notified provisions, utilising the information in Ms Jones’ Section 42A Report. Building height within the QTCZ was one of the principal issues in the Chapter 12 hearings and as such we think it important to provide a full discussion to aid in understanding the rules and the recommendations we make to amend the height rules.
535. Within her Section 42A Report, Ms Jones⁴²² helpfully included a table setting out a comparison between the ODP and PDP height rules for Precincts 1 to 7 and buildings on wharves.⁴²³ She also identified if there were submissions on the changes to the various precincts.
536. Ms Jones summarised⁴²⁴ the effect of the notified rules in the PDP, and we repeat that summary here:
- a. Permitted heights in Precinct 1/ Precinct 1A were increased by virtue of the fact that the recession plane rule had been removed and buildings between 12m and 14m (15/ 15.5m on identified sites) were restricted discretionary rather than non-complying. However, given the 4 story maximum rule, the amount of additional floor space/ mass provided for

⁴²² at Issue 2

⁴²³ V Jones, Section 42A Report at p 24-26.

⁴²⁴ Ibid at [10.20].

- by the rules was unlikely to change significantly. Of significance, Precinct 1 sites adjacent to the proposed Precinct 7 were no longer subject to a horizontal plane rule
- b. Permitted heights in Precinct 2 were increased along the Shotover Street frontage and a minor (0.5 m) height increase had been provided along the Beach Street frontage in order to achieve better design while minimising shading effects
 - c. The rules relating to Precinct 5, Precinct 6, and buildings on wharves/ jetties were unchanged and no submitter opposed those
 - d. Two large developed areas which were previously subject to restrictive (character-based) recession plane rules were now included in Precinct 4
 - e. In Precinct 7, the maximum height enabled was set at 11 m above the existing concrete slab (created by the underground carpark), which meant the height enabled a consistent building height across the site that was higher than under the ODP in some parts of the site, and possibly lower in others.
537. As to the reasons for the changes between the ODP and PDP in relation to height, Ms Jones referred us to the Monitoring Report for the town centre.⁴²⁵ She identified that between 2004 and 2011 there were a sizeable number of resource consent applications seeking to obtain consent for over-height buildings.⁴²⁶ Ms Jones also gave us a summary of development in the QTC over the last 17 years based on her own knowledge.⁴²⁷ Whilst she advised this was not an exhaustive list, we found it helpful to gain an appreciation of the extent of resource consents obtained for recently constructed buildings.⁴²⁸ She concluded that very few buildings managed to be designed within the ODP height rules and as such the emerging character of the town centre did not reflect those rules.⁴²⁹
538. Ms Jones further concluded that the height rules within the ODP were not efficient and did not provide any certainty or direction as to what level or extent of height breaches would be appropriate and why.⁴³⁰ Further, she went on to say that the ODP rules did not accurately reflect the existing character/environment. The PDP rules proposed were, she advised, a more accurate reflection of the bulk and form evolving, particularly in Precinct 1, over recent years via non-complying resource consent applications⁴³¹.
539. Ms Jones set out in detail the shade modelling⁴³² used to test the extent of additional shading under various height scenarios so as to inform the ultimate height level rules within the PDP. She noted that the model provided an indication of the outcome that could be expected in terms of bulk and mass of buildings relative to street widths, adjacent buildings and open spaces.⁴³³
540. In the case of Precinct 7 and the surrounding Precinct 1 sites (the Man Street Block), Ms Jones told us that the effects that the various height scenarios could have on visual amenity, architectural outcomes, economic viability, and public and private views within the zone were also able to be considered utilising the model.⁴³⁴

⁴²⁵ Ibid at [10.21].

⁴²⁶ Ibid.

⁴²⁷ Ibid.

⁴²⁸ Ibid at [10.21].

⁴²⁹ Ibid at [10.22].

⁴³⁰ Ibid at [10.22a].

⁴³¹ Ibid at [10.22b].

⁴³² Undertaken by the QLDC IT Department in 2014 using CityEngine software.

⁴³³ V Jones, Section 42A Report at [10.23].

⁴³⁴ Ibid.

541. Ms Jones noted that, for all areas, other than Precinct 1A, the existing built environment was included in the model.⁴³⁵ This provided a useful context in terms of the existing use rights/receiving environment of the town centre. It also demonstrated how extensively the buildings encroached beyond the ODP permitted heights.

542. For the precincts where Ms Jones recommended change, or submitters sought change, we utilised the results of the modelling to help us determine which outcome in terms of height was to be preferred. In some instances, where height had been specifically opposed by submitters, snap shots of various scenarios were created, enabling better evaluation of options. These snap shots were attached to Mr Church's evidence⁴³⁶.

Shade Modelling

543. Ms Jones described the methodology, assumptions and limitations of the model.⁴³⁷ She also detailed⁴³⁸ how the model had been utilised for the purpose of considering submissions on the notified chapter. She described for us the dates chosen for modelling and reasons why.⁴³⁹ Two dates were modelled: lunchtime on 11 July and 11 August, lunchtime being a busy time for pedestrians and diners wishing to eat outside. The July date fell within the winter peak season and coincided with New Zealand and Australian school holidays. She also provided specific details relating to the Man Street Block assessment methodology.

544. Ms Jones identified those submitters⁴⁴⁰ who had lodged general submissions in relation to the height rules either seeking significantly higher heights, or opposing building height increases. Her response to those general submissions was that she considered, in principle, building height could be increased beyond those in the ODP in some parts of the town centre in order to achieve the objectives of a high quality urban design, character, heritage values and sense of place for the town centre.⁴⁴¹

Policy Context for Consideration

545. Before turning to consider the height precincts we remind ourselves the policy settings focus on ensuring positive outcomes or net environmental benefits as a result of enabling additional height, rather than simply minimising adverse effects from allowing height increases. Also, the policy setting contemplates breaches in only exceptional circumstances and only where there are specific public benefits provided, such as pedestrian links, which outweigh negative effects. Increases in height can and do cause issues for public spaces, particularly loss of sunlight, increases in winter shading, and general reduction in amenity of those spaces. Again the policy setting recognises and addresses such issues.

546. Ms Jones discussed each of the precincts in turn in relation to the submissions received specifically on each precinct, drawing mainly on the evidence of Mr Church to develop and support her recommendations. We will discuss the issues, precinct by precinct. In doing so, we refer to them as precincts, although in the rules they are formally called Height Precincts.

⁴³⁵ Ibid.

⁴³⁶ T Church, EIC, Appendix A

⁴³⁷ V Jones, Section 42A Report at [10.25].

⁴³⁸ Ibid, at paragraph 10.26

⁴³⁹ Ibid at [10.26 b].

⁴⁴⁰ Submissions 20, 187, 438, 159, 417, (opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249), 238 (supported by FS1368 and opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249)

⁴⁴¹ V Jones, Section 42A Report at [10.27].

- 7.16. Notified Rule 12.5.9 Discretionary Building Height in Precinct 1 and Precinct 1(A) and Rule 12.5.10 maximum building and façade height.
547. As notified, Rule 12.5.9 provided for heights in Precinct 1 and 1(A) as follows:
- a. In Precinct 1, buildings had a maximum permitted height of 12m, exceedance to 14m being a restricted discretionary activity, and higher than 14m being a non-complying activity. The exception being 48-50 Beach Street that had permitted height to 12m, restricted discretionary between 12m and 15m, above which was non-complying
 - b. Precinct 1(A) had a permitted height of 12m, restricted discretionary to 15.5m, above which was non-complying.

Precinct 1

548. Notified Precinct 1 included land outside the SCA which Ms Jones considered held potential for redevelopment and that would result in the least shading effects over and above the existing situation.⁴⁴²
549. In particular, Precinct 1 included most of the land fronting Shotover and Stanley Streets, the newly added (by virtue of the PDP) QTCZ on Upper Brecon Street and 48 to 50 Beach Street⁴⁴³, currently occupied by AVA backpackers, adjacent to Earnslaw Park. Ms Jones reminded us that 48 to 50 Beach Street was recognised as a unique case due to existing use rights and the opportunity that particular site provided to create a landmark building when developed in the future.⁴⁴⁴ She informed us the highest building heights in the town centre were allowed in this area.⁴⁴⁵
550. Precinct 1A was the area bounded by Isle Street, Brecon Street, and Roberts Road, all being land around and neighbouring the PC 50 land which has had its building height limits increased by that Plan Change.
551. Three submitters⁴⁴⁶ sought that the maximum height limit in Precinct 1 be changed from 12 m down to 8.5 m. The reasons given, primarily in Ms Baker-Galloway's submission⁴⁴⁷, were that an increase in height would adversely affect views, sunlight, and the quality of public spaces, and also would contradict notified Policies 12.2.2.2 and 12.2.2.3.
552. Ms Baker-Galloway was also concerned that an increase in height would, in turn, increase the number of workers and visitors to the town centre resulting in an increase in traffic congestion, pollution and parking. Peter Fleming⁴⁴⁸ also opposed the notified height in Precinct 1 because increasing height would, in his view, effect the village square proposal and the waterfront.
553. Skyline Investments Limited & O'Connells Pavilion Limited⁴⁴⁹ supported the 15m height allowance for secs 4-5 Blk XV Queenstown Tn (the lake front site adjacent to Earnslaw Park currently occupied by AVA backpackers); Skyline Properties Limited & Accommodation and

⁴⁴² V Jones, Section 42A Report at [10.29].

⁴⁴³ Legal description: sections 4-5 Blk XV Queenstown Town

⁴⁴⁴ V Jones, Section 42A Report at [10.29].

⁴⁴⁵ Ibid.

⁴⁴⁶ Submissions 59 (supported by FS1059, FS1063, opposed by FS1236, FS1075, FS1125), 82 (supported by FS1063, opposed by FS1107, FS1125, FS1226, FS1234, FS1236, FS1239, FS1241, FS1248, FS1249, FS1274), 206 (supported by FS1063, opposed by FS1060, FS1236, FS1274)

⁴⁴⁷ Submission 59

⁴⁴⁸ Submission 599

⁴⁴⁹ Submission 606 (opposed by FS1063)

Booking Agents Queenstown Limited⁴⁵⁰ supported the 14m height allowed on the Chester building site on Shotover Street; Shotover Memorial Properties Limited & Horne Water Holdings Limited⁴⁵¹ supported the inclusion of 9 Shotover St in Precinct 1 and the 14m/ no recession plane height rule that applied; and The New Zealand Fire Service⁴⁵² requested that notified Rule 12.5.9 be retained.

554. Relying upon Mr Church's evidence, and the Section 32 Report, with the exception of removing the reference to 4 storeys from notified Rule 12.5.9 and enabling the creation of landmark buildings to be considered at resource consent stage, Ms Jones considered the Precinct P1 height rules as notified (12 m) to be the most appropriate, when compared with the alternatives proposed: a maximum 8.5 m height; the ODP rules; or increase in heights beyond the 12 m height.⁴⁵³
555. Ms Jones was also of the view that the proposed height rules for Precinct 1 would be both effective and efficient at achieving the relevant objectives: Objectives 12.2.1, 12.2.2 and 12.2.4.⁴⁵⁴ Overall, she considered the rules struck a balance between the status quo and enabling some modest increases in height which would help design and efficiency, without adversely affecting shading to any extent.⁴⁵⁵
556. Ms Jones relied heavily upon Mr Church's expert evidence⁴⁵⁶ as to the results of the shade modelling and shade effects of heights at both 12 m and 14 m. She noted from these shading diagrams that buildings above 12m could potentially have unacceptable adverse effects on sunlight access to public space.⁴⁵⁷ She considered the 14m height allowance as a restricted discretionary activity sent the signal that there should be no presumption that granting consent at 14m would be appropriate in all circumstances.⁴⁵⁸ She observed beyond 14m would be subject to non-complying resource consent.
557. Ms Jones paid particular attention to the shading effects from the heights permitted by the notified rules on the sites specifically mentioned in submissions, with reference to Mr Church's evidence.⁴⁵⁹ She concluded those heights were appropriate.
558. Ms Jones described that she undertook a shading analysis using the model when drafting the provisions.⁴⁶⁰ She and Mr Church undertook a further analysis prior to preparation of both his evidence and her Section 42A Report.⁴⁶¹
559. The criteria they chose was that the maximum permitted building height should not create any more than minor additional shading on a 2.5 m strip of public pedestrian space on the opposite side of the road up until at least 12:30 PM, that is, mid lunchtime. This time would be assessed at or around the time of year that this pedestrian strip came into full sun under the ODP rules following the mid-winter months.

450 Submission 609 (opposed by FS1063)

451 Submission 614 (supported by FS1200)

452 Submission 428

453 V Jones, Section 42A Report at [10.33].

454 Ibid at [10.34].

455 Ibid.

456 In particular figures 10 and 12 in Appendix A to Mr Church's evidence.

457 V Jones, Section 42A Report at [10.36].

458 Ibid

459 Ibid.

460 Ibid at [10.37].

461 Ibid.

560. Applying that criteria, Ms Jones and Mr Church found that on most streets, this pedestrian strip would be in full shade during the busy lunch hour for many of the winter months even under the ODP rules.⁴⁶² Her conclusion was that there was little point in considering shading effects during those months as they would essentially be nil.
561. The criteria, as Ms Jones explained, was further developed so as to ensure this key pedestrian strip of public space should be in sunlight for as many months of the year as possible.⁴⁶³ She considered this outcome was important to achieve the amenity and vibrancy of the town centre, leading to its economic development and resulting in the social well-being of the wider community.⁴⁶⁴ Essentially, access to sunlight was an important component in the criteria and that access was to be extended for as many months of the year as possible. She and Mr Church concluded that a model using the equinox as the key date was of little use, because in most instances there would be little if any effect on sunlight over the critical public space at that time of year, regardless of the height being tested.⁴⁶⁵
562. Ms Jones concluded that, given the objective, which was to recognise and provide for the amenity, social and economic benefits that accrue from providing sunny outdoor space, it was inappropriate to impose heights which would provide little or no sun to key public spaces and busy foot paths for up to 6 months of the year.⁴⁶⁶ She explained this resulted in testing the model on the wider streets such as Shotover Street on 11 July, which is one of the busiest months in terms of tourism, and the narrow pedestrian streets of Beach Street and the Mall on 11 August.⁴⁶⁷
563. Taking into account Ms Jones' opinions and explanations as to the criteria chosen, how it was developed over time, the objective or outcome, and deployment of the model, we agree and accept all of these matters are appropriate to properly enable and inform choices in height for the various precincts. Our findings in this regard are also made in reliance upon Mr Church's evidence.
564. After undertaking the modelling exercises and other assessments described, Ms Jones expressed the opinion that a 14m high building could be designed to achieve a human scale and to accommodate four stories of reasonable internal quality, plus an interesting roof.⁴⁶⁸
565. Ms Jones considered that enabling a 14m height as a restricted discretionary activity, as opposed to being non-complying under the ODP, was a far more efficient outcome than triggering a non-complying consent.⁴⁶⁹ She also considered this outcome would have the indirect effect of discouraging those wishing to develop four stories from trying to squeeze them into the 12m height available under the ODP, which resulted in a relatively poor outcome.⁴⁷⁰

⁴⁶² Ibid.

⁴⁶³ Ibid at [10.38].

⁴⁶⁴ Ibid.

⁴⁶⁵ Ibid at [10.38].

⁴⁶⁶ Ibid.

⁴⁶⁷ Ibid.

⁴⁶⁸ Ibid at [10.39].

⁴⁶⁹ Ibid.

⁴⁷⁰ Ibid

566. We agree with that opinion, particularly given the resource consent history Ms Jones referred us to. We see that adopting a restricted discretionary activity status as opposed to non-complying is preferred because it would be more efficient and effective.
567. We are also satisfied that the various heights promoted by Ms Jones have been properly and robustly assessed using appropriate criteria which has been informed by the overall objective or outcome sought for Precinct 1.
568. Specifically referring to 48 to 50 Beach Street, Ms Jones agreed with Mr Church's analysis and investigations that the shading effects of the proposed height limits at 12m as per Rule 12.5.9, as compared with the ODP building height, would be minimal.⁴⁷¹
569. Ms Jones relied on Mr Church's view and opinion that the role of landmark buildings should be included as a matter of discretion in relation to whether granting restricted discretionary height is appropriate.⁴⁷² She recommended inclusion of this matter as new item d.
570. Taking all of the above into account, particularly the shading analysis, and the prior resource consent history within Precinct 1, we recommend that:
- a. the permitted height limit in Precinct 1 be 12 m;
 - b. between 12 to 14 m be a restricted discretionary activity; and
 - c. above 14 m be non-complying.
571. We also recommend that, in terms of 48 – 50 Beach Street:
- a. 12 m be the permitted height;
 - b. between 12 to 15 m be a restricted discretionary activity; and
 - c. above 15m be non-complying.
572. In coming to this conclusion, we have accepted the shading evidence of Mr Church, and the opinion of Mr Jones that these revised PDP rules would impose a lesser consenting barrier and lower consenting costs. In addition, we agree the increased height is likely to enable or encourage only a modest increase in capacity which would have no significant effect on the number of workers and visitors to the town centre, traffic congestion, pollution or parking.
573. Within Precinct 1 there is an area with a 7m horizontal plane rule, notified as a Rule 12.5.10.1 b including an explanatory diagram. That rule was not the subject of submissions. However, consequent on alterations to the Height Precinct Map, Ms Jones recommended some drafting alterations. We have suggested some clearer wording to this rule as well.
574. Our recommended wording of this rule, renumbered as Rule 12.5.9.b, is set out at the end of our discussion on height rules.

Precinct 1A

575. For Precinct 1A, QLDC⁴⁷³ requested an amendment to notified Rules 12.5.9 and 12.5.10.1 such that building height up to 12 m would be permitted, heights between 12 and 15.5 m would be restricted discretionary, and those beyond 15.5 m would be non-complying. Skyline Enterprises Limited⁴⁷⁴ opposed this relief, seeking an absolute height limit of 17.5 m over Section 1 SO 22971. We note that a further submission may only support or oppose a

⁴⁷¹ *ibid* at [10.40].

⁴⁷² *ibid*

⁴⁷³ Submission 383, opposed by FS 1236

⁴⁷⁴ FS1236

submission, not substitute a relief which goes beyond that in the original submission. We therefore disregard this request for additional height.

576. In its original submission⁴⁷⁵, Skyline Enterprises Limited sought that the proposed maximum height allowed in Precinct 1A be changed to 15.5 m.
577. Other submissions⁴⁷⁶ sought minor wording amendments to the Precinct 1A rule, which Ms Jones considered to be clarification only.
578. Ms Jones, referring to the Section 32 Evaluation Report and her further Section 32AA, said she considered the amendments sought by QLDC in terms of height within Precinct 1A to be the most appropriate compared to the alternatives of the ODP permitted building height (7-8 m), or retaining the notified PDP provisions (permitted up to 14 m and non-complying thereafter).⁴⁷⁷
579. As well, it was Ms Jones' view that the key reasons for recommending 12 m as permitted with a recession plane and up to 15.5 m as restricted discretionary, were that doing so would utilise the rule framework that was proposed for Precinct 1.⁴⁷⁸
580. That framework provided a base level of allowable height and an additional height providing the building was well designed. It also enabled more height, 15.5 m rather than 14 m, as is provided for in most parts of Precinct 1, in order to be consistent with building heights on the surrounding properties.
581. Ms Jones noted that on the surrounding properties, ODP Plan Change 50 had become operative with the effect that sites on the opposite side of Isle Street were subject to a 12 m height limit plus an additional 2 m roof bonus.⁴⁷⁹ Also height could further be extended up to 15.5 m if the site exceeded 2000 m² and fronted Isle or Man Street. She considered the ODP 7-8 m limit to be inconsistent with the heights that were enabled by Plan Change 50, which affected many of the properties adjacent to Precinct 1A.⁴⁸⁰
582. Ms Jones pointed out that the notified limits were inconsistent, in that Rule 12.5.10.1 made all buildings over 14 m non-complying, thereby making notified Rule 12.5.9.2, which in theory enabled buildings up to 15.5 m high as restricted discretionary activities, redundant.⁴⁸¹
583. In terms of the requests to increase height, Ms Jones was of the view a height of either 14 m or 15.5 m, as sought by Skyline, to be too high in the context of the site which was highly prominent from Gorge Road, Hallenstein Street and the Cemetery, and could result in unacceptable shading on Brecon Street.⁴⁸²
584. Similar alternatives to those considered in Precinct 1 were assessed. They were the ODP provisions, the notified PDP provisions, or submitter requests. Considering these available

⁴⁷⁵ Submission 574, opposed by FS1063

⁴⁷⁶ Submissions 663 (opposed by FS1139 and FS1191), 667 (opposed by FS1236) and 672

⁴⁷⁷ V Jones, Section 42A Report at [10.45].

⁴⁷⁸ Ibid at [10.46].

⁴⁷⁹ Ibid at [10.45].

⁴⁸⁰ Ibid at [10.46].

⁴⁸¹ Ibid at [10.47].

⁴⁸² Ibid.

alternatives, we agree with Ms Jones that 12 m as a permitted activity with a recession plane, and up to 15.5 m as a restricted discretionary activity, are the preferred outcomes.

585. This has the benefit of utilising the same rule framework as that recommended for Precinct 1, namely a base level of allowable height and additional height provided a building is well designed. However, in the case of Precinct 1A, more height would be allowed, 15.5 m rather than 14 m, so as to be consistent with building heights on surrounding properties.
586. We agree and accept that the ODP height limit for Precinct 1A of 7/8 m is inconsistent with heights enabled by Plan Change 50 and does not synchronise with the Precinct 1 rule framework. We also agree with and adopt Ms Jones' Section 32AA evaluation, particularly as it relates to providing discretionary activity status for height between 12 m and 15.5 m.
587. Accordingly, we recommend these heights be included in what will be a re-numbered Rules 12.5.8 and 12.5.9.
588. The final matters to address in this rule are the recession planes. As notified, the Precinct 1A recession planes were provided for within notified Rule 12.5.9.2.
589. QLDC⁴⁸³ sought to simplify and clarify that rule. Ms Jones recommended acceptance of those amendments. We agree. The amendments assist legibility and clarity of the rule.
590. We recommend adoption of notified Rule 12.5.9.2 as amended and re numbered as rule 12.5.8.2.

Precinct 2

591. Precinct 2 covered the block bounded by Shotover, Camp, Rees and Beach Streets. Ms Jones explained that it was unique in that the narrow width of Upper Beach Street meant that buildings within this precinct must adhere to shallow recession planes off boundaries, yet there were no adverse shading effects from enabling heights to extend up to 14 m, subject to complying with the recession plane.
592. QLDC⁴⁸⁴ had identified clarity issues with notified Rule 12.5.10.1. As notified, it could be interpreted that Precinct 2 would be subject to this rule, as alluded to by Rule 12.5.10.1 (d), or that it would be subject to a 12m height as per the notified Rule 12.5.10.5.
593. Ms Jones recommended this submission be accepted and referred to the reasoning set out in the Section 32 Report. She explained that greater height would be enabled in order to offset the relatively restrictive recession plane/facade height enabled on the Beach Street frontage of that block.⁴⁸⁵ This recognised, she said, that a considerable portion of ownerships within the block run through the whole block and have frontage to both streets.⁴⁸⁶
594. Trojan Holdings Limited and Beach Street Holdings Limited⁴⁸⁷ requested that notified Rule 12.5.10.1 (d), which set a maximum and minimum parapet height along part of each street, be deleted. Modelling various facade heights and differing recession planes which represent the ODP, PDP, and submitter's outcomes, was undertaken in the manner described in relation to

⁴⁸³ Submission 383

⁴⁸⁴ Submission 383

⁴⁸⁵ V Jones, Section 42A Report at [10.52].

⁴⁸⁶ Ibid.

⁴⁸⁷ Submission 616

Precinct 1. These were illustrated in the visuals attached as Appendix A to Mr Church's evidence. The outcome was that at 12:30 PM on 11 August, 2.5 m of public space was fully in sun under the ODP rules, and the only effect on sunlight access at the same time under the PDP rules was minor, along the frontage of Glassons.

595. Ms Jones told us that such minor reduction in sunlight access would remain for about a week.⁴⁸⁸ The modelling also disclosed the effect on sunlight access at the same time under a 7m high recession plane was significant. In Ms Jones' view, that was unacceptable, and not justified by the small increase in building height.⁴⁸⁹
596. For all of the above reasons and those provided with the Section 32 Evaluation Report, Ms Jones was of the opinion the proposed heights for Precinct 2 as amended and clarified as earlier described,⁴⁹⁰ were considered to be the most appropriate way of enabling development within Precinct 2 that would achieve the objectives of the PDP.
597. We accept the reasons supporting the Precinct 2 heights advanced by Ms Jones and we accept and adopt the outcomes of Mr Church's modelling. We have carried through these recommendations into our Appendix 1.
598. Turning to recession lines under notified Rule 12.5.10 d, a breach of this rule within Precinct 2 was a non-complying activity. After reviewing the evidence of Mr Williams⁴⁹¹ and Mr Farrell⁴⁹², Ms Jones accepted this recession rule was more appropriately relocated to notified Rule 12.5.9. She agreed that the breach of the rule was more appropriately a restricted discretionary activity subject to the matters of discretion provided for in Rule 12.5.9.⁴⁹³ We agree for the reasons she advanced and recommend adoption. The rule has been re numbered as Rule 12.5.8.3.

Precinct 3

599. Notified Precinct 3 covered the land directly abutting the QTCWSZ, extending from Poole Street to and including Steamer Wharf, as well as a recently developed block bound by Marine Parade, Church, Earl, and Camp Streets. This precinct allowed the lowest absolute height in the QTC by providing for a maximum height of 8m, above which was non-complying.
600. Ms Jones noted two submitters⁴⁹⁴ supported Rule 12.5.10, including removal of the ODP parapet and recession plane controls. One submitter⁴⁹⁵ sought the operative height rules for the QTC be reinstated. Another submitter⁴⁹⁶ supported the removal of the ODP parapet and recession plane controls that would otherwise be applicable to the Town Pier site and to the Eichardts site.
601. In terms of heights, for the reasons advanced by Ms Jones, we recommend a height of 8m for Precinct 3, above which it would be non-complying.

⁴⁸⁸ V Jones, Section 42A Report at [10.56].

⁴⁸⁹ Ibid.

⁴⁹⁰ 12m permitted, 12m-14m restricted discretionary and above 14m non-complying.

⁴⁹¹ Supporting Submissions 606 and 616

⁴⁹² Supporting Submission 308

⁴⁹³ V Jones, Summary of Evidence at [6(b)]

⁴⁹⁴ Submissions 606 and 609 (opposed by FS1063)

⁴⁹⁵ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁴⁹⁶ Submission 609, opposed by FS1063

602. The other issue that arose was a point of clarification around the boundaries of Precinct 3.
603. QLDC⁴⁹⁷ requested that Precinct 3 be extended to include those areas to the immediate north which are currently either included in Precinct 5 or not included within any precinct. That is, the rear parts of the Marine Parade site at the corner of Marine Parade and Church Street which have no precinct assigned to them.
604. Skyline Investments Limited and O'Connells Pavilion Limited⁴⁹⁸ sought that the same area be included within Precinct 4.
605. These sites were more particularly shown on three figures within Ms Jones' Section 42A Report⁴⁹⁹. What was clear was that realigning the Precinct 3 boundary to include the two areas referred to above would correspond with the ODP boundary and with the physical buildings and cadastral boundaries. We consider it impractical to split these existing sites into different height precincts.
606. We therefore agree with Ms Jones' recommendation that the Height Precinct Map be amended so as to include those sites within Height Precinct 3. We have included this site within Precinct 3 within Appendix 1 and recommend this inclusion be adopted.
607. Turning to recession and parapet rules, as notified (Rule 12.5.10.2) this precinct did not have such sub-rules. Relying on Ms Gillies⁵⁰⁰ and the scope provided by Mr Boyle's submission⁵⁰¹, Ms Jones recommended reinstating the ODP rule specifying that a parapet be between 7.5 and 8.5 m in height and able to protrude through the maximum height plane.⁵⁰² This was because a recession plane commencing just 0.5 m below the maximum allowable height would be ineffective at mitigating shading effects or influencing design in any positive way. We agree and recommend this change to the notified rule be adopted.
608. For the reasons set out in Ms Gilles' evidence and Ms Jones' Section 42A Report⁵⁰³, we recommend this amendment be adopted. We have included it re-numbered Rule 12.5.9.3 set out below at the end of our discussion on height.

Precinct 4

609. Notified Precinct 4 included the land to the north of Earnslaw Park on the northern side of Beach Street, the Novotel Hotel site, the land on the north side of Camp Street and east of and including the Post Office, most of the western side of Church Street, and most of the eastern side of Upper Beach Street.
610. The ODP height rule allowed 12 m building heights with a 10m high recession plane. Ms Jones explained these areas had either been recently redeveloped or the shading effects of not imposing a recession plane were not considered acceptable.⁵⁰⁴

⁴⁹⁷ Submission 383

⁴⁹⁸ Submission 606

⁴⁹⁹ V Jones, Section 42A Report at p 39.

⁵⁰⁰ J Gillies, EIC at [7.2].

⁵⁰¹ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁵⁰² V Jones, Section 42A Report at [10.63].

⁵⁰³ Ibid.

⁵⁰⁴ Ibid at [10.66].

611. Notified Rule 12.5.10.5 carried forward the 12m height and the recession plane requirement in clause a.
612. Skyline Investments Limited and O’Connells Pavilion Limited⁵⁰⁵ sought the removal of the recession plane controls in respect of the O’Connell Street site Trojan Holdings Limited and Beach Street Holdings Limited⁵⁰⁶ supported the removal of the ODP parapet control from Stratton House.
613. Mr Boyle⁵⁰⁷, as earlier noted, sought a return to the ODP rules zone wide.
614. Ms Jones noted that both Ms Gillies⁵⁰⁸ and Mr Church⁵⁰⁹, favoured replacing Precinct 4 as applied to the majority of the north side of Church Street (the premises extending from Nomads to the Night and Day), and to the majority of the south side of upper Beach Street, with Precinct 5.⁵¹⁰ Ms Jones explained that the effect of this was that a 45° recession plane commencing at 7.5 m above the street boundary would be applied to these sites rather than the recession plane commencing at 10 m as in notified Rule 12.5.10.5 a.
615. We agree with that reasoning and we recommend a height limit of 12 m for Precinct 4 with retention of the recession line as per notified rule 12.5.10.5 a. We further recommend that those sites identified above be placed within Precinct 5.
616. Turning to recession lines, under notified Rule 12.5.10.5 a, a breach of this rule within Precinct 4 was a non-complying activity. After reviewing the evidence of Mr Williams⁵¹¹ and Mr Farrell⁵¹², Ms Jones accepted this recession rule was more appropriately relocated to notified Rule 12.5.9. Also, she agreed that the breach of the rule was more appropriately a restricted discretionary activity subject to the matters of discretion provided for in Rule 12.5.9. We agree for the reasons she advanced and recommend adoption. The rule has been renumbered as Rule 12.5.8.4.

Precinct 5

617. Notified Precinct 5 included the land either side of The Mall on Lower Ballarat Street and that area on the north eastern side of Rees Street between The Mall and Beach Street.
618. As notified, Rule 12.5.10.5 enabled buildings up to 12 m and a 7.5 m recession plane was imposed, reflecting the fact this area was at the core of the Special Character Area and within a heritage precinct, and acknowledging the narrowness of the Mall.
619. Notified Rule 12.5.10 applying to this area was unchanged from the ODP. The Rule attracted no submissions. Accordingly we recommend the notified Rule 12.5.10.5 be adopted for Precinct 5, renumbered as Rule 12.5.9.5.
620. Turning to recession lines under notified rule 12.5.10.5 b, a breach of this rule within Precinct 5 was a non-complying activity. Consistent with her approach to rules as applied to the

⁵⁰⁵ Submission 606

⁵⁰⁶ Submission 616

⁵⁰⁷ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁵⁰⁸ J Gillies, EIC at [8.1 to 8.6].

⁵⁰⁹ T Church, EIC at [18.1 to 18.7].

⁵¹⁰ V Jones, Section 42A Report at [10.69].

⁵¹¹ On behalf of Submitters 606 and 616

⁵¹² On behalf of Submitter 308

precincts previously discussed, Ms Jones accepted this recession rule was more appropriately relocated to, as it then was, notified Rule 12.5.9, as she considered that the breach of the rule would be more appropriately dealt with as a restricted discretionary activity.⁵¹³ We agree for the reasons she advanced and recommend adoption. The rule has been re-numbered as Rule 12.5.8.5.

Precinct 6

621. Notified Precinct 6 included the triangular parcel of land bound by Duke, Man, Brecon and Shotover Streets. Notified Rule 12.5.10 applied a height limit of 12m, subject to horizontal and recession plane conditions.
622. This represented no change from the ODP and did not attract any submissions.
623. Accordingly we recommend the notified Rule 12.5.10.5 applying to Precinct 6 be adopted as renumbered Rule 12.5.9.5 a.

Precinct 7 and the surrounding Precinct 1 land within the Man Street Block

The Plans and the Precincts

624. Notified Precinct 7 included the majority of the land bound by Man, Brecon, Hay, and Shotover Streets (the Man Street Block) and notified Rule 12.5.10.4 applied a range of site specific height rules to this block. The maximum height limit proposed was 11 m above 327.1 masl, except that the two view shafts identified on the Height Precinct Map imposed a limit of 4 m above 321.7 masl.
625. No recession rules were proposed for Precinct 7.
626. This precinct would apply to the Man Street car park and all of the land in the Man Street Block fronting Shotover Street. The existing Man Street car park we generally refer to as the northern area, and that area fronting Shotover Street we refer to as the southern area.
627. Under the ODP the permitted height provided was up to 8 m above ground level and up to the height allowed on any adjacent sites. Sites below the Man Street car park fronting Shotover Street could be 1.5 m above the Man Street car park. The outcome was a height of 9.5 m. Thereafter, exceedance was non-complying.
628. Under the ODP, on the sites either side of Precinct 7 (fronting Hay and Brecon Streets), buildings up to 8 m were permitted and up to the maximum height permitted on any adjacent site and non-complying thereafter. Sites on the Shotover Street frontage⁵¹⁴ were permitted to 12 m and no more than 1.5 m above Man Street and non-complying thereafter. On other sites, height was permitted to 12 m and no more than 4 m above the level of Man Street and non-complying thereafter.
629. Within the Man Street Block there were, as well, two separate areas of Precinct 1, one to the east and one to the west. To help orientate, 10 Man Street, 10 and 14 Brecon Street and the Language School were located within Precinct 1 at the eastern end of Precinct 7, adjacent the Brecon Street steps. 30 Man Street was within the other area of Precinct 1 at the western end.
630. As notified, Precinct 1, applying notified Rules 12.5.9 and 12.5.10, provided for permitted height of up to 12 m, restricted discretionary between 12m and 14m, and non-complying

⁵¹³ V Jones, Summary of Evidence at [6(b)].

⁵¹⁴ Secs 23-26 The Lofts and Hamilton Extension

thereafter. Horizontal plane requirements were not imposed in Precinct 1 as it applied to the Man Street Block.

The Man Street Block and Issues

631. The Man Street Block slopes downhill from Man Street to Shotover Street. It is understood the slope is not uniform over the whole block. The properties in the block are in different ownership.
632. The issues, as we see them in relation to this area, revolve around determining what the appropriate building heights are for the various parts of the block, and how those heights interrelate to each other and height levels beyond the block.
633. First, there is the northern part of the block, the area above the existing Man Street car park, which includes the two view shafts. The issues for this part of the block include determining height levels that are appropriate given the Man Street streetscape and the need to ensure views via the view shafts are appropriate.
634. The two Precinct 1 areas on the western and eastern end of the Man Street Block had their own separate issues, though both areas step down the slope from Man Street.
635. On the eastern end, or the Language School site, the issues related to what was the appropriate height levels given the sloping nature of the site, the sites' relationship with the adjacent Brecon Street Steps and the adjoining Sofitel Hotel site. The heights selected also needed to relate well to the heights for the balance of the block.
636. For the western end, 30 Man Street, height relative to adjoining surrounding buildings and their height was the issue. Again linkage back to the balance of the block was important.
637. On the remaining part of the block, the southern side, being the area fronting Shotover Street, the issues were: height relative to building heights on the Man Street car park; effect of height on shading Shotover Street; and the impact of differing natural ground levels on how to determine appropriate heights.
638. The first issue we deal with is, we think, a relatively minor one. QLDC⁵¹⁵ requested that the topographical error in notified rule 12.5.10.4 be amended such that the reference to 321.7 masl is changed to 327.1 masl. While this was opposed, we agree with Ms Jones that this was an error which needs correction.⁵¹⁶ Accordingly we recommend accepting that submission.

Submissions on the PDP

639. Dealing with height limits (notified Rule 12.5.10.4) for Precinct 7, Mr Boyle⁵¹⁷ requested that the maximum building heights be no greater than in the ODP and any other related, consequential or alternate relief.
640. In relation to the view shafts above the Man Street car park, Man Street Properties Limited ("MSP")⁵¹⁸ supported the notified height for Precinct 7 at 11 m but requested the view shafts on the site be confirmed or moved so that the Western most view shaft was repositioned to correspond with section 26 Block IX Town of Queenstown.

⁵¹⁵ Submission 383, opposed by FS1274

⁵¹⁶ V Jones, Section 42A Report, Appendix 1 at p12-19.

⁵¹⁷ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

⁵¹⁸ Submission 398, opposed by FS1274

641. In relation to the two Precinct 1 sites, MSP sought that those sites also be subject to the rules which imposed a maximum height based on specified reduced levels or RLs rather than simply allowing 12 m above ground level.
642. For 30 Man Street, at the western end within Precinct 1, MSP sought height controls alternative to those notified.
643. On the eastern end of Precinct 7, within the Language School site, Maximum Mojo Holdings Limited⁵¹⁹ sought that the building height limit for that site (10 Man Street) be the same as the height limit for Precinct 7.

Ms Jones' Section 42A Report

644. Ms Jones advised she relied on the submission of Mr Cowie⁵²⁰ to provide scope to recommend the amended heights, which may be higher than those achievable under the ODP or the PDP on some parts of the Man Street Block.⁵²¹ She also relied on the NZIA submission⁵²² to provide extra height in some areas of the Man Street car park site in lieu of lowering it on the view shafts and other parts so they could serve as open space and potentially as linkages through the site.⁵²³ We note that we return to scope later.
645. Mr Cowie⁵²⁴ sought that all areas should have significantly higher property heights, especially towards the centre of Queenstown, and far greater density with buildings of 4 to 5 storeys as the norm with hotels being higher.
646. NZIA⁵²⁵ sought relief under the zone wide height rules and suggested that there could be incentives within the rules such as an additional height in exchange for linkages offered in desired areas.
647. Ms Jones pointed out⁵²⁶, and we agree with her, that enabling buildings on the Man Street Block to extend up to heights of 14 m above original ground level, including on relatively elevated rear parts of their sites, without corresponding horizontal plane rules, would result in adverse effects on views, visual amenity, mass and bulk. Doing so would also impact on the overall quality of the resultant architectural and urban design outcomes particularly in relation to the Shotover Street frontage.
648. To address the site issues identified above, Ms Jones requested Mr Church to assess a redraft of the notified Rule 12.5.10.4 using modelled outcomes to assist in understanding the effects of those drafted rules on the matters referred to in the immediate preceding paragraphs.⁵²⁷ The modelled outcome of these rules was detailed in Appendix A of Mr Church's evidence.

⁵¹⁹ Submission 548, supported/opposed by FS1117
⁵²⁰ Submission 20
⁵²¹ V Jones, Section 42A Report at [10.82].
⁵²² Submission 238
⁵²³ V Jones, Section 42A Report at [10.82].
⁵²⁴ Submission 20.
⁵²⁵ Submission 238
⁵²⁶ V Jones, Section 42A Report at [10.83].
⁵²⁷ T Church, EiC at [12.8]

649. In Ms Jones' view, while the redrafts were worded differently to those suggested by MSP⁵²⁸, the outcome was not dissimilar to the relief sought, and in Ms Jones' opinion, was the appropriate way of addressing the submitter's key issues as well as achieving the objectives of the PDP.⁵²⁹
650. Ms Jones⁵³⁰ explained the outcome of the different height rules as they applied to labelled areas of Precinct 7 (Areas A, B, C and D) and Precinct 1. Ms Jones included a plan illustrating these areas in her Section 42A Report.⁵³¹ She recommended the plan set out in her Section 42A Report be included within Rule 12.5.10 so as to aid clarity.⁵³² We agree that showing the height areas would aid understanding the Rule.
651. For Precinct 7 Area A, being east of the central view shaft labelled D, buildings could extend to 11m above the known height of the concrete slab, in Area B to the west of the central view shaft labelled D, buildings could be 14m above the concrete slab. Ms Jones recommended Area D, the view shaft, be moved further west as sought by MSP for the reasons set out in that submission. We discuss this point further below. Ms Jones recommended that Area C, which is the eastern view shaft, have no buildings within it. For, Area D, which is the central view shaft, she recommended a maximum 3m building height.
652. This outcome, she said, would provide for two discrete building forms to be constructed of varying levels separated by view shafts/open plazas of approximately 12 m and 16 m width on this northern part of the site.⁵³³
653. In Ms Jones' opinion, this outcome would prevent a long horizontal built form stretching across this highly visible site and enable an extra floor of development in the western block⁵³⁴. This would result, she said, in more consistency with surrounding properties while still providing for three floors with uninterrupted views to the south.⁵³⁵ Also, it would provide for a better streetscape along Man Street, with the buildings on the eastern block extending between approximately 7.5 m and 11 m above street level.
654. By comparison, Ms Jones pointed out that the notified PDP rules would result in the building at the western end of the site protruding between 4.5 m and 9 m above the street, which she considered would appear something of an anomaly.⁵³⁶
655. We acknowledge that evidence⁵³⁷ promoted a different approach, proposing to remove the view shafts and, instead, promoting a comprehensive development plan rule. This evidence raised scope issues which we address subsequently. We also note the issue of the view shafts was canvassed fully in Ms Jones' Reply Statement after consideration of the submitter evidence. We will return to the matter of the view shafts subsequently.

528 Submission 398

529 V Jones, Section 42A Report at [10.83].

530 Ibid at [10.86].

531 Ibid at p43.

532 Ibid at [10.84].

533 Ibid at [10.86].

534 Ibid at [10.86(b)].

535 Ibid.

536 V Jones, Section 42A Report at [10.86(b)].

537 J Edmonds, EIC.

656. As to a height within the balance area of Precinct 7, being the southern area fronting Shotover Street, Ms Jones recommended adding a new rule and a height map which effectively was a redraft of notified Rule 12.5.10.4.⁵³⁸ She labelled these southern areas of the site fronting Shotover Street as Area E and Area F.
657. The redraft would enable buildings to extend to 12 m above (rolling) ground level. Also, it would require that within Area E, they be no more than 17 m above the level of Shotover Street adjacent to the respective site. In addition, buildings in Area F would be no more than 14 m above the level of Shotover Street adjacent to the respective site. Finally, the redraft would require buildings to comply with a 45° recession plane commencing at 10 m, which is a similar control to that within Precinct 4. She also recommended Precinct 7 be slightly expanded. She set out in detail in her report the beneficial outcomes of this redraft as she saw them⁵³⁹.
658. This recommendation was challenged in submitter evidence and subsequently addressed by Ms Jones in two memoranda we received dated 8 and 18 November 2016 and in her Reply Statement. We address this matter further below.
659. Finally, in terms of the remaining sites to the east and west of the Man Street car park, Ms Jones' recommendation⁵⁴⁰ was to retain them within Precinct 1, enabling buildings to be built to 12 m or potentially 14 m in height, as a restricted discretionary activity.
660. Ms Jones acknowledged these were higher than the heights allowed on the car park site. She did not consider those heights would be significantly inconsistent with the carpark heights or those enabled on the opposite side of Man Street under the ODP as amended by Plan Change 50.⁵⁴¹
661. Ms Jones undertook a Section 32AA assessment of her recommended redraft to notified Rule 12.5.10, which we have carefully considered. The southern part of the site, fronting Shotover Street, was also the subject of challenge and submitter evidence. The issues were the appropriate maximum height level allowed in front of the Man Street car park site, including the horizontal plane level, and the use of the district wide rolling plane height. Finally, whether or not there should be a discretionary height allowance between 12 m and 14 m as per Precinct 1.

Changes in the Officer Recommendations

662. We observe here that as the hearing advanced, Ms Jones and Mr Church re-evaluated what they considered to be the appropriate rule response to this challenging site. While, within the Section 42A Report and expert evidence presented at the commencement of the hearings, we received recommendations as to the rules, these recommendations were altered and modified as further modelling was undertaken as a consequence of some oversights in the original modelling. Also some mapping errors were addressed.
663. Before touching on the relevant submitter evidence we record two memoranda were issued by the Council. The first, which we earlier referred to, was dated 8 November 2016. The purpose of this memorandum was to provide the Panel and submitters with updated versions of the height map that replaced those provided in the recommended Chapter 12 in Appendix

⁵³⁸ V Jones, Section 42A Report at [10.87].

⁵³⁹ Ibid at [10.87(a)-(g)].

⁵⁴⁰ Ibid at [10.88].

⁵⁴¹ V Jones, Section 42A Report at [10.88]

1 of the Section 42A Report. This version of the height precinct map showed Precinct 7 as extending down to the southern part of the site, to include the majority of the Man/Hay/Shotover/Brecon Street block within Precinct 7.

664. The second memoranda was dated 18 November 2016 and this provided us with:
- a. updated versions of Figures 2, 11 and 20 in Appendix A to the statement of evidence of Mr Church; and
 - b. updated recommendations to the Queenstown Town Centre chapter in Appendix 1 of the Section 42A Report for Chapter 12.
665. This information was provided prior to the hearing to “allow submitters an opportunity to consider the updated figures and recommendations in advance of the hearing”.⁵⁴²
666. This memorandum made it clear that Ms Jones supported Mr Church’s updated Figure 20⁵⁴³ and the updated version of re-drafted Rule 12.5.10.4 as included in Appendix 2 to that memorandum. It was explained to us that, when using the Council’s shading model to undertake further assessments, both Ms Jones and Mr Church became aware that, with respect to Precinct 7, the model did not accurately represent all of the recommended rules.⁵⁴⁴
667. In particular, the original Figure 20 did not accurately reflect the fact that redraft rules 12.5.10.4 (e) and 12.5.10.4 (f) required the buildings to be no more than 12 m above ground level. In the case of areas E and F, that meant 12 m was a rolling height plane relative to the sloping ground level rather than a flat horizontal plane as was originally modelled.⁵⁴⁵ This was rectified in Mr Church’s updated Figure 20.
668. Further changes resulting from a review of the model resulted in Ms Jones updating her recommendations. In particular, Ms Jones considered it unnecessary from a shading perspective, or for any other reason, to impose a recession plane height on Precinct 7, particularly for the southern part.⁵⁴⁶ It was apparent on review of the model that removing the recession plane rule did not result in any greater shading of the opposite side of Shotover Street than resulted with the recession plane. This effectively reversed her recommendation contained within the Section 42A Report⁵⁴⁷.
669. Consequently, Ms Jones recommended further amending Rule 12.5.10.4 in order to enable a 12 m building height at the Shotover Street boundary. This provided for the same building height at the street facade as would be enabled under notified Rule 12.5.9, being 12m as permitted, 12m-14m as restricted discretionary, and above 14m as non-complying. It was pointed out to us⁵⁴⁸ that no submitter specifically sought the reintroduction of the recession plane rule but rather the general submission by Mr Boyle⁵⁴⁹ was being relied on to recommend this change.
670. Finally, upon further investigation of the reduced levels (RLs) along the Shotover Street frontage of Precinct 7, Ms Jones advised that the levels vary across the block to a greater

⁵⁴² Memorandum of Counsel on behalf of QLDC dated 18 November 2016 at [2]

⁵⁴³ Figure 20 illustrates an indicative height envelope of the Man Street block.

⁵⁴⁴ Memorandum of Counsel on behalf of QLDC dated 18 November 2016 at [6]

⁵⁴⁵ Ibid.

⁵⁴⁶ Ibid at [7a], V Jones, Reply Statement at [6.10].

⁵⁴⁷ V Jones, Section 42A Report at [10.87].

⁵⁴⁸ Ibid at [10.54].

⁵⁴⁹ Submission 417, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248 and FS1249

extent than first thought.⁵⁵⁰ The result was that the built outcome enabled by redraft rules 12.5.10.4 (e) and 12.5.10.4 (f) would be reasonably uncertain.

671. Ms Jones recommended that those rules be further amended so as to ensure that the buildings would not protrude above the car park level slab in Area F, and protrude no more than 3 m in area E.⁵⁵¹
672. The diagrams attached to the 18 November 2016 memoranda provided us with a model view of the Section 42A Report recommended PDP height precincts. This was identified as Figure 2. Figure 11 provided us with a photograph showing the existing circumstances for Shotover Street in terms of street shading. That photograph was accompanied by a diagram which showed the ODP 12 m/45° height recession plane modelled at 11 August 2017 at 12:30 PM, compared with the PDP recommended 12 m height again modelled at the same time. A comparison of the two modelled results showed very little difference.
673. Mr Church's updated Figure 20 provided us with a model of the recommended Precinct 7 height controls from both a south east view and a north west view. Figure 21 related to the Man Street view shafts. The first figure was a photograph of the existing Man Street car park alongside which were human figures illustrating the recommended eastern view shaft and recommended western view shaft. We found these figures to be very helpful in both understanding perspective and evaluating the options.
674. Ms Jones confirmed at the hearing on 25 November her support for the amendments conveyed to us in both memoranda.⁵⁵²

Submitter Evidence

675. Mr Ben Farrell, a planning consultant, appeared for Well Smart Investments Limited⁵⁵³. The submitter has property interests in numbers 51 to 67 Shotover Street, within Area E of the diagram utilised by Ms Jones for notified height standard 12.5.10.4.
676. His evidence recorded many areas of agreement with Ms Jones' Section 42A Report.⁵⁵⁴
677. He disagreed with her recommendations as to height, opining that the permitted height standard should increase from 12 m to 15m, that the activity status for breaching the 10 m +45° height recession plane standard should change from non-complying to discretionary and the proposed 17 m height restriction above Shotover Street should be deleted. Mr Farrell outlined his rationale for this opinion as:⁵⁵⁵
- a. The Sofitel Hotel, Crown Plaza Hotel and Hamilton Building all exceed 17m above the height of Shotover Street;
 - b. Sites within area E, in his view, could absorb additional building height without creating significant adverse effects;
 - c. There should be a level of certainty as to the height of buildings that could be constructed without the need for public notification; and
 - d. There were no special or unique characteristics associated with the frontage of Shotover Street to justify discouraging building heights above 12m.

⁵⁵⁰ Memorandum of Counsel on behalf of QLDC dated 18 November 2016 at [7c].

⁵⁵¹ Ibid.

⁵⁵² V Jones, Summary of Evidence at [4].

⁵⁵³ Submission 308

⁵⁵⁴ Mr Farrell, EiC at [7].

⁵⁵⁵ ibid at [11].

678. Mr Williams, providing planning evidence for MSP⁵⁵⁶, agreed that retaining a specific set of height controls for the Man Street Block was the most efficient and effective way to provide certainty to landowners and the building form outcomes given the challenges around understanding of the original ground levels for this block.⁵⁵⁷

679. However, he considered that additional height on the southern side of Man Street over and above that recommended by Ms Jones should be provided.⁵⁵⁸ He was also of the view that because of the interrelationship between development on Man Street and properties fronting Shotover Street, they should be considered together given the influence the development on Shotover Street would have on the building form outcomes and views from development on Man Street.⁵⁵⁹

Ms Jones Reply - Southern Part of Man Street Block/Areas E and F

680. We do note Ms Jones was clearly alive to the need to address the interrelationship between the two parts of the site but she was of the view, as expressed in her Reply Statement, which we agree with, that the matter of views from Man Street should not trump good urban design outcomes for the entire site particularly the Shotover Street frontage.⁵⁶⁰

681. In her Reply⁵⁶¹, Ms Jones responded to Mr Farrell's evidence and questions, by recommending that Areas E and F (as shown in notified Figure 2) be removed from Precinct 7 and replaced with Precinct 1, and consequential changes be made to Rules 12.5.10.4 and 12.5.10.1. These consequential changes included adding a rule to 12.5.10.1 that no building exceed a horizontal plane at 271.1/ 330.1 masl. The recommended rules in Appendix 1 to her Reply Statement would have the effect of providing the restricted discretionary activity status to buildings between 12 and 14m above ground level as in the rest of Precinct 1, while ensuring that anything above either 14m above ground level or 271/ 330 masl respectively would be non-complying. She considered this to be more efficient and effective than redraft Rules 12.5.10.4(e) and 12.5.10.4(f) that applied to this area in the version attached to the Section 42A Report.

682. Ms Jones explained that including the 330 masl building height, as opposed by MSP⁵⁶², would be very similar to that which existed in the ODP and that which was determined through a mediated agreement of all affected parties during the resolution of appeals on submissions to the ODP.⁵⁶³

683. Ms Jones also pointed out that Mr Farrell agreed it was not unreasonably difficult to determine ground level and, from that, the permitted height for Areas E and F.⁵⁶⁴ She also observed that the rule she promoted resulted in an outcome that was relatively consistent with the approach taken for the Ballarat Street car park site, namely notified Rule 12.5.10.1.⁵⁶⁵

⁵⁵⁶ Submission 398

⁵⁵⁷ T Williams, EIC at [17].

⁵⁵⁸ Ibid at [19].

⁵⁵⁹ Ibid at [18].

⁵⁶⁰ V Jones, Reply Statement at [6.12a].

⁵⁶¹ V Jones, Reply Statement at [6.10] page 11.

⁵⁶² Submitter 398

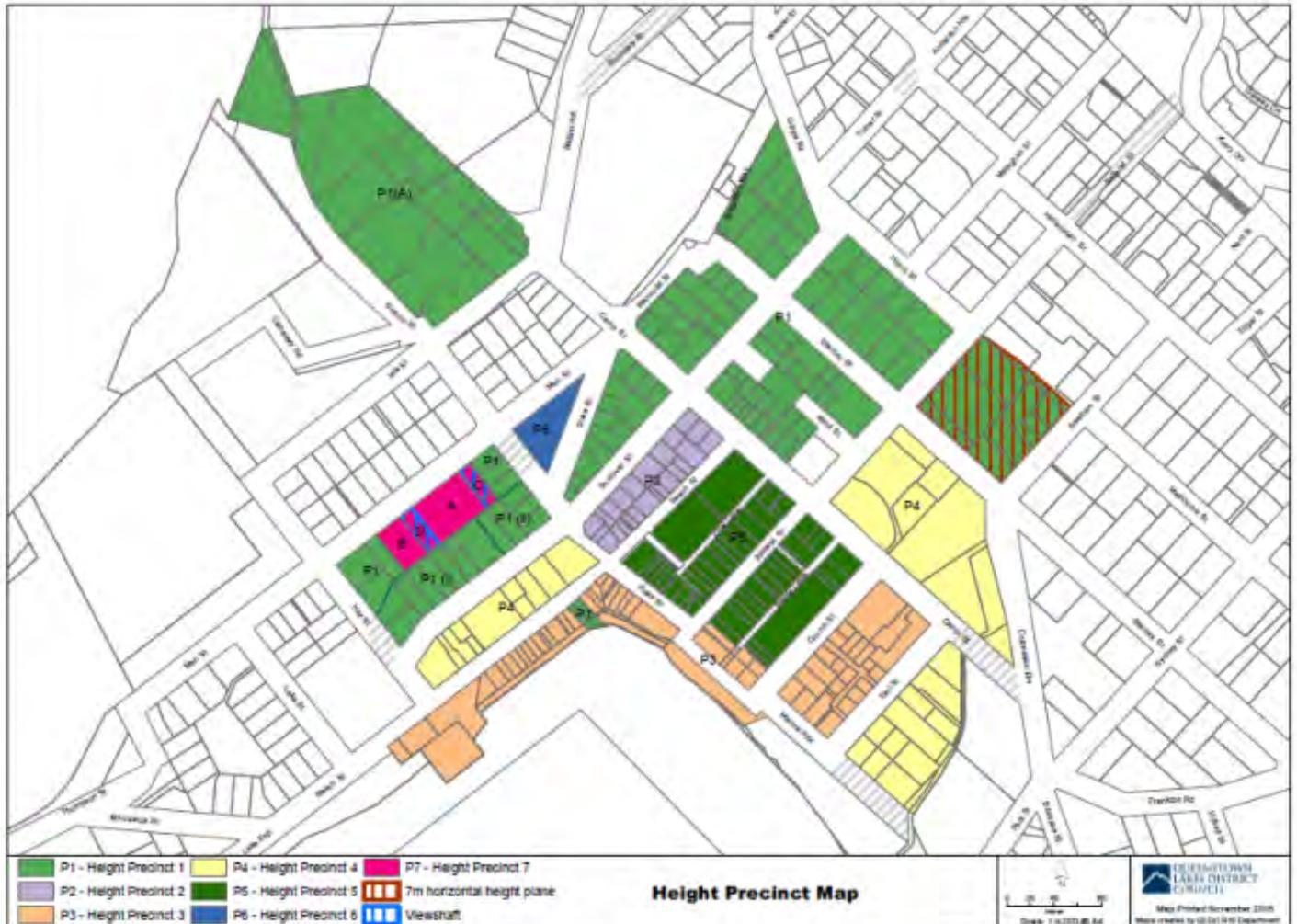
⁵⁶³ V Jones, Reply Statement at [6.12a].

⁵⁶⁴ Ibid at [6.12b].

⁵⁶⁵ Ibid at [6.12c].

Reply Figure 2

684. Included in Ms Jones' Reply Statement was her final recommended Figure 2 (Reply Figure 2). We include this below in order to aid in understanding the recommendations that follow. Reply Figure 2 is also included in our recommended Chapter 12 set out in Appendix 1.



Recommendation on Southern Parts of the Man Street Block/Areas E and F

685. Having carefully considered the evidence of Mr Farrell, the opinions of Mr Church, and in particular Mr Church's amended Figure 20⁵⁶⁶, and the reasons advanced by Ms Jones, particularly within her Reply evidence to support her amendments to the rules relating to areas E and F, we agree with her reasoning and accept the opinions of Mr Church.
686. We have paid careful attention to Ms Jones' Section 32AA evaluation which set out the costs and benefits of adopting her recommended amendments in relation to adopting Precinct 1 rules with sub-set precincts P (i) and P (ii) providing for horizontal plane requirements. These requirements were included in re-drafted rule 12.5.10.1 d. We also agree with her assessment under Section 32AA.
687. Our recommendation relating to the Southern Parts of the Man Street Block/ Areas E and F is that the Council accept the recommended rules as redrafted by Ms Jones, including removing areas E and F from Height Precinct 7 and placing them within Precinct 1 with a permitted

⁵⁶⁶ Included in Appendix 2 of the Council's Memorandum dated 18 November 2016.

building height at 12m, 12m -14m being restricted discretionary and above 14m being non-complying.

688. We also recommend the inclusion of horizontal plane requirements, with breach of them being a non-complying activity.

Ms Jones' Reply Man Street Car Park Portion

689. As to building heights for the Man Street car park, after considering Mr Todd's legal submissions and Mr Williams's evidence, Ms Jones remained of the view that her recommendations in relation to height on the Man Street car park should remain as recommended in her Section 42A Report⁵⁶⁷.

690. Ms Jones' Section 32AA report reflected this position. Her recommended amendments were, we considered, non-substantive as they updated the reference within the rule to Reply Figure 2. The remaining recommendation was to include the RL reference. We recommend both amendments be adopted.

691. We agree with Ms Jones' reasoning for her recommended changes⁵⁶⁸ and adopt it as supporting our recommendation that the wording of renumbered Rule 12.5.9.4, relating to the height of the Man Street carpark in Precinct 7, be as we have as set out in Appendix 1.

Ms Jones Reply on the View Shafts

692. The remaining issue with the Man Street car park related to the view shafts. MSP⁵⁶⁹ supported the notified height rules and sought that the position of the view shafts and figure to be confirmed to ensure the western view shaft was located to align with Section 26 Block IX Town of Queenstown. However, the legal submissions and evidence presented at the hearing promoted a different approach, seeking to remove the view shafts and support a comprehensive development rule.

693. Ms Scott⁵⁷⁰ submitted that MSP's submission did not seek removal of the second (Western) view shaft and accordingly there was no scope to do so. Ms Scott also pointed out that there were no other submitters who had sought removal of the second view shaft. We agree. Therefore, both Mr Todd's legal submissions and the evidence presented by Mr Williams in regard to the second view shaft was beyond scope and requires no consideration by us.

694. We record that Ms Jones, after considering the legal submissions from Mr Todd and the evidence of Mr Williams, advised us that her opinion on the view shafts remained unchanged. Accordingly, she maintained, it was appropriate to show both the view shafts on Reply Figure 2, as well as applying the zone wide coverage and comprehensive development rule to the site.⁵⁷¹

695. Within her Reply Statement, Ms Jones also identified the possible consequences if the key western view shaft were not identified on a planning map to compliment Rule 12.5.1 and to provide greater certainty.⁵⁷²

⁵⁶⁷ At paragraph 10.86.

⁵⁶⁸ *ibid*

⁵⁶⁹ Submission 398.

⁵⁷⁰ Submissions in Reply of Ms Scott at [5.6].

⁵⁷¹ V Jones, Reply Statement at [6.14].

⁵⁷² *Ibid* at [6.15].

Our Recommendation on View Shafts

696. We agree with Ms Jones and accept that, on this relatively large site, both view shafts serve numerous purposes and are a very important determinant of the eventual built form, effectively breaking up the site into discrete component parts, which we consider advantageous.
697. For these reasons, and the reasons Ms Jones advanced, including her Section 32AA evaluation, and for the reasons advanced by Mr Church in his evidence⁵⁷³, we recommend the adoption of Rule 12.5.9.4 as set out in Appendix 1.
698. The final issue with the view shafts related to queries we raised during the hearing about whether the view shafts should be movable or their shape able to be altered. Ms Jones was of the view that she did not consider this to be necessary as the eastern view shaft was set, and she reminded us that there were limited alternate locations for the western view shaft. Overall, she preferred fixing their position on Reply Figure 2.
699. Ms Jones did, however, reconsider the recommended location of the western view shaft (Area D), which she had moved to the location specifically sought in MSP's submission⁵⁷⁴. After taking into account Mr Williams's evidence, she recommended⁵⁷⁵ that the western view shaft be repositioned approximately 13 m to the west to avoid the lean to roof form that Mr Williams referred to in paragraph 11 of his evidence summary.
700. The consequence of this was that recommended Area B was reduced in size and, due to the rising level of Man Street, the height enabled in the view shaft could be raised by 0.5 m without impeding on views from the street. This has the added benefit of enabling more design flexibility for the first floor beneath.
701. We agree with the evidence of Mr Williams and Ms Jones on this point and accept Ms Jones' reasoning for the change in the location of the western view shaft. We recommend adoption of this change as shown on Reply Figure 2.

The Language School

702. The last issue to address is the Language School building heights. The first matter to address is one of jurisdiction. Mr Goldsmith presented legal submissions on behalf of John Thompson and MacFarlane Investments Ltd⁵⁷⁶ (John Thompson). As a general matter, he expressed concern that the height rules in his view repeated earlier mistakes and that they referred to a range of differing measurement criteria.⁵⁷⁷
703. Mr Goldsmith contended that the process by which Council had identified jurisdiction to increase height limits within the Man Street block was questionable and could present a *vires* issue.⁵⁷⁸ After setting out a range of Court authorities he submitted that for submitters to be put on notice of the issues sought to be raised, a submission must sufficiently identify issues with due particularity including the relief sought.⁵⁷⁹

⁵⁷³ particularly at paragraph 12.12

⁵⁷⁴ Submission 398

⁵⁷⁵ V Jones, Reply Statement at [6.19].

⁵⁷⁶ Further Submission 1274

⁵⁷⁷ Amended Legal Submissions of Mr Goldsmith at [10].

⁵⁷⁸ Legal Submissions of Mr Goldsmith at [11].

⁵⁷⁹ Ibid at [12-15, particularly 13].

704. He noted the Council relied upon the Cowie submission⁵⁸⁰ for jurisdiction to increase heights on the Man Street Block. He identified for us that part of the Cowie submission that he considered related to a request for relief relating to height. He submitted that the relief sought by Cowie could provide jurisdiction to increase height limits anywhere in the district by an unspecified amount. He then queried whether or not the relief sought met the relevant tests within the case law he referred us to. It was his submission that it was questionable whether Mr Cowie's submission could be relied upon as fairly and reasonably putting submitters on notice of this potential change to increase height.
705. In his Reply, Ms Scott referred directly to Mr Goldsmith's legal submissions.⁵⁸¹ We here observe that Mr Goldsmith filed these submissions on behalf of the submitter before the hearing in accordance with our Procedural Minute. He then subsequently replaced them with amended submissions at the hearing on 1 December 2016. We took from this that the earlier submissions in which this jurisdictional issue was raised had been formally replaced.
706. Like Ms Scott, we have assumed the question of whether Mr Cowie's submission provides scope for increased height limits in the QTC was not being pursued given those submissions were replaced. However, Ms Scott addressed this issue of jurisdiction in her Reply.
707. Essentially, Ms Scott pointed to the fact that the legal submissions of Mr Todd for MSP disclosed that both MSP and NZIA had made further submissions to the Cowie submission on the very matter of increased height within the QTC.⁵⁸² Ms Scott submitted, and we agree with her, that the existence of further submitters to Mr Cowie submission strongly supports the proposition that the matter of increased height limits in the QTC was a reasonably foreseeable outcome of Mr Cowie's submission.⁵⁸³
708. We agree and accept Council has jurisdiction to increase in height for the Man Street Block.
709. In her reply, Ms Jones accepted some of Mr Goldsmith's suggestions such as consistent use of the term RL throughout the rules and a removal of all references to the Otago datum level in brackets.⁵⁸⁴ These amendments have been included within our recommended rules.
710. Mr John Edmonds, on behalf of John Thompson⁵⁸⁵, presented his opinion on the appropriate approaches to height limits for the Language School site in pre-lodged evidence filed before the hearing. His evidence responded to Ms Jones' Section 42A Report and the pre-circulated urban design evidence of Mr Church. His evidence related to the properties located at 10 Man Street, 14 Brecon Street and 10 Brecon Street, collectively referred to as the "*Language School*."
711. Mr Edmonds raised several issues relating to the Language School. He was concerned about the practicality of using a sloping height limit on the Language School site.⁵⁸⁶ He had concerns relating to the uncertainty of the original ground level which would be the basis of the height limit applicable to the Language School site.⁵⁸⁷ Mr Edmonds considered that there would be

⁵⁸⁰ Submission 20

⁵⁸¹ Submissions in Reply of Ms Scott at [5.1].

⁵⁸² Ibid at [5.2].

⁵⁸³ Ibid.

⁵⁸⁴ V Jones, Reply Statement at [2.3].

⁵⁸⁵ J Edmonds, EiC

⁵⁸⁶ Ibid at [10].

⁵⁸⁷ Ibid at [11].

significant urban design issues in relation to both Brecon Street and the Man Street frontage.⁵⁸⁸ Finally, he was concerned about the very real potential for conflict arising from a contested consent application.⁵⁸⁹

712. Mr Edmonds evidence set out in a proposed alternative approach for the Language School site to address the issues he had identified. He contended his proposed alternative provided a more appropriate method for implementing Objectives 12.2.2 and accorded with Policies 12.2.2.2 and 12.2.2.3.
713. Essentially his alternative approach was that the recommended maximum height limit applicable to the Language School site change from a sloping height limit above original ground level to a flat plane height limit being a specified RL or a masl level.⁵⁹⁰
714. Mr Edmonds contended adopting this approach to determining a height limit for the Language School would be more logical and rational particularly having regard to the context of having the Sofitel Hotel with its height to the north-east and the car park to the south-west.⁵⁹¹
715. Additionally Mr Edmonds requested that area P1 in redraft Rule 10.5.10.4 be changed to Area G. He also considered that an additional sub clause be added to Rule 10.5.10.4 specifying the maximum height in Area G. In his view, the height in this Area G should be determined by Rule 12.5.10.4 rather than Rule 12.5.10.1.
716. Mr Edmonds considered that his suggested approach generally aligned with the relief sought by MSP, except with regard to the RL for the carpark building.⁵⁹²
717. Mr Williams, on behalf of MSP⁵⁹³, in his pre-circulated evidence addressed the Man/Hay/Shotover/Brecon Street block controls. He addressed these controls further in his evidence summary presented at the hearing. He detailed the agreed position between submitters MSP and Mr Thompson.⁵⁹⁴ He set out his opinion supporting, but with some exceptions, the approach recommended in the Council Memorandum dated 18 November.
718. The main exceptions were the cut of plane should avoid buildings above the Man Street Car Park Podium 327.1masl.⁵⁹⁵ Also he still preferred the use of a height cut of plane and recession plane to manage the built form in relation to Shotover Street because of uncertainty around determining ground levels.⁵⁹⁶
719. Ms Jones⁵⁹⁷, with the assistance of Mr Church, assessed this evidence and the alternate proposed approaches contained within it. She noted that there were three sites which comprise the Language School site and the site appeared to be in two separate ownerships, neither of whom had submitted on the height rules in the PDP.⁵⁹⁸ The only submission on the

588 Ibid at [13].

589 Ibid at [14].

590 Ibid at [15a].

591 Ibid at [19c].

592 Ibid at [15a].

593 Submission 398

594 T Williams, Summary of Evidence at [2] and Appendix A.

595 Ibid at [6].

596 Ibid at [10].

597 V Jones, Reply Statement at [6.20 to 6.31]

598 Ibid at [6.22].

height of the Language School site she identified for us was from Maximum Mojo Holdings limited⁵⁹⁹. The relief sought in that submission was that the height on 10 Man Street be amended to be the same as on the Man Street car park site.

720. When considering Mr Williams and Mr Edmonds' evidence, Ms Jones' conclusions were that it was likely that less development would be enabled on the Language School site under Mr Williams and Mr Edmonds' suggestions, than under the PDP rules.⁶⁰⁰
721. It was her view that following Mr Williams' and Mr Edmonds' rules, the site would have significantly lesser views of the lake due to the level plane allowed over the three lots⁶⁰¹, and the site would be likely to need to be excavated below the Man Street level to achieve a well-designed two storey development along Man Street.⁶⁰²
722. Turning to considering which rules would best achieve an acceptable outcome on Man Street and the Brecon Street steps, Ms Jones was of the view that it was not a sound assumption that the PDP provisions would result in a 14m high building on the street frontage of the Language School site⁶⁰³. She noted that, in any event, Rule 12.5.9 included discretion over urban form and specifically in relation to whether the building would respond sensitively to different heights on adjacent sites and the effect on amenity of the street.⁶⁰⁴
723. In respect of the Man Street landscape, Ms Jones did not consider that, given the Language School site was a stand-alone site with view shafts either side, consistency in height with the adjacent buildings, such as the Man Street car park, when viewed from on the street, to be the most critical issue.⁶⁰⁵ Rather, she considered the rule should enable quality building design and quality relationship between the Language School site and Man Street.⁶⁰⁶
724. Ms Jones considered the 7 m height limit on Man Street proposed by Mr Williams and Mr Edmonds to be too low, particularly in the context of the development enabled on the Man Street car park block and on the opposite side of the road enabled to by Plan Change 50.⁶⁰⁷ She agreed that a high building on the Language School site would be likely to be similar in effect to the Sofitel Hotel.⁶⁰⁸ However, she considered that the western end of the hotel was something of an anomaly and should not, in her view, lead future built form along this street edge.⁶⁰⁹
725. In terms of effects on the Brecon Street steps, Ms Jones noted that the Sofitel Hotel stepped down three times from Man Street to the narrow corner with Duke Street. She referred to this as an example of the sort of built form that can be achieved through a rule that applied a rolling height plane coupled with a horizontal high plane.⁶¹⁰ In her view it was important that

⁵⁹⁹ Submission 548. This submitter owned 19 Man St and sought that height on 10 Man Street be amended to be the same as on the carpark site.

⁶⁰⁰ V Jones, Reply Statement at [6.24].

⁶⁰¹ 10 Man, 10 Brecon and 14 Brecon Streets.

⁶⁰² V Jones, Reply Statement at [6.24].

⁶⁰³ Ibid at [6.25(a)]

⁶⁰⁴ Ibid at [6.25a].

⁶⁰⁵ Ibid at [6.25b].

⁶⁰⁶ Ibid.

⁶⁰⁷ Ibid at [6.25c].

⁶⁰⁸ Ibid.

⁶⁰⁹ Ibid.

⁶¹⁰ Ibid at [6.25d].

both sides of the Brecon Street steps bear some relationship to one another.⁶¹¹ Stepping the built form down the Brecon Street steps would result, she thought, in an appropriate outcome.⁶¹²

726. Ms Jones' primary concern with the rules proposed by Mr Edmonds and Mr Williams was that the allowed height above Brecon Street at the mid-block would be some 21.55 m above the street level.⁶¹³ She considered that to be too high, and that it would potentially create adverse visual dominance effects over Brecon Street.⁶¹⁴ She pointed out that such an outcome did not correspond with the step in the Sofitel Hotel built form, and provided some graphics to illustrate that point⁶¹⁵. Overall, it was Ms Jones' opinion that a consistent height plane across all three properties fronting Brecon Street as supported by Mr Edmonds and Mr Williams, would result in a building that was too low on Man Street to contribute positively to the streetscape.⁶¹⁶ Also it would be an inefficient use of 10 Man Street and would potentially be visually dominating on Brecon Street. She did not support such an approach.

727. We note that having conferred with Mr Church, Ms Jones confirmed the view that the application of Precinct 1 to the Language School site and sloping height plane rules for the site was appropriate.

728. Ms Jones did propose the option of a lower height plane over the two uppermost sites, 10 Man Street and 14 Brecon Street, to 335.1 masl, although this was not her preference.⁶¹⁷ This would provide, she said, a consistent 3 m step between each building height limit and to some extent would match the hotel on the opposite side of Brecon Street.⁶¹⁸ However, she considered 8 m would restrict the building height to two low stories which was not the most appropriate outcome.⁶¹⁹

Our Recommendations on 30 Man Street

729. Submitter evidence challenged Ms Jones' recommendation in relation to the appropriate heights for the Language School site, but as we understood the evidence, there was no challenge in relation to 30 Man Street. We agree with and adopt Ms Jones' recommendations in regard to 30 Man Street.

Our Recommendations on the Language School Site

730. Overall, having considered the various options presented to us by Mr Williams, Mr Edmonds and Ms Jones, we have concluded that applying the Precinct 1 height rules to this site and the adjoining two on Brecon Street would provide the most appropriate outcome. While the graphics included in Ms Jones' Reply Statement show the potential for a building on 10 Man Street to loom over any building on the adjoining 14 Brecon Street, we consider the stepped height regime of permitted, restricted discretionary and non-complying would enable a satisfactory urban design outcome along this portion of Brecon Street. Finally, we see no reason to limit the development potential of 10 Man Street solely to protect private views from another commercial property.

⁶¹¹ *ibid* at [6.25d].

⁶¹² *ibid*.

⁶¹³ *ibid* at [6.26].

⁶¹⁴ *ibid*.

⁶¹⁵ *ibid* at p17-18.

⁶¹⁶ *ibid* at [6.28].

⁶¹⁷ *ibid* at [6.29].

⁶¹⁸ *ibid*.

⁶¹⁹ *ibid*.

731. For these reasons, and for the reasons advanced by Ms Jones, we recommend that the relevant rule version we have set out below be adopted.

Recommended wording of rule 12.5.9 and 12.5.10

732. It is clear that height in the QTCZ is a key issue. These rules attracted many submissions and further submissions and much analysis in particular by Ms Jones and Mr Church.

733. We wish to thank Ms Jones and Mr Church for their input and analysis which enabled us to determine the rule wording which we consider achieves the objectives and policies and ultimately supports the zone purpose as set out earlier in this decision.

734. We recommend these rules be renumbered as Rule 12.5.8 and Rule 12.5.9, and be adopted with the wording set out in Appendix 1. This wording incorporates necessary consequential changes resulting from the revisions we have discussed above. We also recommend including as Figure 2 the Height Precinct Plan shown as Reply Figure 2 above.

7.17. Rule 12.5.11 Noise

735. As notified, this rule set out the standards for activities in the QTCZ regarding noise. In the PDP, the noise limits were increased slightly throughout the QTC (other than in the TCTZ). The noise rules included a newly identified TCEP where a higher level of noise was allowed in order to encourage noisier venues to locate in the most central part of town, where they would have the least effect on residential zones (within which acoustic insulation is not required).

736. The issues raised by submitters relating to noise focused on:

- a. the appropriateness of the noise levels particularly the more enabling limits relating to music, voices and loud speakers and if those new limits applied to the TCTZ;
- b. establishing the Town Centre Entertainment Precinct and its possible expansion;
- c. determining if the noise limits applied to commercial motorised water based craft was a further issue.

Town Centre Entertainment Precinct (TCEP)

737. Turning first to the issue of whether the TCEP should be established and, if so, expanded.

738. Various submitters⁶²⁰ opposed both the TCEP concept and its rules, requesting it be deleted and the whole of the QTC be subject to lower noise standards. Imperium Group⁶²¹ specifically requested that all consequential amendments necessary be made to remove the TCEP from the chapter.

739. The PDP introduced changes to noise limits resulting in a range of submitters⁶²² requesting that noise limits be lowered through the town centre. They requested the reinstatement of the ODP rules or the deletion of the exclusion of sound from the sources specified in notified Rules 12.5.11.3, 12.5.11.4, 12.5.11.1 and 12.5.11.2. Consequently, the second key issue was the appropriateness of the noise limits within the proposed rules.

740. Submitters opposing the proposed noise rules contended that raising the limits would increase adverse effects on residents and visitors staying in and around the town centre, users of the gardens and detract from amenity values generally.

⁶²⁰ Submissions 599, 151 and FS1318), 654 (supported by FS1043 and FS1063)

⁶²¹ Submission 151.

⁶²² Submissions 151, 503, 506, 654, 302, 474 and 217

741. Conversely a number of submitters⁶²³ either supported the proposed noise rules or requested more lenient noise limits. Primarily they sought extending the TCEP rules to a greater area of the town centre such as Steamer Wharf, the waterfront area, or in discreet cases, such as 1876 Speights Ale House, The Pig & Whistle and Brazz, and to both sides of Seale Lane. They also requested particular exemptions to the rules.
742. Reasons the submitters put forward for extending the TCEP to the above areas included the point that there were no accommodation providers in some of the locations referred to but, rather, these areas were characterised by patrons occupying outdoor areas. Submitters linked to Steamer Wharf explained the wharf was a proven hospitality destination with 11 established bars, a central management structure, a good alcohol record, and resource consents allowing open air bars to operate to 12 am with positive results. They also pointed out there were limited numbers of sensitive receivers in the vicinity and a low possibility of such activities establishing within the complex. Submitters also contended applying the TCEP to Steamers Wharf would result in consolidation of entertainment type activities resulting in minimising conflict with other users and also making enforcement and self-monitoring easier.
743. Including the Queenstown Bay waterfront, according to some submitters⁶²⁴, was essential to maintaining Queenstown's reputation as a premier destination. Those submitters also noted that Pog Mahones was a long-time business associated with this vibrant area and including it within the TCEP was considered appropriate.
744. Similarly with Searle Lane, submitters⁶²⁵ made the point that this was already a busy vibrant hospitality precinct. Including it in the TCEP would ensure its ongoing development. Submitters made the point that the central location of Searle Lane worked well to insulate noise from leaving this area.
745. Other submitters⁶²⁶ requested that the rules that apply to the TCEP, namely notified Rules 12.5.11.3 (a) and 12.5.11.4 (a), should apply throughout the whole QTCZ except the TCTSZ.
746. In considering and determining a response to these submissions, Ms Jones relied upon the expert evidence of Dr Stephen Chiles.⁶²⁷ As well as being well-qualified, Dr Chiles recorded in his evidence that he had worked extensively on acoustic issues in the district for over a decade.⁶²⁸ He told us his involvement in the district has been primarily with respect to disturbance or potential disturbance from various restaurants and bars at nearby residential and visitor accommodation.
747. Before evaluating the noise rules and submitter position, Dr Chiles made what we think is a very important context point: the town centre noise limits in the ODP are, according to Dr Chiles, more stringent than most other districts in New Zealand.⁶²⁹ They do not allow for the degree of night-time entertainment enabled by both the policies and rules in the PDP. The PDP, according to Dr Chiles, would provide more lenient noise limits for night-time

⁶²³ Submissions 714, 804 (opposed by FS1318), 774, 70, 247, 587, 589, 835, 839, 777, 71, 774, 596 (opposed by FS1318), 549 (supported by FS1134, opposed by FS1318)

⁶²⁴ Submissions 70, 71, 714 (opposed by FS1318), 774, 247, 587, 589, 835, 839, and 777.

⁶²⁵ Submissions 549, FS1134.2 (opposed by FS1318.14)

⁶²⁶ Submissions 250, 544 (supported by FS1134), 630 (opposed by FS1043 and FS1318)

⁶²⁷ V Jones, Section 42A Report at [12.19].

⁶²⁸ Dr S Chiles, EiC at [1.5].

⁶²⁹ Ibid at [2.1a].

entertainment.⁶³⁰ As we understood the evidence before us, we did not understand anybody to challenge Dr Chiles on these points.

748. Dr Chiles expressed the opinion that the PDP would be likely to compromise residential amenity in the QTC and to a lesser extent in nearby residential zones.⁶³¹ He went on to note that he was not aware of a practical alternative to avoid compromising either noisy or noise sensitive activities in the QTC.⁶³² He did express the opinion, however, that the proposed compromise of residential amenity in the town centre and nearby residential zones was reasonable and should be acceptable in these environments.
749. Dr Chiles was of the view the PDP noise limits were robust and practical. He noted that while bar and restaurant activity would be enabled to a greater extent than under the ODP, he pointed out that those activities would still need to be subject to standard noise management practices, such as limiting sound system volumes.⁶³³
750. In relation to the TCEP, Dr Chiles made the point that the purpose of the precinct was to provide for fewer restrictions on some bar and restaurant activities in an area.⁶³⁴ He said that area had been selected to minimise effects on residential zones and to avoid conflict with existing residential and visitor accommodation in the QTC, as far as practicable.⁶³⁵
751. Dr Chiles explained to us that due to the distribution of visitor accommodation throughout the QTCZ there were some effects that could not be avoided. This circumstance was aptly demonstrated by the Eichardt's Private Hotel (Eichardt's), given that its location at 2 Marine Parade was immediately adjacent to the proposed TCEP. Dr Chiles noted that the nearest parts of Eichardt's facing the TCEP were occupied by retail units on the ground floor.⁶³⁶ These units were not considered noise sensitive because of the nature of activities performed in them and, more importantly, because they were unlikely to be occupied at night.⁶³⁷
752. Dr Chiles noted the first floor hotel spaces appeared to have sound insulating glazing and in any event they were currently exposed to sound from people in the Mall at night.⁶³⁸ He observed that, based on his past experience, night-time noise from people in the Mall would often generate sound levels similar to or higher than those permitted by the PDP noise limits.⁶³⁹ Finally, he noted that because Eichardt's was not in the entertainment precinct itself, the more stringent noise limits in notified Rules 12.5.11.3 (b) and 12.5.11.4 (b) would apply to any sound within the TCEP received at Eichardt's.⁶⁴⁰
753. He also made the point that the precinct would serve as a guide for future developments in the QTC as the most appropriate location for both noisy and noise sensitive activities.⁶⁴¹ We understood this to mean that the existence of the precinct would encourage noisier activities to locate within it and it would discourage the location of noise sensitive activities.

630 Ibid.

631 Ibid.

632 Ibid.

633 Ibid at [2.1b].

634 Ibid at [2.1c].

635 Ibid.

636 Ibid at [10.2].

637 Ibid.

638 Ibid.

639 Ibid.

640 Ibid.

641 Ibid.

754. As to extending the TCEP to other areas in the QTC, Dr Chiles was clear that to do so would give rise to additional adverse effects.⁶⁴² Consequently, he did not support an extension of the TCEP. In respect of those submitters who sought deletion of the precinct, he responded that he considered the TCEP would serve a useful function that, based on his experience, would not be provided by assessing individual bars on a case by case basis as currently occurred under the ODP.⁶⁴³
755. Having particular regard to Dr Chiles' evidence, particularly the noise contours attached as Appendix C, we are satisfied that the effects on residential amenity as modelled of including Steamer Wharf and/or the Brazz precinct of bars and/or the whole of the QTC would be unacceptable in terms of noise effects.
756. Having carefully considered Dr Chiles' evidence, including his previous reports, we agree with Ms Jones that the location and extent of the proposed TCEP is the most appropriate response to the potential conflicts between bars and restaurants on one hand, and residential and visitor accommodation uses on the other, in and around the QTC. We have paid particular attention to the noise contours in Dr Chiles' evidence, comparing the three sets of noise contours in what he describes as his "*First 2014 letter*".⁶⁴⁴ We conclude that the contours provide compelling evidence that the proposed location of the TCEP is appropriate.
757. In respect of expanding the TCEP to both sides of Searle Lane, we accept, based on Dr Chiles' evidence, that this may not result in a significant increase in the noise received within the residential zone. We do, however, agree that to expand the TCEP would exacerbate noise effects on Nomads Backpackers and cause sleep disturbance to a large number of people.
758. We have considered the solution of retrofitting this backpacker's facility with noise insulation, but we do not consider the benefits of expanding the TCEP outweigh imposing costs on the backpacker's operator. In any event, the Council cannot compel noise insulation. It follows that we do not recommend extending the TCEP to include Pog Mahones Irish pub, or extending the TCEP as requested by the Good Group, to all of the QTC excluding the TCTSZ.
759. Also we do not support extending the TCEP to include the Pig and Whistle and historic courthouse buildings nor extending the precinct more broadly around the village green to Stanley Street. Having close regard to Dr Chiles' contours in the "*Second 2014 Letter*" and comparing them with scenario 2 in the "*First 2014 Letter*", confirms that, to extend the TCEP in the manner submitters sought, would result in sound levels that would generally be unacceptable, particularly at the interface with the residential zone around Henry Street and Melbourne Street.

Appropriateness of Noise levels

760. As notified the Noise rules provide for noise levels at differing times of the day and night for activities located within the TCZ and the TCTZ. Exceptions to these noise limits were provided for in subsequent rules. Before turning to the exceptions, if noise levels were not complied with by an activity then the status of that activity would become non complying.
761. The exceptions were more permissive enabling higher sound from music, voices and from loudspeakers within any site in the TCEP.

⁶⁴² Ibid at [2.1d].

⁶⁴³ Ibid.

⁶⁴⁴ Ibid at [1.10e].

762. Construction noise and outdoor public events pursuant to Chapter 36 were dealt with differently. As originally notified, the rules did not deal with or were unclear in terms of application to commercial motorised craft operating within the QTCWSZ.
763. Some submitters⁶⁴⁵ wished to see the notified rules reduce allowable noise, and deletion of the exclusion of sound from the sources specified in notified Rules 12.5.11.1 to 12.5.11.4. Reasons for opposing the proposed noise rules included the contention that raising limits would increase adverse effects on residents and visitors staying in and around the QTC and amenity values generally.
764. Other submitters⁶⁴⁶ requested the noise allowed within the TCEP apply throughout the QTC. Some expressed concern as to whether or not the increases would be sufficient to provide for night-time entertainment⁶⁴⁷.
765. Those seeking noise reductions included Mr James Cavanagh⁶⁴⁸ for Imperium Group⁶⁴⁹. He described the impact of existing noise on both The Spire and Eichardt Hotels. He noted both hotels prided themselves on the ability to give guests a luxurious stay without interruption or disturbance.⁶⁵⁰ He detailed instances of a number of complaints from guests regarding noise, from sources such as taking kegs out and or moving outside furniture.
766. However, as Ms Jones pointed out, the noise limits in the PDP in that regard would be the same as the ODP so there would be no change.⁶⁵¹ Also, we observe that, while the PDP does propose more permissive noise limits as usefully described in the evidence of Dr Chiles, this would not promote people shouting or loud music with open doors and windows. Furthermore, sound from patrons on public streets is not directly controlled by either noise rules in the ODP or the PDP. However, we do not doubt either the accuracy or the genuineness of Mr Cavanagh's concerns, particularly in relation to enforcement of the noise rules.
767. In legal submissions for the Imperium Group, Ms Macdonald repeated Imperium's original submission that:⁶⁵²
- a. there was no "justifiable resource management reason for providing separate and increased noise limits" for the TCEP;
 - b. making provision for higher noise limits in the TCEP would result in significant adverse effects on properties within the TCEP and in its vicinity;
 - c. there was no justification for those notified rules which would allow noise to spill over into areas outside the TCEP in a manner that would depart from standard noise provisions; and
 - d. insufficient consideration had been given to alternatives.
768. Essentially reverting to the status quo as per the ODP was sought.⁶⁵³ Ms Macdonald submitted that the adverse effects generated by the higher noise levels were significant and that they

⁶⁴⁵ Submissions 151, 503, 506, 654, FS1063, FS1318, 302, FS1043, 474, 217.

⁶⁴⁶ Submissions 544, FS1134, 630, 250 (opposed by FS1043 and FS1313).

⁶⁴⁷ Submission 630

⁶⁴⁸ J Cavanagh, EiC at [3.1 to 3.13]

⁶⁴⁹ Submission 151

⁶⁵⁰ J Cavanagh, EiC at section 3.

⁶⁵¹ V Jones, Reply Statement at [11.1].

⁶⁵² Legal Submissions of Ms Macdonald at [1a].

⁶⁵³ Ibid at [21].

had not been adequately assessed or addressed in proposed Chapter 12, Dr Chiles' evidence or Ms Jones' Section 42A Report.

769. As much as Mr Cavanagh's evidence presented concerns, we do have to consider what both Dr Chiles and Ms Jones told us about the existing noise environment.
770. In particular, as Ms Jones recorded⁶⁵⁴, in practice the rules would allow activity and noise levels of a very similar nature to what in fact has actually been able to occur regularly through non-complying resource consents over the years. We understood Dr Chiles to confirm the same point. Returning to the status quo would not appropriately deal with this circumstance. We think it more appropriate that the PDP recognise and provide for the current noise environment in a manner which both recognises that existing noise environment and provides appropriate levels of protection for noise sensitive activities. We are satisfied that the TCEP and the noise levels within the notified rules would achieve that difficult balance. We also agree with Dr Chiles that, given the current noise environment, there are very few practical alternatives available.⁶⁵⁵
771. Dr Chiles and Ms Jones pointed to the history of resource consent applications which sought to exceed the noise limits.⁶⁵⁶ This demonstrated to us those ODP plan provisions did not adequately provide for or meet the community's demand for those activities in the QTC. As well, noise assessment and controls in relation to those resource consents could be costly, inefficient and potentially ineffective.
772. It seemed to us that Dr Chiles explicitly recognised the shortcomings in this consenting approach in supporting the PDP noise rules. As we note below, he also explicitly recognised the important shift in noise-related policies because that shift would recognise the effects of the current noise environment on residential amenity and visitor accommodation is largely unavoidable. This effect on residential amenity would be specifically recognised in recommended Policies 12.2.1.4 and 12.2.3.4.
773. We do accept that notified Rules 12.5.12 and 12.5.13 would not relate to the existing critical listening areas. However, those notified rules would at least address this circumstance for a new noise sensitive activity wishing to locate either within or nearby the TCEP. We see that as an improvement.
774. Also, in our view notified Rules 12.5.11.1 to 12.5.11.5 would give effect to recommended Policies 12.2.1.3, 12.2.1.4, 12.2.3.3 and 12.2.3.4. All of these policies seek to enable bar and restaurant activity in the QTC at the expense of compromised residential amenity in the QTC, while minimising effects on nearby residential zones.
775. In respect of notified Rule 12.5.11.5, Evan Jenkins⁶⁵⁷ sought to have all outside loudspeakers banned on the basis that the noise from them could not be contained, they infected public space and disturbed customers of other establishments. The Queenstown Chamber of Commerce⁶⁵⁸ sought confirmation that the noise limits in the PDP were consistent with other resort towns. Dr Chiles confirmed the noise limits in the PDP as notified were consistent with

⁶⁵⁴ V Jones, Section 42A Report at paragraph 12.57

⁶⁵⁵ Dr S Chiles, EiC at[2(1)a].

⁶⁵⁶ Ibid at [3.2], Section 42A Report of Ms Jones at [12.61].

⁶⁵⁷ Submission 474

⁶⁵⁸ Submission 774

other towns seeking to enable night entertainment.⁶⁵⁹ He did note, however, that in the QTC outside of the TCEP, the PDP noise limits would remain relatively stringent for some restaurants and bars and would, in his opinion, still constrain activity at night.⁶⁶⁰

776. Peter Fleming⁶⁶¹ submitted that notified Rule 12.5.11 was unworkable. Dr Chiles disagreed. In his view, the rules were consistent with the approach of other towns and the noise limits are measured and assessed against relevant New Zealand Standards.⁶⁶²
777. Dr Chiles also responded that it would explicitly address several issues in making the application of the noise limits more practical, particularly in the light of experience with the ODP.⁶⁶³ For example, the outdoor loudspeaker noise limit in notified Rule 12.5.11.4 would provide a simple practical control that could be readily verified by measurements on site at the same time as there being people in the vicinity. We were satisfied by Dr Chiles' evidence on this point.
778. Dr Chiles identified a drafting issue with notified Rule 12.5.11 in that it did not give effect to the structure of noise limits as originally intended.⁶⁶⁴ The intention was for these rules not to apply within the TCTSZ so that a buffer was created between activities with more lenient noise limits and surrounding residential zones. Relying on several submissions⁶⁶⁵, Ms Jones recommended amendments to give effect to the original intention of the rules. We agree and recommend those changes.
779. While on the point of amendments, Ms Jones pointed out that notified Rules 12.5.11.3 and 12.5.11.4 potentially conflicted with Rule 36.3.2.9 in Chapter 36 (Noise). She explained that those rules do not require noise from music or voices to meet residential noise levels on the boundary of that zone, yet reply Rule 36.3.2.9 provided otherwise.⁶⁶⁶
780. Ms Jones recommended amending the notified purpose within Chapter 36 at 36.1 and amending reply Rule 36.3.2.9 to deal with this potential conflict.⁶⁶⁷ Some of the changes to Section 36.1 were promoted as non-substantive and we agree with both the amendment and the basis of that amendment.
781. Ms Jones identified the submissions⁶⁶⁸ relied on to provide scope for her recommended changes to the notified Section 36.1 and also to Rule 36.3.2.9.⁶⁶⁹ We agree with her changes and recommend to the Stream 5 Hearing Panel that those amendments be made. We have included those changes within our Appendix 8.

Noise from Commercial Motorised Craft

782. Real Journeys⁶⁷⁰ sought that vessels carrying out navigational procedures be exempt from notified Rule 12.5.11, making such noise permitted. This submission identified for Ms Jones

⁶⁵⁹ Dr S Chiles, EIC at [4.1].

⁶⁶⁰ Ibid.

⁶⁶¹ Submission 599

⁶⁶² Dr S Chiles, EIC at [4.3].

⁶⁶³ Ibid at [4.4].

⁶⁶⁴ Ibid at [4.5].

⁶⁶⁵ Submissions 151, 503, 506, 654, 302, 217

⁶⁶⁶ V Jones, Section 42A Report at [12.55].

⁶⁶⁷ Ibid.

⁶⁶⁸ Submissions 151, 503, 506, 654, 302, 474, 217.

⁶⁶⁹ V Jones, Section 42A Report at [12.52].

⁶⁷⁰ Submission 621

an inconsistency between the rules relating to vessels within the WSZ and Chapter 12.⁶⁷¹ Dr Chiles agreed.⁶⁷²

783. Ms Jones pointed out that Chapter 36 proposed a specific noise limit for commercial motorised craft on the lake.⁶⁷³ It also proposed exempting craft from other zone noise limits, whereas such craft operating in the WSZ would be subject to the general QTC noise limits of Chapter 12.

784. Dr Chiles preferred the limits and methodology contained in Chapter 36 over those contained in Chapter 12.⁶⁷⁴ Ms Jones recommended that notified Rule 12.5.11 be amended by adding a further provision exempting water and motor-related noise from commercial motorised craft within the QTZ WSZ from meeting the limits set out in Rules 12.5.11.1 and 12.5.11.2.⁶⁷⁵ This would have the effect of such noise being subject to (reply version) Rule 36.5.14. Further Purpose 36.1 and Rule 36.3.2.9 would need minor amendment to clarify this point. We agree and so recommend to the Stream 5 Hearing Panel. The changes we recommend to Chapter 36 are set out in Appendix 8.

Our Recommendations

785. In our view the noise levels within the notified rules based on the expert evidence of Dr Chiles and the opinion of Ms Jones are appropriate as they largely reflect the existing noise environment. The notified rules support the zone purpose and policy framework.

786. We consider the TCEP is also appropriate and extension or modification to allow application of it to additional areas is not warrant

787. We also consider clarifying the appropriate noise rule that applies to commercial motorised craft operating within the QTCWS is appropriate.

788. Accordingly, we recommend Rule 12.5.10 (notified Rule 12.5.11) be as set out below, with our amendments shown as strikethrough and underlined.

12.5.110	<p>Noise</p> <p>10.1.2.1 <i>Sound* from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.11.3 to 12.5.11.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</i></p> <p style="margin-left: 40px;">a. daytime (0800 to 2200 hrs) 60 dB L_{Aeq}(15 min)</p> <p style="margin-left: 40px;">b. night-time (2200 to 0800 hrs) 50 dB L_{Aeq}(15 min)</p>	NC
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⁶⁷¹ V Jones, Section 42A Report at [12.54].

⁶⁷² Dr S Chiles, EiC at [8.3].

⁶⁷³ V Jones, Section 42A Report at [12.55].

⁶⁷⁴ Dr S Chiles, EiC at [8.3].

⁶⁷⁵ V Jones, Section 42A Report at [12.55].

	<p>c. night-time (2200 to 0800 hrs) 75 dB L_AF_{max}</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p>	
10.1.2.2	<p><i>Sound from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.11.3 and 12.5.11.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in:-</i></p>	
10.1.2.3	<p><i>Within the Town Centre Zone only <u>excluding the Town Centre Transition Sub-Zone</u>, sound* from music shall not exceed the following limits:</i></p> <p>a. 60 dB LAeq(5 min) at any point within any other site in the Entertainment Precinct; and</p> <p>b. At any point within any other site outside the Entertainment Precinct.</p> <p>i. daytime (0800 to 0100 hrs) 55 dB L_Aeq(5 min)</p> <p>ii. Late night (0100 to 0800 hrs) 50 dB L_Aeq(5 min)</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p>	
10.1.2.4	<p><i>Within the Town Centre Zone only <u>excluding the Town Centre Transition Sub-Zone</u>, sound* from voices shall not exceed the following limits:</i></p> <p>a. 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and</p> <p>b. At any point within any other site outside the Entertainment Precinct.</p> <p>i. daytime (0800 to 0100 hrs) 60 dB L_Aeq(15 min)</p> <p>ii. Late night (0100 to 0800 hrs) 50 dB L_Aeq(15 min)</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p>	

	<p>10.1.2.5 <i>Within the Town Centre Zone only excluding the Town Centre Transition Sub-Zone,, sound* from any loudspeaker outside a building shall not exceed 75 dB L_{Aeq(5 min)} measured at 0.6 metres from the loudspeaker.</i></p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p><u>Exemptions from Rule 12.5.11:</u></p> <p>The noise limits in 12.5.11.1 and 12.5.11.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999;-</p> <p>The noise limits in 12.5.11.1 to 12.5.11.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan;-</p> <p><u>The noise limits in 12.5.11.1 and 12.5.11.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone which is, instead, subject to Rule 36.5.13.</u></p>	
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7.18. **Rule 12.5.12 Acoustic insulation, other than in the Entertainment Precinct and Rule 12.5.13 Acoustic insulation within the Entertainment Precinct.**

789. Two submitters⁶⁷⁶ supported the new provisions for insulation and mechanical ventilation. Other submitters,⁶⁷⁷ primarily as a consequence of overarching relief, requested the deletion of notified Rule 12.5.13 which required insulation and ventilation in the TCEP. Other submitters⁶⁷⁸, as a consequence of requesting that the TCEP be extended, requested that the rule be amended to apply to those additional areas.

790. Dr Chiles explained that these rules would require both mechanical ventilation/cooling and enhanced sound insulation of facades.⁶⁷⁹ To meet the facade sound insulation requirements both inside and outside the TCEP, glazing would generally need to be a high performance secondary or triple glazed system with a large cavity of approximately 100 mm between panes of glass. He said that could be achieved by installing a second window inside the main window.⁶⁸⁰

791. Dr Chiles referred us to section 5 of the 2011 report that explained the need for the sound insulation to result in internal sound levels that should provide reasonable protection from

⁶⁷⁶ Submissions 217 and 774

⁶⁷⁷ Submissions 302 and 151

⁶⁷⁸ Submissions 714 and 774

⁶⁷⁹ Dr S Chiles, EIC at [9.1].

⁶⁸⁰ Ibid

sleep disturbance. He was clear in his view⁶⁸¹ that the acoustic treatment required by these rules was essential to give effect to notified Policies 12.2.1.3, 12.2.1.4, 12.2.3.3 and 12.2.3.4.

792. It was Dr Chiles' view that, even if the noise limits were not being increased within the PDP, it would still be appropriate to include an acoustic treatment requirement.⁶⁸² This reinforced for us the point about the already existing noisy environment.
793. Ms Jones recommended that it was essential that all new critical listening areas wishing to establish in the TCEP be required to be insulated to the standard required by these rules.⁶⁸³ It was her understanding that the costs associated with achieving the necessary insulation would not be significant in the context of a new commercial building.
794. However, she acknowledged these rules could deter some owners from developing residential and visitor accommodation within this relatively small area and instead developing upper stories for office, light manufacturing secondary retail or some other use.⁶⁸⁴
795. Ms Jones did not see this as an adverse outcome. Rather, she considered this was simply internalising the environmental and economic cost of establishing residential development within the TCEP and as such would very likely result in efficient land use in the long-term.⁶⁸⁵
796. Also, Ms Jones noted that, for those where cost does not present a financial barrier to developing residential and visitor accommodation, then these provisions would enable the development in a manner that should not result in adverse effects on health and well-being.⁶⁸⁶
797. Finally, Ms Jones reminded us that removal of this requirement would not enable the achievement of notified Objective 12.2.3, as it would not result in a reasonable level of residential amenity for those seeking to reside in the TCEP.⁶⁸⁷
798. We accept the opinions and the reasons for them as advanced by both Dr Chiles and Ms Jones in relation to acoustic installation and ventilation and we recommend inclusion of those rules as we have set out below. We think the rules advanced are realistic given the existing noise environment. We also consider these rules are appropriate and are to be preferred having considered the alternatives promoted within submissions.
799. We show our recommended wording as underlined or strikethrough, including renumbering to Rule 12.5.11 and 12.5.12 (notified Rules 12.5.12 and 12.5.13) as follows:

<p>12.5.12 <u>12.5.11</u></p>	<p>Acoustic insulation, other than in the Entertainment Precinct</p> <p><u>Where any new building is erected or a building is modified to accommodate a new activity:</u></p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>the noise levels that will be received within the critical listening environments, with</u></p>
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⁶⁸¹ Ibid at [9.2].

⁶⁸² Ibid

⁶⁸³ V Jones, Section 42A Report at [12.67].

⁶⁸⁴ Ibid.

⁶⁸⁵ Ibid.

⁶⁸⁶ Ibid.

⁶⁸⁷ Ibid.

	<p>12.5.121.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36;</p> <p>12.5. 121.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> ● the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; ● the extent of insulation proposed; and ● whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary. 	<p><u>consideration including the nature and scale of the residential or visitor accommodation activity;</u></p> <p>b. <u>the extent of insulation proposed; and</u></p> <p>c. <u>whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary.</u></p>
<p>12.5.13 <u>12.5.12</u></p>	<p>Acoustic insulation within the Entertainment Precinct</p> <p><u>Where any new building is erected or a building is modified to accommodate a new activity:</u></p> <p>12.5. 132.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36;.</p> <p>12.5. 132.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>NC</p>

7.19. Rule 12.5.14 Glare

800. This Rule, as notified, raised two issues. The first was in relation to limiting effects of glare on the night sky. The reporting officers had recommended deletion of the words “*and so as to limit the effects on the night sky*” because those words were uncertain and would make the standard *ultra vires*. However, they stated, simply excising the words in the phrase would make the standard *intra vires*.

801. During the hearing we asked Mr Winchester to consider whether there was scope within submissions to delete that phrase within any submissions received. In particular, the

submissions of Grant Bisset⁶⁸⁸ and Ros and Dennis Hughes⁶⁸⁹ (Hughes). Ms Scott, in the Legal Submission in Reply, submitted that those submissions did not provide scope to delete the phrase, but they did provide scope to make the zone provisions more measurable and specific.⁶⁹⁰

802. Mr Bisset's submission stated that the night sky was a valuable resource and the ability to clearly view it was an amenity value of the district. The submission also supported the provisions controlling the effects of lighting⁶⁹¹ and stated that "*a greater level of direction is required*" to achieve this.
803. Ms Scott explained that the Hughes similarly submitted that the PDP did not adequately recognise the significance of the night sky, and sought that it be given greater prominence and recognition in the PDP.⁶⁹²
804. We agree that a consistent approach in the Plan should be taken to this phrase.
805. It is apparent that we have two alternatives. Relying upon Ms Scott's analysis that submissions do provide scope to make the provisions more measurable and specific, we could amend the relevant words in Rule 12.5.13.1 to read "*directed downward ... so as to limit effects on views of the night sky*". We think that wording is more certain.
806. The other alternative is to delete the words altogether. Doing so would conclusively address the problem but would leave a vacuum and the rule would not support Policy 12.2.3.6, which is directed at promoting lighting design that mitigates adverse effects on views of the night sky.
807. We prefer amending the wording because we think in this way the rule is made clearer and supports Policy 12.2.3.6. We have carried this recommendation through into our Appendix 1 and set it out below and we have applied this approach to this glare rule in all Stream 8 Chapters.
808. The other issue related to notified Rule 12.5.14.4. This related to reflectance and exterior materials. Several submitters⁶⁹³ opposed this rule and sought that it be deleted. Considering this issue, Ms Jones was of the view that this notified rule was not the most appropriate way of achieving the objectives.⁶⁹⁴ She noted that the QTC was a relatively shady part of the district and consequently glare was not a significant issue.⁶⁹⁵ She also considered that there were no landscape values that needed to be considered and, in her view, allowing a range of colours and materials would add vibrancy and diversity to highly urbanised areas.⁶⁹⁶

⁶⁸⁸ Submission 568.

⁶⁸⁹ Submission 340.

⁶⁹⁰ Legal Submissions in Reply of Ms Scott at [3.5].

⁶⁹¹ in Chapters 6 (Landscape) and 21 (Rural Zone).

⁶⁹² Legal Submissions in Reply of Ms Scott at [3.4].

⁶⁹³ Submissions 398 (opposed by FS1274), 606 (opposed by FS1063) 609 (opposed by FS1063), 614 (supported by FS1200), 616, 617.

⁶⁹⁴ V Jones, Section 42A Report at [13.36].

⁶⁹⁵ Ibid.

⁶⁹⁶ Ibid.

809. Also, in so far as it was necessary, Ms Jones considered Rule 12.4.6.1 provided the Council with control over colour where necessary.⁶⁹⁷ In addition, the guidelines for the SCA considered reflective colours such as cream to be appropriate from a character perspective, which she said, could be in direct conflict with the rule. Finally, she was of the view that there were no objectives or policies that supported this particular glare rule.⁶⁹⁸
810. Ms Jones' recommendation was to remove Rule 12.5.14.4, but to retain the objectives, policies and guidelines as notified in respect of this matter.
811. For all of the reasons she advanced we recommend deletion of Rule 12.5.14.4 and recommend the Council accept the submissions seeking to delete Rule 12.5.14.4 and reject those further submissions in opposition.
812. Real Journeys Limited⁶⁹⁹ requested that this rule be amended to include a standard limiting glare from the Queenstown Bay foreshore so as to avoid interference with the navigational safety of vessels. Ms Black produced evidence and photographs showing light spill over the Queenstown Bay foreshore area in calm water conditions. Ms Jones did not respond to this evidence in her reply.
813. In our view the evidence produced by Ms Black detailed an existing circumstance. It is not possible by amendment to the plan to remedy those existing navigation challenges. While Ms Black did promote additional wording⁷⁰⁰, we do not think that wording is required because the rule as we are recommending it be amended, would require that lighting be directed away from public places. The Queenstown Bay foreshore area is a public place. In that way then, while not specifically addressing the safe operation and navigation of the TSS Earnslaw, the issue of light spill effecting the TSS Earnslaw, would be partially addressed in an indirect way. In any event, perhaps this issue is best dealt with in the transport chapter. We do not recommend any change and recommend rejection of Submission 621.
814. Our recommended wording of Rule 12.5.13 is as follows:

12.5. 14 13	<p>Glare</p> <p>12.5.1413.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places and downward so as to limit effects on views of the night sky.</p> <p>12.5.1413.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.</p> <p>12.5.1413.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining</p>	NC
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⁶⁹⁷ Ibid at [13.37].

⁶⁹⁸ Ibid.

⁶⁹⁹ Submission 621

⁷⁰⁰ Suggested wording included in Submission #621 at p 14. "Light from any activity shall not be directed out over the water in Queenstown Bay in such a way that interferes with the safe operation and navigation of the "TSS Earnslaw"."

	<p>property which is zoned High Density Residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>12.5.14.4 External building materials shall either:</p> <p style="padding-left: 40px;">a. Be coated in colours which have a reflectance value of between 0 and 36%; or</p> <p style="padding-left: 40px;">b. Consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper;</p> <p>Except that:</p> <p style="padding-left: 40px;">Architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%.</p>	
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7.20. Rule 12.6 Rules - Non-Notification of Applications

815. This section provided for applications for controlled activities to proceed without any written consents and on a non-notified basis. It also provided for certain restricted discretionary activities to proceed on the same basis, and for certain restricted discretionary activities to require limited notification.

816. NZTA⁷⁰¹ requested that Rule 12.6.1 be amended to read:

“Applications for Controlled activities shall not require the written consent of other persons and shall be notified or limited-notified except for 12.6.1.1 visitor accommodation adjacent to the State highway where the road controlling authority shall be deemed an affected party”

817. Regarding the request that NZTA be notified of all visitor accommodation on state highways, Ms Jones was of the view that while it was inappropriate to deem NZTA an affected party in all instances, it was appropriate to remove from the non-notification clause, instances where visitor accommodation proposed access onto the state highway; thus enabling the Council to determine if NZTA was affected on a case by case basis, even in the absence of special circumstances.⁷⁰²

818. Ms Jones considered this was an appropriate exemption given the existing traffic congestion levels in the town centre, including on those portions of the state highway that are located within the zone and the traffic generation/disruption that can result from visitor accommodation.⁷⁰³

819. The only issue with this rule was that it contained a deeming provision that would exempt the road controlling authority from rules precluding notification or limited notification. We raised this issue through questions during the course of the hearing.

820. Ms Scott, in her Reply Submissions, agreed that section 77D does not allow a local authority to make a rule constraining, nor provide an exemption from, non-notification for particular parties.⁷⁰⁴ However, she noted Ms Jones had recommended amending Rule 12.6.1.1 so that the exemption would be framed in terms of vehicle access and egress on to a state highway.

⁷⁰¹ Submission 719

⁷⁰² V Jones, Section 42A Report at [18.5e].

⁷⁰³ Ibid.

⁷⁰⁴ Legal Submissions in Reply of Ms Scott at [3.10].

She submitted that this would be *intra vires* because it specified an activity rather than a party.⁷⁰⁵ With the addition of the word vehicle, he said, this recommendation would be consistent with what was recommended in the Reply version of the rule.⁷⁰⁶

821. We agree and recommend the change to renumbered Rule 12.6.1.1 as we have set out below.
822. Foodstuffs⁷⁰⁷ supported notified Rule 12.6.2, stating that removing the need to affected party approvals and notification for new buildings in the QTCZ would streamline decision-making process, minimise consenting risk and reduce processing costs/delays.
823. Christine Byrch⁷⁰⁸ sought that Rule 12.6.2.2 be amended to reflect that a breach of the building coverage rule in relation to large developments in the TCTSZ, and comprehensive development of sites 1800m² or more, should be notified.
824. Kopuwai Investments Limited⁷⁰⁹ sought that Rule 12.6.2 be amended to also list licenced premises and the sale and supply of alcohol within the Steamer Wharf entertainment precinct as being non-notified.
825. In response to those submissions, Ms Jones supported the non-notification clause for new buildings on the basis that it provided greater efficiencies and certainty in respect of timeframes and costs, and provided an appropriate counterbalance to the fact the activity status has changed from controlled in the ODP to restricted discretionary in the PDP.⁷¹⁰
826. Further, Ms Jones stated that, as a consequence of changing the status of licenced premises after 11:00pm (6:00pm) to controlled, such applications would not be notified unless special circumstances existed, pursuant to Rule 12.6.1.⁷¹¹
827. Ms Jones concluded, and we agree, that it is inappropriate and unnecessary to have a rule stating that certain activities will always be publicly notified⁷¹² (as requested in respect of developments that breach the building coverage rule or subject to limited notification).
828. In respect of whether a breach in building coverage should be non-notified by default, on the basis of efficiency and certainty and in order to be consistent with the approach taken for the Plan Change 50 area, Ms Jones was of the view that the clause regarding non-notification for such breaches should be retained.⁷¹³ We agree with her.
829. The final change we recommend is a clarification change by including the word height before Precinct 1 and Precinct 1A as it appears in standard 12.6.3.1.
830. Our recommended wording for rule 12.6 is:

⁷⁰⁵ Ibid at [3.11].

⁷⁰⁶ Ibid at [3.11].

⁷⁰⁷ Submissions 650 and 673

⁷⁰⁸ Submission 243, opposed by FS1224

⁷⁰⁹ Submission 714

⁷¹⁰ V Jones, Section 42A Report at [18.5a].

⁷¹¹ Ibid at [18.5b].

⁷¹² Ibid at [18.5c].

⁷¹³ Ibid at [18.5d].

- “12.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified, except:
12.6.1.1 Where visitor accommodation includes a proposal for vehicle access directly onto a State Highway.*
- 12.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:*
- 12.6.2.1 Buildings.*
- 12.6.2.2 Building coverage in the Town Centre Transition Sub-Zone and comprehensive developments.*
- 12.6.2.3 Waste and recycling storage space.*
- 12.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:*
- 12.6.3.1 Discretionary building height in Height Precinct 1 and Height Precinct 1(A).”*

7.21. Further Recommendations of the Panel

831. We have included this section in order to identify matters that we think warrant consideration but are out of scope.
832. Ms Jones considered possible amendments to provisions that would be desirable, either from an effectiveness and efficiency point of view or in order to achieve consistency between the QTCZ and other zones.
833. In particular, Ms Jones referred to Dr Chiles’ view in the Residential hearing⁷¹⁴ that he did not support the use of no complaints covenants as a tool for managing noise issues as they did not, in his view, address the noise effects other than potentially providing some forewarning for people purchasing a property. While there were no submissions in relation to this matter, it was Ms Jones’ preference, based on Dr Chiles’ view, and in respect of her own experience with such covenants, that this matter of discretion within renumbered Rule 12.5.11.2 be removed. We agree.
834. We recommend the Council consider a variation to make such a change.
835. We recommend the Council review Rule 12.5.1 where the rule drafting confuses activities and standards in such a way as to make avoidance of the intent of the rule a probable outcome. We have explained this in detail above in Section 8.1 under the heading Minor Amendments.

7.22. Recommendation to Stream 10 Hearings Panel

836. There are three definitions recommended for inclusion in Chapter 2. These are:
- a. Comprehensive development;
 - b. Landmark building;
 - c. Sense of place.

⁷¹⁴ 10 October 2016

837. These definitions and our reasoning for including them in the PDP are set out in Section 6 above. We have listed the recommended definitions in Appendix 8.
838. We recommend that the Stream 10 Hearings Panel:
- Include the recommended definitions as set out in Appendix 8 in Chapter 2 for the reasons we have provided in Section 6 above; and
 - Recommend that the relevant submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

7.23. Recommendation to Stream 5 Hearings Panel

839. As noted earlier, Ms Jones identified a conflict between Rules 12.5.11.3 and 12.5.11.4 and Rule 36.3.2.9. She explained that Rules 12.5.11.3 and 12.5.11.4 did not require noise from music or voices to meet residential noise levels on the boundary of that zone, yet reply Rule 36.3.2.9 stated that:

The noise standards in this chapter still apply to noise generated within the Town Centre zones but received in other zones.

840. In order to amend this inconsistency, Ms Jones recommended amending the notified purpose within Chapter 36 at 36.1 and amending reply Rule 36.3.2.9.⁷¹⁵ Some of the changes to purpose at 36.1 were promoted as non-substantive and we agree with both the amendment and the basis of that amendment.
841. Ms Jones identified the submissions⁷¹⁶ relied on to provide scope for her recommended changes to the notified Section 36.1 and also to Rule 36.3.2.9.⁷¹⁷ We agree with her changes and recommend to the Stream 5 Hearing Panel that those amendments be made. We have included those changes within our Appendix 8.
842. Consequently, with regard to the Zone Purpose in Section 36.1 and reply Rule 36.3.2.9 as discussed above, we recommend that the Stream 5 Hearings Panel
- Accept the recommended provisions as set out in Appendix 8 and
 - The submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

8. CONCLUSION

843. For the reasons advanced through this part of the report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.
844. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.
845. Consequently, we recommend that:
- Chapter 12 be adopted as set out in Appendix 1; and
 - The submissions be accepted, accepted in part, or rejected as set out in Appendix 7.

⁷¹⁵ Ibid.

⁷¹⁶ Submissions 151, 503, 506, 654, 302, 474, 217.

⁷¹⁷ V Jones, Section 42A Report at [12.52].

PART C: CHAPTER 13 - WANAKA TOWN CENTRE

9. BACKGROUND

846. Ms Victoria Jones prepared the Section 42A Report for this chapter, which provided a background to the WTCZ in addition to identifying the issues that arose from reviewing the ODP provisions.
847. The PDP zone provisions seek to address these issues, being:
- Development capacity and opportunities for expansion
 - Appropriateness of the height, bulk, location and design of the buildings, and urban design outcomes resulting from the ODP
 - Adverse environmental effects from activities in the town centre
 - Flood risk and provisions to address this issue.

10. PRELIMINARY MATTERS

10.1. Wanaka Height Precinct

848. The Panel's Minute entitled "Minute Concerning Wanaka Height Precinct" dated 6 November 2016 directed that all submissions on the Wanaka Height Precinct were to be dealt with in Stream 8, rather than in the Upper Clutha Mapping Stream.
849. The Minute stated that the "sole effect of the Height Precinct is to provide for increased building height in selected parts of the Wanaka Town Centre",⁷¹⁸ and this is a rules issue, rather than a mapping issue.
850. The submissions relating to the height precinct have been considered and have led to recommended changes to the extent of the Wanaka Height Precinct. In addition to the rules, DD and KK Dugan Family Trust⁷¹⁹ requested that the Council confirm the Wanaka Height Precinct in the Wanaka Town Centre Zone and Precinct applying to the land owned by the submitter.
851. Gem Lake Limited⁷²⁰ requested that the Wanaka Town Centre zoned part of Helwick Street be included within the Wanaka Height Precinct and that further or consequential or alternative amendments be made to give effect to this.
852. These submissions are discussed further in relation to the relevant rules, including the introduction of a new height precinct in Wanaka.
853. Mr Church, urban design expert on behalf of the Council, considered all these options regarding the location and extension of the Height Precinct and his expert opinion informed Ms Jones' recommendation to extend the Height Precinct (by amending notified Planning Map 21) to include those sites that front Helwick Street and are north of Dunmore Street. This is discussed further at Rule 13.5.9.

⁷¹⁸ Minute Concerning Wanaka Height Precinct dated 6 November 2016, at [2]

⁷¹⁹ Submission 54

⁷²⁰ Submission 240

10.2. Wanaka Town Centre Guideline 2011

854. We questioned Ms Jones at the hearing with regard to the fact that although the WTC Guideline was referred to in the Section 32 Evaluation Report for the WTC chapter and a hyperlink provided, the WTC Guideline was not included in the list of '*material incorporated by reference*' into the PDP at notification of Stage 1.
855. Ms Scott responded to this line of questioning in her legal submissions in reply. She told us that it was an oversight by the Council. She said that it was not intentional and that it is a "*matter of form over substance in that it is evident to submitters what was intended from the rules*".⁷²¹
856. Ms Scott went on to say that there are clear references in the rules to the WTC Guideline and that submitters would have looked at the notified rules first to work out that they were clearly referenced. As an example, Ms Scott referred to Mr Greaves⁷²², who, when giving his evidence and in response to questions from the Panel, made it clear that he understood the WTC Guideline would have statutory weight under the PDP.
857. It is also important to note that the WTC Guideline was provided as a link to the Section 32 Evaluation Report that was notified alongside the WTCZ chapter, and therefore we agree with the Council that submitters were "*alive to the statutory effect of the Guidelines*".⁷²³
858. This is not an ideal situation. However, we accept Ms Scott's submission and agree with the point that submitters would have understood the intent from their reading of the notified rules.
859. We also acknowledge the fact that a variation can be undertaken to notify the WTC Guidelines as a document incorporated by reference under Schedule 1 of the RMA. We do not think that this is necessary however, due to the reasons advanced by Ms Scott and as such we accept that the WTC Guidelines have been incorporated by reference.

10.3. Minor Amendments

860. We make a number of recommendations that we consider minor, and in the main are necessary for clarification and consistency with other chapters in the Plan.
861. We identify these minor amendments throughout the decision together with our reasons for the recommendations. We consider that these can be made under Clause 16(2) because they are non-substantive, but are, in our view necessary for a cohesive, clear and effective Plan.

11. ASSESSMENT OF SUBMISSIONS

862. There were 69 original submissions received from 30 submitters, and 51 further submissions received from 13 further submitters.
863. We have reviewed all submissions and expert evidence presented in relation to this chapter and have recommended amendments where we consider it is appropriate.
864. The amended version of Chapter 13 that we are recommending is contained in Appendix 2.

⁷²¹ Legal Submissions in Reply on behalf of QLDC dated 13 December 2016 at [5.19]

⁷²² Expert witness on behalf of Gem Lake Limited.

⁷²³ Legal Submissions in Reply on behalf of QLDC dated 13 December 2016 at [5.20].

11.1. General Submissions

865. There are several submissions that require consideration before discussing the provisions in the chapter and the submissions on those provisions.
866. N & B Teat Family Trust⁷²⁴, Mr Kain Froud⁷²⁵, and Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd⁷²⁶ submitted in support of the proposed WTCZ; the provisions; and the inclusion of New World Wanaka within the zone. As we are recommending changes to the chapter, we recommend these submissions be accepted in part.
867. Dr Maggie Lawton⁷²⁷ sought no specific relief, but submitted that the Town Centre is better to be really people friendly, somewhat low-key and friendly, not commercial, and suggested that Helwick Street be pedestrianised. As no specific relief was sought and physical pedestrianisation is beyond the scope of this review, no recommendation is made.
868. NZIA⁷²⁸ submitted in part supporting the zone with additional provisions to ensure that the QLDC UDP review all projects in the Town Centre in order to give effect to the design objectives and rules.
869. Ms Jones considered this in her Section 42A Report⁷²⁹. In her view all new buildings, significant projects (such as a structure plan in the Town Centre), or significant alterations should be reviewed by an urban design professional or panel of urban design professionals. Notwithstanding this, not all resource consents in the WTCZ would warrant such a review, nor would they need to be undertaken by a UDP.
870. Ms Jones also advised us that the Terms of Reference of the Wanaka UDP (2008)⁷³⁰ state the following:
- ... will primarily consider proposals or resource consent applications for discretionary and non-complying development in the town centres ... and for urban subdivisions which have the potential to significantly affect the quality of the urban amenity.*
871. Currently, advice is sought from the Wanaka and Queenstown UDPs to provide input regarding proposals for new buildings in the Town Centre Zones, either prior to the resource consent process formally commencing or during the course of assessing an application. The council planner processing the application uses their discretion as to whether advice from the UDP or an urban designer, is required.
872. Ms Jones advised that UDP's can be engaged at an early stage in the process, prior to lodgement of the application and again throughout the final design phase with good success in improving the design outcomes for development.
873. Taking this into consideration, we agree with Ms Jones when she stated there was no need to recommend or require in the PDP, that the UDP review all projects in the Town Centre or that

⁷²⁴ Submission 602

⁷²⁵ Submission 19

⁷²⁶ Submission 650

⁷²⁷ Submission 117

⁷²⁸ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁷²⁹ V Jones, Section 42A Report at [11.4].

⁷³⁰ http://www.qldc.govt.nz/assets/OldImages/content/planning/Urban_Design_Panel_Terms_of_Reference_November_2008.pdf

any reference is made to such a review in the District Plan. Firstly, use of the UDP is primarily for discretionary and non-complying activities, and for projects at these levels we consider more often than not, the applicant will have recognised urban design principles and incorporated them into their design and application.

874. Where resource consent applicants have not considered urban design principles or utilised an urban planner, then the consenting authority can request an urban design review pursuant to section 92 of the Act. Where the processing planner considers this necessary, then this advice can be sought in the processing of the application.
875. Therefore, we recommend that this relief is rejected and no changes are made to the provisions as sought, because a review of all would be unnecessary. Current practice, as explained by Ms Jones, is that applications may include an urban design assessment, and if they do not, the Council can, in appropriate circumstances, use section 92. We consider that it is more effective and efficient not to include a mandatory UDP review for all new developments.

12. SECTION 13.1 – ZONE PURPOSE

876. This section begins with a generic description for town centres, stating that they provide for community life, retail, entertainment, business and services. Town centres serve the needs of the residents as well as providing a key destination for tourists requiring visitor accommodation and related businesses.
877. The zone purpose then goes on to describe the unique elements of Wanaka – that the Wanaka town centre is located in a prime lakeside setting, noted for its spectacular mountain views, accessibility to the lake, walkways and public parks.
878. The WTCZ will serve a growing resident population and visitor numbers, providing a vital role as the focal point for community activities and amenities. WTCZ will be large enough to provide a range of retailing, business and entertainment options, but remain compact enough to be accessible on foot. The purpose further notes that intensifying residential properties and visitor accommodation will adjoin the fringes of the centre adding to its vibrancy.
879. There was one submission⁷³¹ received that referred to the notified purpose, indicating support and asking that it be emphasised. We recommend retaining the zone purpose as notified with only a minor grammatical change to the wording in paragraph two. This is set out in Appendix 2.

13. 13.2 OBJECTIVES AND POLICIES

880. Objectives are stated as a desired outcome, and the policies are designed to implement the objective. For this reason, we have decided that these will be considered and discussed in their respective groupings.
881. NZIA⁷³² submitted that to achieve the objectives and policies relating to the WTC being a vibrant hub it was necessary to measure whether the objectives were being achieved. Also

⁷³¹ Submission 292

⁷³² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

that a baseline Health Check needed to be undertaken urgently before the development of an additional commercial centre at Three Parks.

882. Ms Jones explained to us in her Section 42A Report⁷³³, that the RMA does not require the Council to prove the objectives are being achieved, rather the requirement is to show the objectives are appropriate in the context of the purpose of the RMA, and that the provisions that implement these objectives (in this case, those that apply to Three Parks) are appropriate.
883. Ms Jones then explained that she agreed with the Section 32 Evaluation Report that concluded the PDP WTC objectives and the methods proposed to achieve them are appropriate. Based on this, she said the onus is on the developer of Three Parks to undertake the Town Centre Health Check. And as such, she recommended rejection of this submission.
884. Section 13.2 as notified included six objectives, each with a suite of associated policies.

13.1. Objective 13.2.1 and Policies 13.2.1.1 - 13.2.1.5

885. Objective 13.2.1 and its accompanying policies as notified read:

13.2.1 Objective

Wanaka town centre remains the principal focus for commercial, administrative, cultural, entertainment and visitor activities in the Upper Clutha area.

Policies

- 13.2.1.1 *Provide for a diverse range of activities that meet the needs of residents and visitors, and enable the town centre to have a broad economic base that maintains its status as the principal centre for the Upper Clutha area.*
- 13.2.1.2 *Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the town centre.*
- 13.2.1.3 *Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the town centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls.*

886. There was one submission received in support⁷³⁴ of this objective and one in opposition⁷³⁵. The submission in support simply noted that they “*totally agree*”, and we recommend this submission be accepted.
887. Ms Whitney Thurlow⁷³⁶ opposed Objective 13.2.1 stating that she did not believe that current noise restrictions are “*unduly restrictive*”. This reference to unduly restrictive noise controls relates in particular to the wording in Policy 13.2.1.3, however the submission does not refer to this policy.
888. The Zone Purpose above notes the importance of entertainment in the WTC. Ms Jones in her Section 42A Report⁷³⁷ considered that continued development of restaurants and bars is

⁷³³ V Jones, Section 42A Report at [13.6].

⁷³⁴ Submission 156

⁷³⁵ Submission 196

⁷³⁶ Submission 196

⁷³⁷ V Jones, Section 42A Report at [10.4].

important to maintain this principal focus and therefore noise levels would need to be increased to enable this.

889. We agree and consider that the wording of the objective best achieves the purpose of the WTCZ. In our view, after having considered these submissions and the Section 42A Report we consider the wording within 13.2.1 is appropriate, and we recommend Submission 196 is rejected.
890. The policies in support of this objective attracted few submissions. Mr John Walker⁷³⁸ sought that Policy 13.2.1.1 be strengthened. We, however, consider that the policy as notified to be sufficiently strong and therefore recommend no changes to this wording.
891. After considering the Section 42A Report and relevant submissions we recommend that Objective 13.2.1 and its associated policies remain as notified.

13.2. Objective 13.2.2 and Policies 13.2.2.1 - 13.2.2.4

892. Objective 13.2.2 and its accompanying policies as notified read:

13.2.2 Objective

Wanaka is a compact, convenient and attractive town centre that has opportunities for controlled expansion and intensification.

Policies

- 13.2.2.1 *Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre.*
- 13.2.2.2 *Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the town centre maintains a compact form.*
- 13.2.2.3 *Enable opportunities for further intensification of development in the town centre by providing more generous building heights in the Wanaka Height Precinct.*
- 13.2.2.4 *Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.*

893. This objective was generally supported by Kai Whakapai⁷³⁹ and Wanaka Residents Association⁷⁴⁰ and no submissions were received requesting any amendment to its wording.
894. Mr Walker⁷⁴¹ sought that Policy 13.2.2.1 (among others) be strengthened, with no specific wording proposed. This point was accepted by Ms Jones, who recommended some additional wording to “*better explain what distinguishes that land within the transition overlay area from the residential zone beyond it*”.⁷⁴²
895. The revised policy with Ms Jones’ recommended wording shown as underlined, read:

⁷³⁸ Submission 292

⁷³⁹ Submission 156

⁷⁴⁰ Submission 728

⁷⁴¹ Submission 292

⁷⁴² V Jones, Section 42A Report at [13.13]

13.2.2.1 *Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre, recognises the existing mixed use character of that area, and makes a clear distinction between that transition area and the adjacent residential zone.*

896. We agree with Ms Jones' recommended wording which we consider will discourage any further spread. We also recommend additional grammatical amendments by changing the word "recognises" to "recognising" and "makes" to "making" in the interests of clarity for all readers.

897. JWA & DV Smith Trust⁷⁴³ requested that notified Policy 13.2.2.3 be amended as follows:

Enable opportunities for further intensification of development in the town centre ~~by providing more generous~~ where such development complies with the building heights in the Wanaka Height Precinct.

898. We recommend rejection of this submission as we consider there is already sufficient clarity as to the limited occasions when there is an acceptable extent of height intrusion. This is provided for by the non-complying status for activities that breach the height limits of Rules 13.5.8 and 13.5.9 and Policy 13.2.3.2 (discussed below).

899. There were multiple submissions supporting the height rules, opposing the height rules and also submitters requesting the height precincts be extended. It is clear to us that the height precinct, and in particular the extent of the height precinct, is a very real issue in the WTCZ. We have considered all submissions and expert evidence very carefully and thoroughly in order to fully understand and appreciate the effects of those options when making our recommendations, mindful to provide for future growth and capacity of the town centre.

900. The Section 32 Evaluation Report⁷⁴⁴ noted several benefits of the height precinct and these outweighed the potential adverse effects in terms of shading and blocking views. Height precincts would enable well designed three and four-storey developments, thereby increasing the capacity of the Town Centre, providing both residential development and leasing space for commercial activities.

901. Enabling higher building heights in targeted areas would signal appropriate locations for taller buildings, where the effects would not have significant adverse effects on the receiving environment.

902. The rules supporting the height precincts are further discussed under Rule 13.5.9.

903. On behalf of Gem Lake⁷⁴⁵, Mr Greaves suggested that minor changes were needed to reflect the inclusion of an additional Height Precinct as suggested.⁷⁴⁶ At the time of drafting the notified rules, there was only one Height Precinct proposed, however now there are two precincts and the wording needed to be amended to show a plural. This change is both recorded below and in Appendix 2.

⁷⁴³ Submission 505

⁷⁴⁴ Section 32 Report at p15.

⁷⁴⁵ Submission 240

⁷⁴⁶ I Greaves, Summary of Evidence at [1.7].

904. After considering the submissions and the Section 42A Report, we do not recommend any changes to Objective 13.2.2 or Policies 13.2.2.2 and 13.2.2.4.

905. We do however, for the reasons discussed above recommend rewording of Policies 13.2.2.1 and 13.2.2.3 as follows:

13.2.2.1 Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre, recognising the existing mixed use character of that area, and making a clear distinction between that transition area and the adjacent residential zone.

12.2.2.3 Enable opportunities for further intensification of development in the town centre by providing more generous building heights in the Wanaka Height Precincts.

13.3. Objective 13.2.3 and Policies 13.2.3.1 - 13.2.3.2

906. Objective 13.2.3 and its accompanying policies as notified read:

13.2.3 Objective

Wanaka town centre retains a low scale built form that maintains a human scale.

Policies

13.2.3.1 Ensure that development generally comprises a scale of two to three storeys, with potential to develop a recessed fourth storey in the Wanaka Height Precinct.

13.2.3.2 Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.

907. Ms Virginia Bush⁷⁴⁷ and Kai Whakapai cafe-bar (legal name The Homestead Ltd)⁷⁴⁸ supported notified Objective 13.2.3 and Ms Bush further supported notified Policies 13.2.3.1, 13.2.3.2, 13.2.3 and the rules that give effect to these provisions.

908. Objective 13.2.3 was the only objective in this chapter to attract any amendments sought by a submitter. The JWA & DV Smith Trust⁷⁴⁹ requested that this objective be amended stating that this objective did not align with its policies or reflect the language of the RMA. Their suggested wording was:

Wanaka town centre ~~retains~~ provides a low scale built form where appropriate ~~that maintains a human scale.~~

909. The JWA & DV Smith Trust also noted that they supported policies 13.2.3.1 and 13.2.3.2 in part as it “should acknowledge the appropriate intensification of development in a way that is consistent with the purpose of this zone”.

910. Ms Jones disagreed with this submission. She set out her reasoning in paragraph 9.6 (c) of her report, stating that notified Objective 13.2.3 was more appropriate than the amended version

⁷⁴⁷ Submission 504

⁷⁴⁸ Submission 156

⁷⁴⁹ Submission 505

sought by JWA & DV Smith Trust. She said the wording sought by the submitter suggested that it was appropriate that some parts of the WTC did not need to maintain a human scale.

911. Ms Jones considered this was inappropriate. We concur. Ms Jones told us that while she accepted the concept of low scale and human scale are subjective, she considered the scale enabled in the height precinct can be undertaken in a manner that maintains human scale at ground level.⁷⁵⁰
912. Development at a “*human scale*” means that the buildings do not overpower public streets and spaces.⁷⁵¹ While development is typically low rise, slightly higher building heights are enabled in targeted locations where they would not have significant adverse impacts.
913. We recognise the wording of Objective 13.2.3 sought to retain the low scale built form that is of a human scale throughout the zone, but not going so far as seeking to maintain the existing low scale. We consider that the wording of Objective 13.2.3 achieves this and as such we recommend rejection of the JWA & DV Smith submission.
914. Ms Jones recommended only a minor change to Policy 13.2.3.1 in order to acknowledge what is allowed by the rules. The JWA & DV Smith Trust submission requested rewording of Policy 13.2.3.1 to encourage development to generally comprise 2-3 storeys with a potential for 4 stories in the Wanaka Height Precinct, rather than to “*ensure*” development of this sort.
915. Ms Jones considered that as worded, the rules do essentially ensure no more than 2-3 storeys due to non-complying status and this policy. Ms Jones did state that although the notified rules do not prevent the development of a generous single storey development, they do ensure against a 4th storey *other than* in the height precinct.
916. As notified, Policy 13.2.3.1 referred to a generic height precinct as there was only one in operation at the time of notification. Mr Greaves⁷⁵² pointed out that as a consequence to creating an additional height precinct, Policy 13.2.3.1 would need to be amended to specify that it only applies to Height Precinct 1.⁷⁵³
917. We recommend retaining Objective 13.2.3 and Policy 13.2.2.2 as notified and rewording Policy 13.2.3.1 as follows:

Ensure that the scale of development generally comprises no more than a scale of two to three storeys, with the potential to develop a recessed fourth storey in the Wanaka Height Precinct P1.

13.4. Objective 13.2.4 and Policies 13.2.4.1 - 13.2.4.2

918. Objective 13.2.4 and its accompanying policies as notified read:

13.2.4 Objective

New development achieves high quality urban design outcomes that respond to the town’s built character and sense of place.

Policies

⁷⁵⁰ V Jones, Section 42A Report at [9c]
⁷⁵¹ Section 32 Evaluation Report at p12.
⁷⁵² On behalf of Gem Lake
⁷⁵³ I Greaves, Summary of Evidence at [1.7].

- 13.2.4.1 *Encourage new developments to be consistent with the design outcomes sought by the Wanaka Town Centre Character Guideline 2011.*
- 13.2.4.2 *Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre by providing guidance through the Wanaka Town Centre Character Guideline 2011.*
- 13.2.4.3 *Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with the amenity values of the town centre.*
- 13.2.4.4 *Encourage building appearance that is responsive to and reflects the essential character of the town centre and its unique environmental setting.*
- 13.2.4.5 *Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape, whilst providing appropriate cover for pedestrians.*
- 13.2.4.6 *Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the amenity values of the town centre.*

919. Kai Whakapai⁷⁵⁴ supported notified Objective 13.2.4 as long as changes were not required to existing verandas. The Council cannot impose a retrospective requirement for provisions in the Plan and therefore there will be no provision requiring changes to existing verandas. Therefore we recommend this submission is accepted.

920. ORC⁷⁵⁵ also submitted noting that poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement, however no specific relief was requested.

921. We agree with the risk noted in the ORC submission, and further agree with the additional wording proposed by Ms Jones in her Section 42A Report for Policy 13.2.4.5⁷⁵⁶. Although the ORC submission referred to Rule 13.4.2, we consider that this policy needs to include specific reference to veranda design.

922. We recommend that the wording of Objective 13.2.4 and associated policies are retained as notified, with the exception of Policy 13.2.4.5. We recommend this policy be reworded as follows:

13.2.4.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, whilst providing appropriate cover for pedestrians.

923. Ms Jones proposed Policy 13.2.4.7 as an additional policy for comprehensive developments. This was consequential on proposing Rule 13.5.13 regarding building coverage for comprehensive developments on properties over 1400m² in area. As a rule seeks to implement

⁷⁵⁴ Submission 156

⁷⁵⁵ Submission 798

⁷⁵⁶ V Jones, Section 42A Report at [11.11]

a policy which in turn seeks to achieve the objectives, it is necessary, we think, to also include a policy directive for comprehensive development.

924. As we discussed in respect of Chapter 12, we think it is the largest sites which offer the opportunity to make a significant and positive contribution to the overall quality and character of the town. This outcome can be achieved particularly through the provision of pedestrian links or lanes, and open spaces and we consider including this wording in Policy 13.2.4.7 is helpful because it identifies with more precision outcomes or actions which better support Objective 13.2.4.
925. Ms Jones' recommended Policy 13.2.4.7 is consistent with the wording in recommended Policy 12.2.2.9 which seeks to achieve the same outcome with regard to high quality comprehensive developments.
926. Subject to a small grammatical amendment, we recommend inclusion of Policy 13.2.4.7 as recommended by Ms Jones. This reads as follows:

13.2.4.7 Require high quality comprehensive developments on large sites to provide primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

13.5. Objective 13.2.5 and Policies 13.2.5.1 - 13.2.5.7

927. Objective 13.2.5 and its accompanying policies as notified read:

13.2.5 Objective

Appropriate limits are placed on town centre activities to minimise adverse environmental effects received both within and beyond the town centre.

Policies

- 13.2.5.1 Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the town centre and by nearby properties.*
- 13.2.5.2 Acknowledge that some activities occurring in vibrant town centres can generate higher noise emissions by providing a higher noise limit in the Lower Ardmore Entertainment Precinct.*
- 13.2.5.3 Locate the Lower Ardmore Entertainment Precinct so as to minimise the impacts of the higher noise limit on properties in the Residential Zones near the town centre.*
- 13.2.5.4 Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.*
- 13.2.5.5 Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.*
- 13.2.5.6 Acknowledge that parts of the Wanaka town centre are susceptible to flood risk and require appropriate measures to limit the impact of flooding or ponding in areas of known risk.*

13.2.5.7 *Avoid the establishment of activities that are not consistent with the amenity values of the town centre, cause inappropriate environmental effects, and are more appropriately located in other zones.*

928. Wanaka Residents Association⁷⁵⁷ generally supported notified Objective 13.2.5 and its policies, with the express exception of 13.2.5.2 where they sought current noise rules be retained. Wanaka on Water's submission sought confirmation of Objective 13.2.5 and Policy 13.2.5.1. We recommend acceptance of this point⁷⁵⁸, however we recommend other points relating to deletion of the Lower Ardmore Entertainment Precinct (TCEP) and related policies be rejected.
929. Various submitters⁷⁵⁹ supported the TCEP as proposed, with NZIA⁷⁶⁰ requesting a management plan to ensure that the TCEP is actively controlled by QLDC and further definition of the zone.
930. The evidence of Dr Stephen Chiles explained that the rationale of the TCEP concept is to allow for "fewer restrictions on some bar and restaurant activity in an area that has been selected to result in the fewest adverse effects in residential zones around the town centre."⁷⁶¹
931. Ms Jones did not suggest any amendments to these policies. Rather, she noted her opinion that the TCEP was an appropriate method of providing for restaurants and bars. She recognised the burden of having to obtain resource consent for such activities which she considered to be entirely consistent with the night time atmosphere that is anticipated in a resort town such as Wanaka. Implementing the TCEP would encourage consolidation of such activities in the most appropriate location which, in turn, would discourage such activities in the balance of the Town Centre.
932. Further she did not consider a management plan necessary (in response to NZIA's submission), noting that the provision of such a management plan is likely to be required as a condition of consent to operate a licensed premise after 11 pm or to breach the noise limits, much in the same way as it is currently.
933. We wondered if the policy direction was strong enough to distinguish between anticipated activities in the TCEP versus the balance of the WTCZ, namely whether the objectives and policies would allow a noisy activity to be declined outside the TCEP. We raised this with Ms Jones and, in response, her recommendation was to delete notified policies 13.2.5.1 and 13.2.5.4 and add new policies at 13.2.5.8 and 13.2.5.9.
934. These new policies are much more detailed and direct and we consider that they recognise the rationale for the TCEP as explained by Dr Chiles, address several points made by submitters⁷⁶² and help achieve Objective 13.2.5. Together this objective and the associated policies support the zone purpose by providing a framework and hierarchy to locate a range of retail, business and entertainment options in the TCEP, the balance of the Town Centre and in the area north of Ardmore Street.

⁷⁵⁷ Submission 728

⁷⁵⁸ Submission 707

⁷⁵⁹ Submissions 112, 705, 156, 129, 260

⁷⁶⁰ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, and FS1249

⁷⁶¹ Dr S Chiles, EiC at [10.1].

⁷⁶² Submitters 196, 707, 112, 129, 156, 238, 260 and 705.

935. We additionally recommend some minor grammatical changes to improve the wording of the provisions. We recommend retaining policies 13.2.5.2, 13.2.5.3, 13.2.5.6, 13.2.5.7 as notified and 13.2.5.5, 13.2.5.8 and 13.2.8.9 to read as follows, with amended numbering to reflect the recommended deletions above:

13.2.5.3 Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

13.2.5.6 Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre.

13.2.5.7 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities while mitigating effects on residential amenity by:

a. Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre depending on the location of the activity and

b. Providing for noisier night time activity within the Lower Ardmore Entertainment Precinct in order to minimise effects on residential zones adjacent to the Town Centre and

c. Ensuring that the nature and scale of licensed premises located north of Ardmore Street result in effects that are compatible with adjoining residential zones and

d. Enabling night time activities within the Town Centre Zone provided they comply with the noise limits and

e. Requiring acoustic insulation for new and redeveloped critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.

13.6. Objective 13.2.6 and Policies 13.2.6.1 - 13.2.6.4

936. Objective 13.2.6 and its accompanying policies as notified read:

13.2.6 Objective

Pedestrian, cycle and vehicle linkages are safe and convenient, enabling people to easily negotiate their way through and around the town centre.

Policies

13.2.6.1 Implement programmes of street and other public open space improvements to enhance pedestrian amenity and improve the flow of pedestrians, cyclists and vehicles through the town centre.

13.2.6.2 *Provide pedestrian linkages that promote coherence of the built form of the town centre and are designed so as to receive levels of sunlight and weather protection as appropriate to the overall character of the particular locality.*

13.2.6.3 *To minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, linkages and landscaping.*

13.2.6.4 *Provide an adequate range of parking options so residents and visitors can access the town centre with off-street parking predominantly located at the periphery in order to limit the impact of vehicles.*

937. Whilst there were submissions⁷⁶³ received on this objective and policy suite, Ms Jones recommended only one change⁷⁶⁴ - to make a minor amendment to notified Policy 13.2.6.1 to acknowledge that traffic and car parking management are integral to enhancing pedestrian amenity.

938. Ms Jones recommended that these submitters consider submitting in Stage 2, as issues raised in the submissions would be better addressed in the Transport Hearing. We agree with Ms Jones' comments, consider that this is the correct approach and we adopt her recommendations. For completeness, we describe the submissions below:

939. Mr John Barlow⁷⁶⁵ requested that onsite parking or a contribution to off-site parking should be required (by the District Plan). Similarly, Mr Quentin Smith⁷⁶⁶ requested that a financial parking levy be introduced in lieu of providing onsite parking. Graham Dickson⁷⁶⁷ requested that a parking requirement be added specifically for visitor accommodation in the Town Centre Zone (Rule 13.5)

940. The submission by JWA & DV Smith Trust⁷⁶⁸ requested that notified Objective 13.2.6 be amended as follows:

Objective 13.2.6 - Pedestrian, cycle and vehicle linkages are safe and convenient, providing for an easily accessible town centre ~~enabling people to easily negotiate their way through and around the town centre~~

941. And that the following policies are amended as follows:

Policy 13.2.6.1

Implement programmes of street, traffic and car parking management, and other public open space improvements to enhance ~~pedestrian~~ amenity values and improve the flow of pedestrians, cyclists and vehicles through the town centre.

Policy 13.2.6.4

⁷⁶³ Submissions 218, 225 and 202

⁷⁶⁴ V Jones, Section 42A Report at [12.1]

⁷⁶⁵ Submission 218

⁷⁶⁶ Submission 225

⁷⁶⁷ Submission 202

⁷⁶⁸ Submission 505, supported by FS1048

Provide an adequate range of parking options so residents and visitors can access the town centre with adequate on-site car parking where appropriate ~~predominantly located at the periphery in order to limit the impact of vehicles~~

942. The submission also requested the addition of two more policies.
943. Ms Jones in her Section 42A Report recommended accepting the suggested amendments to notified Policy 13.2.6.1 in part, with some rewording to “pedestrian amenity” rather than general amenity as sought.⁷⁶⁹ This wording further acknowledges that traffic and car parking management are integral to enhancing pedestrian amenity.
944. Ms Jones considered this fundamental to achieving notified Objective 13.2.6 and Policy 13.2.6.1, and that it was not fully dealt with by notified Policy 13.2.6.4. We agree.
945. The recommended wording by Ms Jones was as follows:

Policy 13.2.6.1 - Implement street, traffic and car parking management, and other public open space improvements to enhance pedestrian amenity and improve the flow of pedestrians, cyclists and vehicles through the town centre.

946. We agree with Ms Jones’ recommendation and reasoning and therefore recommend accepting the wording as stated above.

13.7. Summary

947. There have been no amendments to any of the notified objectives relating to the WTCZ. There are some minor amendments to the policies of this section in order to achieve the purpose of the Act.
948. We are also satisfied that once all amendments have been incorporated, all objectives and related policies will be effective in achieving the zone purpose as described in 13.1, which is to provide a thriving town hub with a range of retail, business and entertainment options, whilst also remaining accessible on foot due to compactness. We are also satisfied that the objectives and policies will assist in achieving the Strategic Objectives, particularly 3.2.1 and 3.2.1.2 and Strategic Policy 3.3.2.

14. 13.2 OTHER PROVISIONS AND RULES

14.1. 13.3.1 District Wide Rules

949. This section is a cross reference to other District Wide Rules that may apply in addition to the rules in Chapter 13. There were no submissions received nor any comment in the officer’s report relating to this section. Ms Jones recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.
950. In part we agree with Ms Jones. Consistent with our approach in other chapters we recommend minor amendments that can be made pursuant to Clause 16(2). The recommended layout is shown in Appendix 2.

⁷⁶⁹ V Jones, Section 42A Report at [12.7(b)]

14.2. 13.3.2 Clarification

951. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.
952. Consistent with our approach in other chapters, we recommend that the heading of this section be *“Interpreting and Applying the Rules”* to better identify the purpose of the provisions contained.
953. Other than some non-substantive changes, the only other amendment recommended by Ms Jones was to move the definition of *“comprehensive developments”* from Rule 13.5.13 to this section for clarification. We consider, as we did in respect of Chapter 12, that this should be included in Chapter 2 and recommend as such to the Stream 10 Hearing Panel.
954. We are satisfied these are non-substantive minor amendments and recommend they be made as a minor change in accordance with Clause 16(2).
955. We set out in Appendix 2 our recommended layout of this section.

15. 13.4 RULES – ACTIVITIES

15.1. Rule 13.4.1 Activities not listed in this table and comply with all standards

956. This rule effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 13.1.
957. There were no submissions received regarding this rule. However as discussed earlier in Chapter 12, this was an area where we directed the Council officers to consider whether such a rule was necessary.
958. We have discussed this in detail in respect of Rule 12.4.1 and will not repeat that here. In summary, we recommend the rule be adopted as notified.

15.2. Rule 13.4.2 Verandas

959. The ORC submission⁷⁷⁰ previously discussed in relation to Section 13.2, noted that *“poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement.”* Ms Jones suggested inclusion of this as a matter of control. This is consistent with the approach taken in the LSCZ where verandas are also a controlled activity. Including this suggested wording will provide greater certainty as to the rule requirements.
960. We agree with Ms Jones’ suggested additional wording. We also recommend minor amendments in accordance with Clause 16(2). We recommend the Rule read as follows:

⁷⁷⁰ Submission 798

13.4.2	<p>Verandas, in respect of <u>Control is reserved to:</u></p> <p>Design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Wanaka Town Centre Character Guideline 2011) to avoid, remedy or mitigate adverse effects on:</p> <ul style="list-style-type: none"> i. Neighbouring buildings and verandas ii. The extent to which the veranda affects the use and enjoyment of the streetscape and iii. The appearance of the building iv. <u>The enabling of unobstructed kerbside movements of high-sided vehicles.</u> 	C
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15.3. **Rule 13.4.3 Visitor Accommodation**

961. There were no submissions received on this rule, and there is only one minor non-substantive amendment in accordance with Clause 16(2). Subject to that change (shown in Appendix 2), we recommend the rule be adopted as notified.

15.4. **Rule 13.4.4 Buildings (including external alterations to existing buildings)**

962. JWA & DV Smith Trust⁷⁷¹ sought inclusion of “adequate on-site car parking” to the matters of discretion. This issue is better considered in the Transport Chapter in Stage 2 of the Plan Review, and we recommend rejecting this submission in this hearing.

963. The only changes recommended by Ms Jones were small non-substantive changes to make the rule easier to read, some formatting changes, and rephrasing of the discretion matter regarding natural hazards. With regard to the last suggestion, she explained this amendment clarifies that the last bullet point of the rule is an assessment matter rather than a matter of discretion. It also removes the reference to ensuring that a hazard assessment is provided, as this is already dealt with (and contradicts) Chapter 28 (Natural Hazards). We recommend a slightly different version of this matter of discretion consistent with that proposed by the Stream 6 Panel (see Report 9A).

964. We think the amended wording will be effective and efficient at achieving objective 13.2.5, policy 13.2.5.6 and the objectives and policies in Chapter 28.

965. Accordingly, we consider that the minor rewording be adopted and the Rule read as follows:

13.4.4	Buildings	RD*
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⁷⁷¹ Submission 505 (supported by FS1048)

	<p>*Discretion is restricted to consideration of all of the following: external appearance, materials, signage platform, lighting, impact on the street (to be guided by the Wanaka Town Centre Character Guideline 2011), and natural hazards to ensure that:</p> <ul style="list-style-type: none"> a. External appearance and materials b. Signage platforms c. Lighting d. Impact on the street (to be guided by the Wanaka Town Centre Character Guideline 2011), and e. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. <u>the nature and degree of risk the hazard(s) pose to people and property;</u> ii. <u>whether the proposal will alter the risk to any site; and</u> iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u> <p>To ensure that:</p> <ul style="list-style-type: none"> a. The design of the building blends well with and contributes to an integrated built form b. The external appearance of the building is sympathetic to the surrounding natural and built environment. The use of stone, schist, plaster or natural timber is encouraged c. The views along a street or of significant view-shafts have been considered and responded to d. The building facade provides an active interface to open space on to which it fronts, and the detail of the facade is sympathetic to other buildings in the vicinity, having regard to: <ul style="list-style-type: none"> i. Building materials ii. Glazing treatment iii. Symmetry iv. External appearance v. Human scale and vi. Vertical and horizontal emphasis and 	
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	vii. Storage areas are appropriately located and screened-	
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15.5. Rule 13.4.5 Licenced Premises

966. There were no submissions received or comment on this rule in Ms Jones’ Section 42A Report, however the content was the subject of discussion at the hearing.
967. We did not consider it appropriate to include a provision that refers to “*Any relevant Council alcohol policy or bylaw*”. Earlier evidence in respect of the QTCZ (Chapter 12) noted that there are no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.
968. We asked Ms Jones to consider whether this discretion matter should be removed, as was recommended in Chapter 12. Although Ms Jones accepted this view and noted her recommendation to remove this point from a merits perspective, she did not consider there was scope for her to make this recommendation as no submissions were received on this point.
969. Ms Jones made reference to Ms Swinney’s evidence given in Chapter 12, and we reference this in making our decision. We adopt Ms Swinney’s evidence. In our view, there is no policy or bylaw and therefore this discretion matter is inappropriate and should be deleted accordingly.
970. Ms Jones also considered that “*carparking and traffic generation*” should be removed as a matter of discretion. However she did not consider there was any scope to do so. She noted that Chapter 12 has removed this as a matter of control for Rule 12.4.4, and for consistency Chapter 13 should do the same.
971. We disagree with this recommendation. Both Chapter 13 and 14, Wanaka and Arrowtown, prescribe licensed premises as restricted discretionary activities, and both recommend retaining “*carparking and traffic generation*” as a matter of discretion. These chapters are consistent and changes recommended are in response to submissions received.
972. By contrast, Chapter 12 assigns controlled status to licensed premises and seeks to remove carparking and traffic generation as a matter of control. We are satisfied with this rule and therefore do not recommend the additional change suggested by Ms Jones.
973. We therefore recommend this rule be worded as follows:

13.4.5	<p>Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>13.4.5.1 to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>13.2.5.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The scale of the activity</p> <p>b. Car parking and traffic generation</p> <p>c. Effects on amenity (including that of adjoining residential zones and public reserves)</p> <p>d. The configuration of activities within the building and site (e.g. outdoor seating, entrances)</p> <p>e. Noise issues <u>and</u></p> <p>f. Hours of operation. ; <u>and</u> Any relevant Council alcohol policy or bylaw.</p>	RD
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- 15.6. Rule 13.4.6 Industrial Activities not otherwise provided for in this table, 13.4.7 Factory Farming; 13.4.8 Forestry Activities; 13.4.9 Mining Activities; 13.4.10 Airport
974. No submissions were received on these notified rules, nor were there any changes proposed by Ms Jones in her Section 42A Report.
975. Accordingly, we recommend that these rules be accepted as notified and set out in Appendix 2.
- 15.7. Rule 13.4.11 Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.
976. Although there were no submissions received or comment in the Section 42A report; as per the other chapters in Stream 8, Ms Jones recommended splitting the activities in notified rule 13.4.11 for consistency with the other chapters in Stream 8.
977. We agree with that amendment and recommend it be made as a minor change in accordance with Clause 16(2).

13.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>13.4.12</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	<u>PR</u>
<u>13.4.13</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	<u>PR</u>

16. 13.5 RULES – STANDARDS

16.1. 13.5.1 Setbacks and sunlight access – sites adjoining a Residential zone

978. There were two submissions⁷⁷² received in support of this rule and it is recommended to accept both submissions. Both submissions considered the 3m setback would “enable greater flexibility in design that, coupled with building height and recession plane requirements will not compromise the character and amenity of adjoining residential properties.” We recommend accepting these submissions in support.

979. The only change is a small non-substantive change for consistency with as outlined in Report 1. We recommend the rule be adopted with the wording set out below:

13.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone</p> <p>13.5.1.1 Buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above any Residential Zone boundary.</p> <p>13.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p> <p>*Discretion is restricted to consideration of all of the following: The visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</u></p>
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⁷⁷² Submissions 650 and 673

16.2. 13.5.2 Storage; 13.5.3 Residential Activities

980. There were no submissions received on these rules and our only amendments relate to those matters outlined in Report 1, consistent with the previous rule. We recommend these rules be adopted with the wording as set out in Appendix 2.

16.3. 13.5.4 Flood Risk

981. No submissions were received with regard to this rule. In addition to an amendment in accordance with Report 1, only one change was proposed after the hearing. We questioned Ms Jones as to whether it was necessary to include the words “(381.9m Otago Datum) at Wanaka”. Ms Jones considered this and in her reply recommended removing these superfluous words from the rule.

982. The Council have made it clear in their closing submissions, that where proposed changes are of “neutral effect, there is no legal or procedural barrier preventing the Panel from recommending them, and the Council subsequently making the changes under clause 16(2).”⁷⁷³

983. Therefore we recommend removing “381.9m Otago Datum” from the provision and adopting the wording as follows:

13.5.4	<p>Flood Risk</p> <p>No building greater than 20m² shall be constructed or relocated with a ground floor level less than RL 281.9 masl. (381.9m Otago Datum) at Wanaka</p> <p>Note: This ground floor minimum includes 1.3 metres to allow for wave action where necessary.</p> <p>*Discretion is restricted to consideration of all of the following: the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the level of risk from flooding and whether the risk can be appropriately avoided or mitigated and</p> <p>b. the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.</p>
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16.4. 13.5.5 Verandas

984. The ORC submission referred to the risk of poorly designed shop front veranda setbacks interfering with bus movements. Ms Jones noted that despite there being a height restriction, there is no requirement for the veranda to extend to cover the full width of the footpath⁷⁷⁴, and therefore she does not consider any change necessary to this rule.

985. We agree with Ms Jones. We note that in addition to this rule, the ORC submission referred to notified Rule 13.4.2 and this rule set out matters of control for verandas as a controlled

⁷⁷³ Legal Submissions on behalf of QLDC in Reply Hearing Stream 5 – District Wide, dated 22 September 2016 at [5.2].

⁷⁷⁴ V Jones, Section 42A Report at [11.11].

activity. We consider that these matters of control respond to the risk noted in the ORC submission and we do not think any additional amendments are required to give effect to this submission.

986. Ms Jones considered it would be appropriate to add “(excluding repainting)” and remove the words “in a way that substantially changes the external appearance”. We disagree with this recommendation and in fact we recommend adding the additional wording “at the road frontage” with regard to the alterations. We think that without this clarification, this rule could result in an onerous requirement for anyone renovating or altering a building with road frontage – regardless of whether the alterations are visible from the road frontage. We consider this additional wording is necessary for clarification to the reader.

987. We recommend the following wording:

13.5.5	<p>Verandas</p> <p>Every building with road frontage to Helwick Street, Dunmore Street and Ardmore Street shall, on its erection or on being reconstructed or altered in a way that substantially changes its external appearance <u>at the road frontage</u>, be provided with a veranda which shall be situated no higher than 3m above pavement level and shall provide continuous cover for pedestrians.</p> <p>*Discretion is restricted to consideration of all of the following: Consistency with the Wanaka Town Centre Character Guideline (2011); Effects on pedestrian amenity; The human scale of the built form; and Historic heritage values (where relevant).</p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Consistency with the Wanaka Town Centre Character Guideline (2011)</u></p> <p>b. <u>Effects on pedestrian amenity</u> <u>The human scale of the built form and</u></p> <p>c. <u>Historic heritage values (where relevant).</u></p>
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16.5. 13.5.6 Setbacks from front boundaries; 13.5.7 Acoustic insulation

988. There were no submissions received on these rules and our only amendments relate to those matters discussed in Report 1. We recommend they be adopted with the wording set out in Appendix 2.

16.6. 13.5.8 Maximum building height for all buildings other than those in the Wanaka Height Precinct

989. The New Zealand Fire Service⁷⁷⁵ submitted to retain this standard as notified as, in their view, this standard would enable the establishment of Fire Stations as they require drying towers which allow for a higher height. We recommend acceptance of this submission.

⁷⁷⁵ Submission 438

990. Mr Graham Dickson⁷⁷⁶ and Mr Quentin Smith⁷⁷⁷ opposed the proposed height overlay and height rules. Mr Dickson submitted that the rule should be amended to state a maximum building height of 10 m and two stories. In her Section 42A Report, Ms Jones responded to this request by stating that it would not necessarily enable any meaningful opportunities for intensification or provide for a range of activities and would therefore be considerably less effective at achieving notified Objectives 13.22.1 and 13.2.2.⁷⁷⁸
991. Mr Smith considered that the amenity loss and parking demand associated with additional height allowances is a massive future problem for Wanaka. He submitted that imposing a financial levy in lieu of onsite parking is required before development is promoted.
992. In her Section 42A Report, Ms Jones noted that as the Council collects development contributions under the LGA and its Development Contribution Policy 2016-2017 (DC Policy), it would be inefficient in her opinion to collect some levies under the PDP and others under the DC Policy.⁷⁷⁹
993. We agree with Ms Jones, and recommend these submissions are rejected. The only amendments proposed are pluralising Wanaka Height Precincts and reformatting to create a single rule as follows, which we recommend as a minor change in accordance with Clause 16(2):

13.5.8	Maximum building height for all buildings other than those in the Wanaka Height Precincts	NC
	13.5.8.1 The maximum building height shall be 8m to the eave line and 10m to the ridge line.	

16.7. Maximum building height for buildings in the Wanaka Height Precinct

994. Multiple submissions⁷⁸⁰ were received in support of the Wanaka Height Precinct and rules requesting that they be retained as notified. Foodstuffs agreed that the Height Precinct would enable more flexible building design and be a more efficient use of land and built resource. We recommend these submissions are accepted.
995. NZIA⁷⁸¹ supported the proposed WTCZ height provisions subject to reference to the WTC Guideline to ensure sunlight to streets was not blocked and that upper levels were set back where appropriate to retain solar access to public spaces, and that all projects in the Wanaka Height Precinct be subject to design review. We recommend acceptance of this submission in part.
996. The submission by Gem Lake⁷⁸² sought to include the WTC zoned part of Helwick Street in the Wanaka Height Precinct. The submitter owned the property at 28 Helwick Street (Part Section 17 Block XII Town of Wanaka). The submission also requested any further or consequential or alternative amendments be made to give effects to this.

⁷⁷⁶ Submission 202

⁷⁷⁷ Submission 225

⁷⁷⁸ V Jones, Section 42A Report at [9.13]

⁷⁷⁹ ibid

⁷⁸⁰ Submissions 13, 438, 650, and 705.

⁷⁸¹ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁷⁸² Submission 240

997. Ms Jones did not consider any changes necessary when preparing her Section 42A Report and recommended the rule be accepted as notified.
998. However, after considering evidence filed by Mr Greaves and Ms Louise Wright on behalf of Gem Lake, Ms Jones reconsidered her initial comment⁷⁸³, and in her summary of evidence given at the hearing she recommended creating a second height precinct.
999. Mr Greaves explained in his evidence presented at the hearing, that in his view there were *“sound design and planning reasons to incentivise greater height limits in the Town Centre Zone of Helwick Street”*.⁷⁸⁴ He went on to say that Helwick Street acts as an important gateway into WTC and it is the central retail space of Wanaka.
1000. Mr Greaves said that incentivising greater building heights would better define Helwick Street as the central retail space. Furthermore, he thought this would also strengthen the view shaft down Helwick Street, emphasising its role as the gateway into the town centre and strengthening the link with the Lakefront.
1001. Prior to the hearing, Ms Jones requested further shading diagrams in relation to the three height scenarios (8-10m, 10-12m, 12-14m) and Ms Wright presented these as a part of her evidence.⁷⁸⁵ These diagrams demonstrated that a 10-12m height limit would not create significant shadowing effects over and above the 8-10m height limit.
1002. Mr Greaves also noted his support⁷⁸⁶ of a second height precinct as proposed by Ms Jones, as in his opinion, this would align with the key provisions of the Strategic Directions (notified Objective 3.2.1.1 and Policies 3.2.1.1.1 and 3.2.1.1.3) and Objective 13.2.4.
1003. Ms Wright also supported the introduction of a second height precinct, as it would allow for three storeys of development with sufficient height to support quality architectural outcomes. She considered that *“while the height limits are not still not consistent to the entirety of Helwick Street, the majority is consistent except the perimeter block at Ardmore Street, therefore an improved hierarchy is achieved for Helwick Street.”*
1004. Mr Church was involved in the correspondence⁷⁸⁷ between Ms Jones and Mr Greaves and Ms Wright regarding the updated shading modelling for WTC prior to the hearing, and he recorded his agreement with Ms Jones’ recommendations for a second height precinct.⁷⁸⁸
1005. The recommendation of Ms Jones in her Reply was to amend Rule 13.5.9 to include Height Precinct 2, within which a height of 10 m to the eave and 12 m to the ridgeline and up to a maximum of 3 storeys would be enabled.⁷⁸⁹
1006. Ms Jones thoroughly set out the costs, benefits and efficiencies and effectiveness of the second Height Precinct in the Section 32AA Evaluation included in her Reply.

⁷⁸³ V Jones, Summary of Evidence at [6].

⁷⁸⁴ I Greaves, Summary of Evidence at p2.

⁷⁸⁵ L Wright, Summary of Evidence at [1.7].

⁷⁸⁶ I Greaves, Summary of Evidence at [1.5].

⁷⁸⁷ T Church, Summary of Evidence at [13].

⁷⁸⁸ *ibid* at [13].

⁷⁸⁹ V Jones, Summary Evidence at [6, 7] and Appendix 2.

1007. In this assessment, it was acknowledged that this amendment may not necessarily enable more development capacity, significantly greater intensification or land use efficiency within the WTC (Objective 13.2.2) in that a partial third storey could already be achieved within the 8/10 m height limit. However the addition of Height Precinct 2 would more appropriately achieve Objective 13.2.4 regarding quality urban design outcomes in that it would enable higher quality internal spaces with more flexibility and more generous stud heights, reinforce Helwick Street’s role as the main retail street and evolving role as the entranceway into the WTC, and encourage its redevelopment, while resulting in only minor shading effects. Shading effects and the desire to strengthen the perimeter block were the primary reason for reducing the notified permitted height on those sites facing Dunmore Street.
1008. We agree with the creation of a second height precinct, which we believe would enable Objectives 13.2.2, 13.2.3 and 13.2.4. We think that this would aid in retaining a low human scale and achieving a high quality urban design; enabling higher quality internal spaces providing for adaptable uses; and high quality retail space and more desirable lease space which would be consistent and complimentary to the amenity values of the town centre.
1009. Implementing a new Height Precinct 2 means that several of the rules need to be reworded to account for more than one precinct. The most significant change in the rules resulting from the new height precinct however, lies within Rule 13.2.5.9, which sets out the maximum building heights for buildings in the height precincts.
1010. Ms Jones recommended adding criteria for Height Precinct 2, and as noted above, we agree with the rationale and inclusion for a new height precinct. We consider this Rule needs to be clear to ensure certainty for the reader as to which provisions apply in each precinct. Accordingly we recommend the following:

13.5.9	Maximum building height for buildings in the Wanaka Height Precincts	NC
13.5.9.1	<u>In Height Precinct P1</u> , the maximum building height shall be 12m to the eave line and 14m to the ridge line	
13.5.9.2	<u>In Height Precinct P1</u> , any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.	
13.5.9.3	<u>In Height Precinct P2</u> , the maximum building height shall be 10m to the eave line and 12m to the ridge line and shall comprise no more than 3 storeys, excluding basements.	

1011. Subsequent to the addition of the extended height precinct, amendments are required to Planning Map 21. Ms Jones presented a recommended plan for us at the hearing to demonstrate these precincts. We agree with her recommendation and recommend that two Height Precincts be adopted. We show the relevant areas below, with Height Precinct 1 shown in red and Height Precinct 2 shown in green below:



16.8. 13.5.10 Noise

1012. Two submitters⁷⁹⁰ supported the notified provisions and requested that the curfew for outside drinking/dining be extended to 11pm (from 1 November to 30 April or year around) or, alternatively, Kai Whakapai⁷⁹¹ suggested allowing the conditions of liquor licence applications to reflect the circumstances of each individual case.
1013. Mr Wild's⁷⁹² submission explained that in his experience of working in hospitality, that supplying entertainment to visitors is important and, currently, patrons are confused when they are asked to move inside at a certain time. The increases proposed by the proposed rule from the allowable noise levels in the ODP would enable the town centre to maintain its vibrancy and, to some extent, the relief sought is likely to be satisfied by the proposed provisions, and therefore their submissions are accepted in part.
1014. In his evidence, Mr Gardiner⁷⁹³ told us in his view it was draconian and embarrassing to ask diners to vacate their tables due to an "arbitrary 10pm curfew".⁷⁹⁴ He explained that with a diverse range of tourists, some are not beginning their meals until 9pm in the summertime.
1015. There is no rule proposed in the PDP to impose a curfew and conditions relating to liquor licenses is outside the scope of the RMA. Ms Jones provided a useful response to these submitters in her Section 42A Report which will assist in understanding this.⁷⁹⁵ Rather than repeat it here, we summarise that due to the stricter noise controls being imposed from 10pm, this acts as a pseudo curfew. The night time noise levels, (from 10pm) would still apply,

⁷⁹⁰ Submissions 156 and 129

⁷⁹¹ Submission 156

⁷⁹² Submission 466

⁷⁹³ Submission 260

⁷⁹⁴ R Gardiner, EIC at p3.

⁷⁹⁵ V Jones, Section 42A Report at [10.17].

however it is proposed that they be increased, therefore enabling some outdoor dining and drinking after 10pm.

1016. In contrast, some submitters⁷⁹⁶ opposed increasing the noise levels as proposed in the notified PDP, with the Wanaka Residents Association⁷⁹⁷ commenting that more noise was not a prerequisite for greater enjoyment. Wanaka on Water⁷⁹⁸ also requested that any noise mitigation be undertaken by noise producers (and any additional or consequential relief to give effect to this submission).
1017. Wanaka on Water also sought that appropriate amendments be made such that no bar or restaurant activity occurring on road reserves and reserve land created noise beyond the ODP noise limits.
1018. Dr Chiles presented evidence on behalf of the Council which Ms Jones relied on for her recommendation. She considered that the proposed noise limits are an appropriate way of achieving the purpose of the RMA and the proposed objectives, except in respect of the level of noise that could be received in the adjacent residential zone, where no transition zone exists.
1019. In her view there is some form of buffer between the Town Centre and the residential zone with the Town Centre transition overlay along Brownston and Russell Streets. However, her concern was the lack of mechanism proposed to ensure lower, more appropriate noise levels at the interface with residentially zoned properties along Monley Lane and Hedditch Street.
1020. In response to the submissions, and to address these concerns, Ms Jones recommended amending the notified rules⁷⁹⁹ so that they do not apply to the Town Centre-zoned sites north of Ardmore Street. This would mean that all noise generated in that area must be mitigated such that it complies with the residential limit at the boundary. This is similar to the rules in the ODP, and partially accepts the submissions that asked for no increase to the noise limits.
1021. After reviewing the evidence presented by the Council and submitters and Ms Jones' reports, we agree with this approach and recommend that in Rules 13.5.10.3, 13.5.10.4 and 13.5.10.5 additional text, excluding the sites north of Ardmore Street, be included.
1022. We also recommend including a Note as follows:
- Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 6 for that zone.*
1023. This explanatory note is consistent with all other chapters in this stream and in the interests of clarity and consistency we recommend this is added as a minor amendment pursuant to Clause 16(2).
1024. Accordingly, we recommend the rule read as follows:

⁷⁹⁶ Submissions 9, 196, 707, and 728

⁷⁹⁷ Submission 728

⁷⁹⁸ Submission 707

⁷⁹⁹ Rules 13.5.10.3, 13.5.10.4, and 13.5.10.5

13.5.10	<p>Noise Town Centre Zone (including the Lower Ardmore Entertainment Precinct):</p> <p>13.5.10.1 Sound* from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 to 13.5.10.5 below) shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>13.5.10.1.1 daytime (0800 to 2200 hrs) 60 dB LAeq(15 min)</p> <p>13.5.10.1.2 night-time (2200 to 0800 hrs) 50 dB LAeq(15 min)</p> <p>13.5.10.1.3 night-time (2200 to 0800 hrs) 75 dB LAFmax</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>13.5.10.2 Sound from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 and 13.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>13.5.10.3 Within the Town Centre Zone, only, <u>but excluding those sites north of Ardmore Street</u>, sound* from music shall not exceed the following limits:</p> <p>13.5.10.3.1 60 dB LAeq(5 min) at any point within any other site in the Lower Ardmore Entertainment Precinct; and</p> <p>13.5.10.3.2 55 dB LAeq(5 min) at any point within any other site outside the Lower Ardmore Entertainment Precinct.</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>13.5.10.4 Within the Town Centre Zone, only, <u>but excluding those sites north of Ardmore Street</u>, sound* from voices shall not exceed the following limits:</p>	NC
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	<p>13.5.10.4.1 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and</p> <p>13.5.10.4.3 60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct.</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>13.5.10.5 Within the Town Centre Zone, only, <u>but excluding those sites north of Ardmore Street</u>, sound* from any loudspeaker outside a building shall not exceed 75 dB LAeq(5 min) measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions:</p> <p>a. The noise limits in 13.5.10.1 and 13.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>b. The noise limits in 13.5.10.1 to 13.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan.</p> <p><u>Note:</u> <i>Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</i></p>	
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16.9. 13.5.11 Glare

1025. There were no submissions received on Rule 13.5.11 and the only changes recommended by Ms Jones in her Section 42A Report were due to it being *ultra vires* for uncertainty.⁸⁰⁰

1026. As notified, this rule included reference to limiting the effects on the night sky. Ms Jones considered that this was too subjective. She further noted, that while there were no submissions seeking deletion, given this rule’s *ultra vires* nature, its removal would not result in a substantive change.

1027. At the hearing, we questioned this recommendation in order to determine whether there was any scope in other submissions to remove the phrase “and so as to limit the effects on the night sky” as Ms Jones recommended.

⁸⁰⁰ V Jones, Section 42A Report at [11.13].

1028. While Ms Jones responded that she did not consider there to be any scope to delete the phrase; the view expressed by Ms Scott was that the uncertainty made the standard *ultra vires* and should therefore be deleted.⁸⁰¹
1029. While we somewhat agree with Ms Scott’s view that as worded the standard was *ultra vires*, we recommend rewording the rule to make the standard achievable and ensure its ability to implement Policy 13.2.5.3. This Policy seeks to mitigate any adverse effects arising from lighting and glare on “*views of the night sky*”. To implement this policy, we consider the rule should require exterior lighting to be directed downwards so as to limit the effects on views of the night sky. Given the policy direction, we consider this to be a non-substantive change that we recommend be made under Clause 16(2).
1030. Ms Jones further recommended that Rule 13.5.11.4 as notified, be removed as it is overly onerous. Ms Jones did not consider there to be scope to remove this, however we see merit in her recommendation and will discuss this further at Further Recommendations of the Panel.
1031. It is recommended this rule read as follows:

13.5.11	<p>Glare</p> <p>13.5.11.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and <u>directed downward</u> so as to limit the effects on <u>views of</u> the night sky.</p> <p>13.5.11.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>13.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</p> <p>Except that:</p> <p>a. architectural features, including doors and window frames, may be any colour and</p>	NC
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⁸⁰¹ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8]

	b. Roof colours shall have a reflectance value of between 0 and 20%.	
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16.10. Table – 13.5.12 Service Lanes

1032. There were no submissions received on this rule, and it did not warrant any comment by Ms Jones in her reports. We recommend accepting this rule as notified and shown in Appendix 2.

16.11. New Rule - Maximum building coverage in relation to comprehensive developments

1033. NZIA⁸⁰² requested the reinstatement of the ODP discretionary 80% building coverage rule in Wanaka to ensure pedestrian linkages were retained and parking provided for. Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited⁸⁰³ supported removal of the ODP site coverage maximum.

1034. Generally consistent with the approach taken for the Queenstown Town Centre Zone in Chapter 12 (notified Rule 12.5.1.2), Ms Jones recommended a new rule imposing a maximum coverage for any development of an area over 1,400m².⁸⁰⁴ Her reasoning for only applying this to larger sites was:

... that these larger scale developments offer the greatest opportunity to achieve quality comprehensive developments (which might include pedestrian links, open space, well planned service lanes and storage areas, viewshafts, etc.); and if located on the edge of the Town Centre (as many are), can help to provide a transition to the adjacent residential area if done well.

1035. In our view, including this rule would be effective and efficient at achieving Objective 13.2.3 which seeks to maintain a human scale, Objective 13.2.4, which is concerned with quality urban design and responding to the town’s built character and Objective 13.2.6 regarding accessibility. Furthermore, Policy 13.2.4.2 encourages building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre and Policy 13.2.6.2 seeks to provide pedestrian linkages that promote coherence of the built form of the town centre.

1036. We agree with Ms Jones’ assessment and recommend inclusion of this rule as suggested in her Section 42A Report. We recommend the rule read as follows:

	Maximum building coverage in relation to comprehensive developments	
13.5.13.1	When undertaking a comprehensive development (as defined), the maximum building coverage calculated over the whole land area, shall be 75%.	RD Discretion is restricted to: a. The adequate provision of pedestrian links, open spaces, outdoor dining opportunities b. The adequate provision of storage and loading/ servicing areas
13.5.13.2	When undertaking a comprehensive development the application shall include a comprehensive development	

⁸⁰² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

⁸⁰³ Submissions 650 and 673

⁸⁰⁴ V Jones, Section 42A Report, at [11.8]

	<p>plan that covers the entire development area and is of sufficient detail to enable the matters of discretion listed to be fully considered.</p>	<p>c. The provision of open space within the site, for outdoor dining or other purposes</p> <p>d. The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, and the amenity and safety of adjoining public spaces and designated sites.</p>
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16.12. 13.6 Rules – Non-notification of Applications

1037. The only submission received on Rule 13.6 was from Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited⁸⁰⁵. This was in support, stating that the removal of the need for affected party approvals and notification for new buildings in the Town Centre Zones would streamline decision making processes, reduce processing times and cost and minimise consenting risks. We recommend accepting this submission.

1038. The only amendment proposed is one that arises due to the inclusion of Rule 13.5.13 in response to the NZIA submission. This amendment is to add “*building coverage in relation to comprehensive development*” as a restricted discretionary activity. We consider that this amendment is necessary for consistency and clarity and therefore recommend that this additional activity be included in this section.

1039. Our recommended Rule 13.6 is included in Appendix 2.

17. FURTHER RECOMMENDATIONS OF THE PANEL

1040. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

17.1. Notified Rule 13.5.11 Glare

1041. As identified earlier, Notified Rule 13.5.11 includes the requirement that:

13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.

⁸⁰⁵ Submission 650

Except that:

- a. architectural features, including doors and window frames, may be any colour and*
- a. Roof colours shall have a reflectance value of between 0 and 20%.*

1042. We agree with the view of Ms Jones set out in her Section 42A Report.⁸⁰⁶ This rule as notified is very onerous and the same provisions (12.5.14.4 and 16.5.10.4) have been removed in the decision report for Chapter 12 and Chapter 16.
1043. We consider that the WTC Guidelines, at page 25 set out the principles and guidelines in relation to colour including avoiding high gloss and highly reflective finishes; use of stains and oils to reveal the natural grain of timber; and roof colour that blends with the natural environment. The WTC Guidelines have been incorporated into the Rules and as such, we prefer the guidance provided in these guidelines rather than the overly prescriptive wording in notified Rule 13.5.11.
1044. There was no submission relating to this, however we recommend removing this in the interests of consistency and in order to make the rule more workable. As it is, and based on the discussion in Chapter 12 and Ms Jones' view, it would be very onerous on any development in the WTCZ.

18. CONCLUSION

1045. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.
1046. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.
1047. Consequently, we recommend that:
- a. Chapter 13 be adopted as set out in Appendix 2;
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7; and
 - c. The Council initiate a variation to amend Rule 13.5.11Glare, by removing Rule 13.5.11.4.

⁸⁰⁶ V Jones, Section 42A Report at [13.8].

PART D: CHAPTER 14 - ARROWTOWN TOWN CENTRE

19. BACKGROUND

1048. The Section 42A Report for this chapter was prepared by Ms Amy Bowbyes. Ms Bowbyes provided an overview of the ATCZ and its purpose. This can be summarised as providing a town centre that functions as both a tourist destination and a commercial centre for the Arrowtown community. The purpose of the ATCZ planning framework is twofold; to enable the ATCZ to continue to function as described; and also to recognise the heritage values of the ATCZ and ensure those values continue to be maintained.

20. PRELIMINARY MATTERS

20.1. Design Guidelines

1049. Variation 1 to the PDP was notified on 20 July 2016 and replaced the Arrowtown Design Guidelines 2006 with the new Arrowtown Design Guidelines 2016 (AD Guidelines 2016). Accordingly any reference to these guidelines in Chapter 14 is now to the AD Guidelines 2016. Submissions on Variation 1 were heard in Stream 6 and that hearing Panel (differently constituted) has recommended various amendments to the text of chapter 14. We have adopted those amendments.

1050. The AD Guidelines 2016 are “focused on protecting, conserving and enhancing the heritage character and urban amenity values of this character area. This area is more sensitive than others and requires more detailed guidance.”⁸⁰⁷

20.2. Preliminary Matter (2) Historic Characteristics of Arrowtown

1051. We feel it is important to make reference to the historic setting of Arrowtown. Historic buildings define the character and scale of the built environment, and significantly contribute to the town’s high levels of amenity. They serve as an attraction for visitors, contributing to the diverse range of visitor experiences offered throughout the District.

1052. These historic characteristics are a real point of difference between Arrowtown and the other town centres of the District. For this reason, the rules that apply to the Arrowtown Town Centre respond to these differing needs and are not the same as those that apply in other zones.

21. ASSESSMENT OF SUBMISSIONS

1053. There were 17 submission points and 8 further submissions points received on the ATCZ chapter. Ms Bowbyes grouped the submissions by topic in her report, however we will discuss the entire chapter beginning with the zone purpose, and working our way through the objectives and policies, rules and other relevant matters. As we move through the various sections of Chapter 14 we will refer to any relevant submissions.

1054. We have reviewed all submissions on this chapter and recommended amendments where we consider it appropriate. The amended version of Chapter 14 that we are recommending is contained in Appendix 3.

⁸⁰⁷ Page 50, notified version of Arrowtown Design Guidelines 2016

21.1. General Submissions

1055. Mr Craig Douglas⁸⁰⁸ submitted in general support of Chapter 14 and we recognise this support and recommend accepting this submission point.
1056. NW and CE Beggs⁸⁰⁹ largely supported the ATCZ provisions, however requested that vehicles be excluded from Buckingham Street, specifically the section between Berkshire Street and Wiltshire Street, and that appropriate management be implemented to allow daily delivery access and use for special events.
1057. Ms Bowbyes noted that in its capacity as the Road Controlling Authority the Council does have the ability to place restrictions on the use of public roads; however the process for that sits outside the District Plan and this review. She consulted the Council's Property and Infrastructure Team who confirmed that they were aware of this issue and advised that the formal mechanism for the closure of any road is via a change to the Council's Traffic and Parking Bylaw. They also confirmed that road closures do occur on Buckingham Street from time-to-time to restrict vehicle access during public events.
1058. Although not restricting all access to Buckingham Street, Notified Rule 14.5.6 sought to limit the impact of vehicles accessing on-site loading and storage spaces by requiring alternative access to be first considered.
1059. Ms Bowbyes considered that introducing a policy such as that requested by the submitter should be considered in conjunction with the review of the Transport Chapter, which was notified as part of Stage 2 of the District Plan Review in November 2017. We agree that it is more appropriate to consider this relief as part of that process.
1060. We imagine that locals are aware of the limitations of Buckingham Street caused by road width and the inconvenience of blocking the street for other users, and as such would be aware of alternative accesses. We think that based on this, any issues with Buckingham Street would be limited.
1061. For these reasons, we recommend the relief be rejected.

22. SECTION 14.1 – ZONE PURPOSE

1062. Although two submissions⁸¹⁰ were received on the zone purpose, Ms Bowbyes did not recommend any change to the zone description. Ms Gent⁸¹¹ opposed the zone purpose, but gave no further explanation as to why. We recommend rejecting this submission.
1063. Mr Kain Froud⁸¹² submitted in support with no reasons given, and NZIA⁸¹³ submitted in support of additional density within the urban growth boundary, noting that any residential development outside or adjacent to the urban growth boundary would erode Arrowtown's character and "*undermine the value of establishing a growth boundary*". The further submissions in opposition to this submission contained no substantive reasons and we cannot be certain that they even pertain to this submission point.

⁸⁰⁸ Submission 199

⁸⁰⁹ Submission 255

⁸¹⁰ Submission 19 in support, and Submission 223 opposing

⁸¹¹ Submission 223

⁸¹² Submission 19

⁸¹³ Submission 238, opposed by FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

1064. As we have already noted, we consider that the historic buildings and heritage define the character of Arrowtown. It is this historic setting that attracts visitors to the town. This is captured in the zone purpose and also encapsulated in the objectives and policies that follow. The overarching purpose of the ATCZ is to enable a variety of activities to occur that meet the needs of residents and visitors, whilst ensuring that this special heritage character is not compromised.
1065. As notified, we consider that the zone purpose articulates this. Accordingly, we recommend retaining the zone purpose as notified with no amendments.

23. 14.2 OBJECTIVES AND POLICIES

23.1. Objective 14.2.1 and Policies 14.2.1.1 - 14.2.1.5

1066. Objective 14.2.1 and its accompanying policies as notified read:

14.2.1 Objective

New development celebrates the town's historic character and is sympathetic to its environmental setting.

Policies

- 14.2.1.1 *Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and reflects the essential historic character of the town centre and its unique environmental setting.*
- 14.2.1.2 *Ensure that any additions or alterations to buildings are undertaken in a manner that complements and respects the historic character and is consistent with the outcomes sought by the Arrowtown Design Guidelines 2016.*
- 14.2.1.3 *Acknowledge that new buildings do not necessarily need to replicate historic building styles, but must blend in with and contribute to the established character of the town centre.*
- 14.2.1.4 *Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre.*
- 14.2.1.5 *Control the design and appearance of verandas so they integrate well with the buildings they are attached to and, complement the overall streetscape, while providing appropriate cover for pedestrians.*

1067. Ms Gent⁸¹⁴ submitted in opposition to Objective 14.2.1. However no further detail was provided and no relief was specified. Ms Bowbyes did not propose any amendments to this objective and we consider that it is a suitable goal to achieve the overarching purpose of the ATCZ. Therefore we recommend rejection of this submission and propose no amendments to Objective 14.2.1.

1068. As stated earlier, a consequential change arising from Variation 1 to the PDP means that the reference to the Arrowtown Design Guidelines has been updated from 2006 and has been replaced with 2016.

⁸¹⁴ Submission 223

1069. The Otago Regional Council (ORC) submission⁸¹⁵ contained a section entitled “*Effects of development on Public Transport*”. This submission refers to specific rules in this chapter⁸¹⁶, however there is no relief requested. Whilst this submission does not directly mention Policy 14.2.1.5, it does note the issue with “*poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement*”.
1070. We consider that as Policy 14.2.1.5 seeks to control the design and appearance of verandas that the issue in the submission is relevant and can be addressed at a policy level as well as in the ATCZ rules-activities.
1071. Ms Bowbyes recommended an amendment to notified Rule 14.4.2 (to be discussed in more detail later in the report) and an amendment to Policy 14.2.1.5 in response to the issue identified in the ORC submission. She recommended adding the additional wording “*and do not interfere with kerbside movements of high-sided vehicles*”.
1072. We disagree with this additional wording, as it would mean the Policy and rule are incompatible with the heritage character of Arrowtown and the AD Guidelines 2016. These guidelines seek to ensure that future development will occur in ways that retain the town's unique historic character. As explained earlier, Arrowtown is noted for its historic buildings and verandas down its main street. These verandas are often held up by veranda posts and removal of these to provide for high sided vehicles would compromise the historic values.
1073. We also note that buses and service vehicles have the option of utilising other available streets in Arrowtown, thus avoiding Buckingham Street and its verandas. We therefore recommend the policy is retained as notified.
1074. Consequently, we recommend that, other than the amendment resulting from Variation 1, Objective 14.2.1 and Policies 14.2.1.1 to 14.2.1.5 inclusive, be adopted as notified.

23.2. Objective 14.2.2 and Policies 14.2.2.1 - 14.2.2.5

1075. Objective 14.2.2 and its accompanying policies as notified state as follows:

14.2.2 Objective

Arrowtown is a compact, convenient and attractive town centre that has a low scale built form, with limited opportunities for expansion.

Policies

- 14.2.2.1 *Provide for the controlled expansion of town centre activities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre.*
- 14.2.2.2 *Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the town centre maintains a compact form.*
- 14.2.2.3 *Ensure that development generally comprises a low scale to maintain consistency with the scale and character of existing town centre buildings.*

⁸¹⁵ Submission 798

⁸¹⁶ Notified Rules 14.4.2 and 14.4.3

14.2.2.4 *Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.*

14.2.2.5 *Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.*

14.2.2.6 *Ensure that outdoor storage areas are appropriately located and screened to limit adverse visual effects and to be consistent with the amenity values of the town centre.*

1076. Ms Gent⁸¹⁷ submitted in opposition to this objective, however no further detail was provided and no relief was specified. On this basis, we recommend this submission be rejected.

1077. In her Section 42A Report, Ms Bowbyes did not propose any amendments to Objective 14.2.2. However, as it is currently worded in the notified version, we considered that it was not consistent with the nature of an objective, as it was framed as a statement of fact, rather than stating a desired outcome.

1078. When questioned, Ms Bowbyes gave an explanation of the objective, noting that there had been an increase of commercial activity in the ATCZ, and the objective sought to limit any further expansion. We did not feel that the current wording would achieve the objective as explained by Ms Bowbyes. In light of this, we requested that Ms Bowbyes consider redrafting Objective 14.2.2 so as to specify an outcome, rather than the simply describing the current circumstance.

1079. Ms Bowbyes redrafted the objective, consistent with the definitions and guidance provided in the Fourth Procedural Minute and this amended wording was included in her reply. We have amended this a little further and recommend adoption of the following wording for this objective:

14.2.2 Objective – Arrowtown ~~is~~ remains a compact, convenient and attractive town centre that has a low scale built form, with limited opportunities for expansion.

1080. There were no submissions received on Policies 14.2.2.1 – 14.2.2.6 and we recommend that these policies as be adopted as notified.

23.3. Objective 14.2.3 and Policies 14.2.3.1 - 14.2.3.2

1081. Objective 14.2.3 and its accompanying policies as notified read:

14.2.3 Objective

Arrowtown town centre is a focus for commercial, cultural, entertainment and visitor activities.

Policies

14.2.3.1 *Provide for a diverse range of activities that meet the needs of residents and visitors, and enables the town centre to have a broad economic base.*

14.2.3.2 *Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities of the town centre.*

⁸¹⁷ Submission 223

1082. Ms Gent⁸¹⁸ submitted in support of this objective, and this submission is accepted, subject to the rewording directed to better state the objective.

1083. In her Section 42A Report, Ms Bowbyes did not propose any amendments to this objective. However, as was the case with Objective 14.2.2, this objective as notified was also not expressed as a desired goal. Again we requested that Objective 14.2.3 be redrafted to specify an outcome, and we recommend adoption of the following wording for this objective:

14.2.3 Objective- Arrowtown town centre is remains a focus for commercial, cultural, entertainment and visitor activities.

1084. There were no submissions received on Policies 14.2.3.1 – 14.2.3.2 and we recommend that these policies as be adopted as notified.

23.4. Objective 14.2.4 and Policies 14.2.4.1 - 14.2.4.4

1085. Objective 14.2.4 and its accompanying policies as notified read:

14.2.4 Objective

Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the town centre.

Policies

14.2.4.1 Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the town centre and by nearby properties.

14.2.4.2 Avoid the establishment of activities that cause noxious effects that are not appropriate for the town centre.

14.2.4.3 Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.

14.2.4.4 Avoid the establishment of activities that are not consistent with the amenity values of the town centre, cause inappropriate environmental effects, and are more appropriately located in other zones.

1086. Ms Gent⁸¹⁹ submitted in support of this objective. There were no reasons given and we recommend accepting this submission.

1087. In her Section 42A Report, Ms Bowbyes did not propose any amendments to this objective. There were no submissions received on policies 14.2.4.1 – 14.2.4.4.

1088. We recommend a minor amendment to Policy 14.2.4.3 to make it consistent with the wording of Policy 4.2.2.10. Consequently, we recommend adding the additional words “views of” to clarify the effects that the policy is seeking to minimise. Our recommended policy reads:

⁸¹⁸ Submission 223

⁸¹⁹ Submission 223

Ensure that the location and direction of lights in the town centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.

1089. Other than that amendment, we recommend that the Objective 14.2.4 and related policies be adopted as notified.

23.5. Objective 14.2.5 and Policies 14.2.5.1 - 14.2.5.6

1090. Objective 14.2.5 and its accompanying policies as notified read:

14.2.5 Objective

The town centre's transport network and pedestrian linkages recognise Arrowtown's heritage values, enabling the safe and convenient movement of people and goods.

Policies

14.2.5.1 Implement programmes of street and other public open space improvements in a manner that is consistent with the town's heritage values, to enhance pedestrian amenity and improve the flow of pedestrians through the town centre.

14.2.5.2 Pedestrian linkages enable people to easily negotiate their way through and around the town centre, including linkages with the Arrow River recreation area.

14.2.5.3 Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, and landscaping.

14.2.5.4 Encourage vehicle loading areas to be located in streets other than Buckingham Street to avoid impacting on pedestrian and vehicle movements, and to limit any adverse effects on amenity.

14.2.5.5 Encourage the location of off-street parking at appropriate locations on the periphery of the town centre so as to limit the impact of vehicles on town centre amenity, particularly during peak visitor periods.

14.2.5.6 Manage the transport network and traffic so as to reduce its negative impacts on the town centre and to increase safety and amenity for pedestrians.

1091. Ms Gent⁸²⁰ submitted in support of this objective. There were no reasons given and we recommend accepting this submission.

1092. In her Section 42A Report, Ms Bowbyes did not propose any amendments to this objective. There were no submissions received on Policies 14.2.5.1 – 14.2.5.6.

1093. We recommend that the Objective 14.2.5 and Policies 14.2.5.1-14.2.5.6 be adopted as notified.

23.6. Summary

1094. There have been no significant additions or refinements to the objectives and policies as part of our recommendations.

⁸²⁰ Submission 223

1095. We are satisfied that reworded Objectives 14.2.2 and 14.2.3 are now phrased as desired outcomes rather than existing scenario descriptions, and that this is the most appropriate way to achieve the purpose of the Act.
1096. We are also satisfied that all objectives and their associated suite of policies will be effective in achieving the zone purpose as described in the PDP, namely a town centre that functions as both a tourist destination and a commercial centre for the Arrowtown community, whilst also recognising and maintaining the unique heritage values of Arrowtown.

24. OTHER PROVISIONS AND RULES

24.1. 14.3.1 District Wide Rules

1097. This section is a cross reference to other District Wide Rules that may apply in addition to the rules in Chapter 14. There were no submissions received nor any comment in the officer's report relating to this section. Ms Bowbyes recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.

24.2. 14.3.2 Clarification

1098. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.
1099. Consistent with our approach in other chapters, we recommend that the heading of this section be "*Interpreting and Applying the Rules*" to better identify the purpose of the provisions contained.
1100. There are some other non-substantive changes proposed by Ms Bowbyes in the Recommended Revised Chapter appended to her Section 42A Report⁸²¹ that we have incorporated into our recommended chapter.
1101. We consider these minor amendments are necessary for consistency and as such recommend they are accepted.
1102. We set out in Appendix 3 our recommended layout of this section.

25. RULES

25.1. 14.4 Rules - Activities

1103. Ms Gent⁸²² submitted in opposition to these rules with no reason, and in the absence of any reasoning we recommend to reject this submission.

25.2. Rule 14.4.1 Activities not listed in this table and comply with all standards

1104. This rule effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 14.1.
1105. There was one submission received in support of this rule by The New Zealand Fire Service⁸²³. Although Ms Bowbyes had no recommendations on this rule in her Section 42A Report, we asked her at the hearing to consider whether this rule was necessary.

⁸²¹ Appendix 1. Recommended Revised Chapter at p14-3

⁸²² Submission 223

⁸²³ Submission 438.

1106. Ms Bowbyes response was contained in her Right of Reply⁸²⁴ which stated she considered this rule is necessary and that she remained of the view that she has no recommended changes to this rule. Ms Bowbyes justified her reasoning by reference to the discussion provided by Ms Jones in her Reply Statement for Chapter 12. This matter was also considered by Ms Scott in her Reply⁸²⁵ and is discussed in detail in Part B: Chapter 12.
1107. We thank the Council and the Section 42A authors for their consideration of this issue and we accept their collective view that inclusion of a default rule is necessary.
1108. We appreciate that there are other zones where the default status of an activity that is not listed is non-complying, whereas in the Business Chapters⁸²⁶ these activities default to permitted. Therefore we concur with the reasons given for inclusion and there are no changes considered necessary. We recommend the New Zealand Fire Service submission be accepted and that the rule be adopted as notified.

25.3. Rule 14.4.2 Verandas

1109. The ORC submission⁸²⁷ mentioned above, noted that “*poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement.*” Recognising this, Ms Bowbyes recommended including a specific element of veranda design in the listed matters of control.
1110. As already discussed at Policy 14.2.1.5, we disagree with this reference as it is incompatible with the heritage character of Arrowtown. The Arrowtown Design Guidelines 2016 have been incorporated into the District Plan, and these guidelines clearly explain the verandas are very much a part of the historic heritage character of Arrowtown. These guidelines must be considered and incorporated into the design when a resource consent is required. As such, we do not consider that there needs to be reference to veranda design with regard to traffic implications. Historic heritage has precedence over traffic issues (see Strategic Objective 3.2.3.1 and Strategic Policy 3.3.16), especially in the instance where there are alternative traffic routes available.
1111. In order to achieve consistency across the entire Plan, Ms Bowbyes has also reworded the direction of the Rule itself, adding the phrase “*Control is reserved to the following*”. We have recommended throughout our reports that this be reduced to “*Control is reserved to:*” for simplicity.
1112. Subject to the minor wording amendments discussed in Report 1, we recommend this rule be adopted as notified, as shown in Appendix 3.

25.4. Rule 14.4.3 Visitor Accommodation

1113. There were no submissions received on this rule, and the only amendments proposed are those minor amendments discussed in Report 1. Subject to those changes, we recommend this. Rule be adopted as notified, as shown in Appendix 3.

⁸²⁴ A Bowbyes, Reply Statement at [5.1-5.3].

⁸²⁵ Legal Submissions in Reply dated 13 December 2016 at [2.1-2.6].

⁸²⁶ Chapters 12-17

⁸²⁷ Submission 798

25.5. Rule 14.4.4 Buildings (including external alterations to existing buildings)

1114. The ORC submission⁸²⁸ regarding effects of development on public transport included this rule, although no specific relief was specified.
1115. The subject of the ORC submission was considered at Policy 14.2.1.5 and Rule 14.4.2, which relate specifically to the design elements of verandas. As previously explained, the verandas are very much a part of the historic heritage which is celebrated and iconic for Arrowtown. This is evidenced by reference to the discretion matter regarding relationship to heritage values which is guided by the Arrowtown Design Guidelines 2016. These guidelines must be considered and incorporated into the design when a resource consent is required. As such, we do not consider that there needs to be reference to veranda design with regard to traffic implications.
1116. Minor changes proposed by Ms Bowbyes included rephrasing of the discretion matter regarding natural hazards. We have further amended this to be consistent with the wording adopted. By the Stream 6 Panel. We recommend the rule be adopted subject to the Clause 16(2) amendment, as set out below:

⁸²⁸ Submission 798

14.4.4	<p>Buildings (including external alterations to existing buildings) *Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. external appearance b. Materials c. signage platform d. Lighting e. impact on the street f. relationship to heritage values (to be guided by the Arrowtown Design Guidelines 2016) g. compatibility with adjoining buildings h. the retention of pedestrian linkages between Arrow Lane, Buckingham Street and Ramshaw Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED) and i. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses including considering the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. <ul style="list-style-type: none"> i. <u>the nature and degree of risk the hazard(s) pose to people and property;</u> ii. <u>whether the proposal will alter the risk to any site; and</u> iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u> 	RD*
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25.6. Rule 14.4.5 Licenced Premises

1117. Although there were no submissions received or comment on this rule in the Section 42A Report, we consider that this rule requires amending.

1118. We did not consider it appropriate to include a provision that refers to “*Any relevant Council alcohol policy or bylaw*” when earlier evidence in respect of the QTCZ (Chapter 12) noted that there are no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.

1119. We asked Ms Bowbyes at the hearing to consider whether this discretion matter should be removed, as was recommended in Chapter 12. Although Ms Bowbyes accepted this view and noted her recommendation to remove this point in her Reply⁸²⁹, she did not consider there was scope for her to make this recommendation as no submissions were received on this point.⁸³⁰

1120. However, with reference to the evidence⁸³¹ of Ms Swinney, Team Leader Alcohol Licensing at QLDC, (given in Chapter 12) we were advised that there is no policy or bylaw. Therefore this discretion matter is non-existent and we recommend that it be deleted accordingly. We recommend this rule read:

14.4.5	<p>Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>14.4.5.1 to any person who is residing (permanently or temporarily) on the premises;</p> <p>14.4.5.1 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. The scale of the activity b. Car parking and traffic generation c. Effects on amenity (including that of adjoining residential zones and public reserves) d. The configuration of activities within the building and site (e.g. outdoor seating, entrances) e. Noise issues <u>and</u> f. Hours of operation. <u>And</u> <p style="padding-left: 40px;">a) Any relevant Council alcohol policy or bylaw.</p>	RD*
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25.7. [Rule 14.4.6 Industrial Activities not otherwise provided for in this table](#), [14.4.7 Factory Farming](#); [14.4.8 Forestry Activities](#); [14.4.9 Mining Activities](#); [14.4.10 Airport](#)

1121. There were no submissions received on these proposed rules, nor was there any comment or change proposed by Ms Bowbyes in her Section 42A Report, evidence summary or Reply.

1122. Accordingly we recommend that these rules be adopted as notified.

⁸²⁹ A Bowbyes, Reply Statement at [3.1-3.3].

⁸³⁰ Ibid at [3.3].

⁸³¹ S Swinney, EiC at [5.32].

- 25.8. Rule 14.4.11 Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.
1123. Although there were no submissions received or comment by Ms Bowbyes in her Section 42A report; in her reply Ms Bowbyes recommended amending the layout of this rule.
1124. We accept this amendment and recommend rewording to maintain consistency across the chapters in the Business Stream:

14.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>14.4.12</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	<u>PR</u>
<u>14.1.13</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	<u>PR</u>

26. 14.5 RULES – STANDARDS

26.1. Rules 14.5.1 – 14.5.7

1125. There are nine rules in this section of the chapter, and only one submission was received, which was in relation to Rule 14.5.7 – Building Height. This submission was received from the New Zealand Fire Service⁸³² and sought to exempt fire station towers from the height limit of 7m proposed in notified Rule 14.5.7.
1126. This submission point was the topic of discussion in the Section 42A Report, identified by Ms Bowbyes as issue 3.⁸³³
1127. We agree with Ms Bowbyes statement that it is appropriate that fire stations should be subject to the same rigour as other developments in the ATCZ, including compliance with the prescribed building heights set out in notified Rule 14.5.7.
1128. To allow an exemption for fire station towers, in our view, would potentially allow towers of unlimited height and undermine the heritage and amenity values that are important in Arrowtown. We further agree with Ms Bowbyes, that an exemption would not achieve Objectives 14.2.1 and 14.2.2 or Policies 14.2.1.1, 14.2.1.2, 14.2.1.3, 14.2.2.3 and 14.2.2.4 and that the requested relief should be rejected, and the wording of the notified rule is accepted.
1129. We consider that many of the other amendments proposed by Ms Bowbyes to be minor formatting changes identified earlier in this decision. We have also amended to format consistent with our approach in other chapters such that the matters of discretion are in the

⁸³² Submission 438

⁸³³ A Bowbyes, Section 42A Report at [11.3 – 11.5].

non-compliance column. These changes are non-substantial in nature and therefore we recommend that they be adopted by the Council utilising Clause 16(2).

1130. Subject to those changes, we recommend Rules 14.5.1, 14.5.2, 14.5.3, 14.5.4, 14.5.5, 14.5.6 and 14.5.7 be adopted as notified and as shown in Appendix 3.

26.2. Rule 14.5.8 Noise

1131. This rule relates to noise in the ATCZ. There were no submissions received in relation to this rule, and there were no comments in the Section 42A report.

1132. When Ms Bowbyes presented her evidence at the hearing, we questioned whether the wording of this rule had enough clarity, and suggested that it be reworded to clarify which parts of the rule were exemptions and which parts were explanatory notes.

1133. Ms Bowbyes has addressed this in her Reply⁸³⁴ and we recommend the accompanying explanation to Rule 14.5.8.1 be amended as set out below:

14.5.8	<p>Noise</p> <p>14.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>14.5.8.1.1 daytime (0800 to 2200 hrs) 60 dB L_{Aeq(15 min)}</p> <p>14.5.8.1.2 night-time(2200 to 0800 hrs) 50 dB L_{Aeq(15 min)}</p> <p>14.5.8.1.3 night time (2200 to 0800 hrs) 75 dB L_{AFmax}</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. The noise limits in rule 14.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>b. The noise limits in rule 14.5.8.1 shall not apply to <u>permitted outdoor public events pursuant to Rule 35.4.7 Chapter 35</u> of the District Plan.</p> <p><u>Note:</u> Sound from activities which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	NC
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⁸³⁴ A Bowbyes, Reply Statement at [6.1].

26.3. Rule 14.5.9 Glare

1134. There were no submissions received on this rule and the only changes recommended by Ms Bowbyes were in relation to the effects on the night sky.
1135. As notified, this rule included reference to limiting the effects on the night sky. Ms Bowbyes considered that this was too subjective. She further noted, that while there are no submissions seeking deletion, given its *ultra vires* nature, its removal would not result in a substantive change.
1136. Ms Scott addressed this issue in her legal submissions with regard to the phrasing in Rule 14.5.9 where she submitted that uncertainty made the standard *ultra vires*, and therefore should be deleted.⁸³⁵
1137. We have discussed this rule which is common to all chapters in Chapter 12 and 13, and for the reasons given in our discussion of those chapters we consider the rule can be corrected by wording it so that it implements Policy 14.2.4.3. This Policy seeks to mitigate any adverse effects arising from lighting and glare on “*views of the night sky*”. To implement this policy, we consider the rule should require exterior lighting to be directed downwards so as to limit the effects on views of the night sky. Given the policy direction, we consider this to be a non-substantive change that we recommend be made under Clause 16(2).
1138. Notified Rule 14.5.9.4 stated 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”.
1139. Ms Bowbyes considered that nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree.⁸³⁶ Ms Bowbyes directed us to a website to show that even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand).⁸³⁷
1140. However, there is no submission relating to this and therefore Ms Bowbyes did not consider there was scope to remove this. We will discuss this further in the section entitled *Further Recommendations of the Panel*.
1141. At this stage, we therefore recommend this rule be adopted as set out below:

⁸³⁵ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8]

⁸³⁶ A Bowbyes, Section 42A Report at [14.4]

⁸³⁷ http://www.roof.co.nz/uploads/resources/Colorsteel_luminous_reflectance_values.pdf.

14.5.9	Glare	NC
	14.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places and <u>directed downwards</u> so as to limit the effects on <u>views of the night sky</u> .	
	14.5.9.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.	
	14.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.	
	14.5.9.4 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.	

26.4. 14.6 Rules – Non-notification of Applications

1142. There were no submissions received on Rule 14.6 and the only amendment proposed was one in the interests of clarity to add the rule reference (14.4.4) to 14.6.2.1 Buildings.

1143. We recommend that this reference is included as set out in Appendix 3.

27. FURTHER RECOMMENDATIONS OF THE PANEL

1144. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

27.1. Notified Rule 14.5.9 Glare

1145. As identified earlier, Notified Rule 14.5.9.4 included the requirement 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.

1146. Ms Bowbyes told us that 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).⁸³⁸

1147. There is no submission relating to this, however we recommend removing this requirement in order to make the rule more workable. This is also consistent with our recommendation in other Business Chapters. As it is, and based on Ms Bowbyes advice above, it is ultra vires and would be very onerous on any development in the ATCZ.

⁸³⁸ A Bowbyes, Section 42A Report at [17.4-17.5].

1148. Therefore, we recommend to the Council that it incorporate this change by way of a variation to the PDP.

28. CONCLUSION

1149. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.

1150. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

1151. Consequently, we recommend that:

- a. Chapter 14 be adopted as set out in Appendix 3;
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7; and
- c. The Council initiate a variation to amend Rule 14.5.9

PART E – CHAPTER 15 LOCAL SHOPPING CENTRE ZONE

29. BACKGROUND TO CHAPTER 15

1152. Ms Amy Bowbyes prepared the Section 42A Report for this chapter. The LSCZ replaces the Corner Shopping Centre Zone of the ODP. The purpose of the LSCZ is to enable small scale commercial and business activities that are accessible to residential areas and people in transit.

30. PROCEDURAL MATTERS

30.1. LSCZ at Cardrona Valley Road and 1 Hansen Road – Deferral of Submission Points to Hearing on Mapping

1153. The Panel's Minute of 2 December 2016, directed that submissions that specifically related to the LSCZ at Cardrona Valley Road in Wanaka and 1 Hansen Road in Frankton were deferred to the hearings on mapping.

1154. During the course of the hearing, we became aware that some submissions were site specific and in our view it would be more appropriate to deal with those in the Mapping hearings.

Cardrona Valley Road

1155. In his opening, Mr Winchester submitted that the submission of Mr Stuart Ian and Ms Melanie Kiri Agnes Pinfold and Satomi Enterprises Limited⁸³⁹, (Pinfolds and Satomi) raised matters that were site specific. He suggested that those submitters should be given the opportunity to be heard in the mapping hearing stream when the application of the zone was to be considered.

1156. In a further submission, the Gordon Family Trust⁸⁴⁰ opposed "*all of the submission and the relief sought*" in the Pinfolds and Satomi submission and the WDL submission. The Gordon Family Trust lodged economic evidence of Mr John Polkinghorne supporting provision for two larger tenancies in the LSCZ at Cardrona Valley Road. This evidence included comment on Mr Timothy Heath's economic evidence prepared on behalf of the Council as part of the Section 42A Report.

1157. On 29 November 2016, the Hearing Panel received a memorandum from Counsel for the Pinfolds and Satomi acknowledging that the submission was site specific and seeking clarification as to whether it would be heard as part of the Business Hearing Stream, or the mapping stream. Following this, the Council also advised us that there were other submissions relating to this site.⁸⁴¹

1158. In response to this information, the Panel Chair asked the Committee Secretary to inquire as to whether the Gordon Family Trust (having already lodged evidence) wished to defer its submission to the mapping hearing.

1159. We were advised that as the evidence had already been lodged on behalf of the Gordon Family Trust, and that the Council's expert witness, Mr Heath had already responded to this contrary evidence, that they would prefer to continue to be heard in this Hearing Stream.

⁸³⁹ Submission 622

⁸⁴⁰ FS1193

⁸⁴¹ Memorandum of Counsel on behalf of QLDC dated 1 December 2016

1160. The Panel Chair advised in a Minute dated 2 December 2016, that it would be preferable and more efficient to deal with all submissions on a particular site together.⁸⁴² However, with regard to the evidence presented on behalf of the Gordon Family Trust, that evidence was not site specific. Mr Polkinghorne’s evidence responded to Mr Heath’s evidence, which related to the whole of the LSCZ. Therefore, we deal with that matter in this Report.
1161. Taking all of this into consideration, the Chair directed that the following submissions be transferred to the Mapping Hearing:⁸⁴³
- a. Pinfolds and Satomi⁸⁴⁴
 - b. Ms Susan Meyer⁸⁴⁵
 - c. Aspiring Lifestyle Retirement Village⁸⁴⁶ and
 - d. Wanaka Lakes Health Centre⁸⁴⁷.
1162. Ms Bowbyes also advised in her Reply that the submission by JA Ledgerwood⁸⁴⁸ was also specific to the Cardrona Valley Road LSCZ and therefore, it was appropriate to transfer this submission to the mapping hearing to be heard with the above submissions.
1163. These submissions have been heard in the Stream 12 Panel and recommendations on them can be found in Report 16.
- 1 Hansen Road
1164. Ms Bowbyes advised us at the hearing that she understood a resource consent application was imminent for 1 Hansen Road and that the activity proposed was more akin to residential than business. Mr Tony MacColl for NZTA, also confirmed that was his understanding.
1165. There are some site specific rules proposed in the PDP that relate to 1 Hansen Road. Taking into account the information provided by Ms Bowbyes and Mr MacColl, those provisions may not be appropriate for the use of the site.
1166. In our view, site specific provisions would be best heard in parallel with submissions relating to the zoning of a specific site. Taking all of this into consideration, we directed that the following submissions were transferred to the Stream 13 Hearing:⁸⁴⁹
- a. Spence Farms Limited⁸⁵⁰; Board of Airline Representatives of New Zealand Incorporated⁸⁵¹
Queenstown Airport Corporation Limited⁸⁵²
 - b. New Zealand Transport Agency⁸⁵³

⁸⁴² Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016 at [5].

⁸⁴³ Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016

⁸⁴⁴ Submission 622

⁸⁴⁵ Submission 274

⁸⁴⁶ FS1101

⁸⁴⁷ FS1212

⁸⁴⁸ Submission 507

⁸⁴⁹ Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016

⁸⁵⁰ Submission 698

⁸⁵¹ FS1077

⁸⁵² FS1340

⁸⁵³ Submission 719

c. Queenstown Airport Corporation Limited⁸⁵⁴; Board of Airline Representatives of New Zealand Incorporated⁸⁵⁵; Queenstown Park Limited⁸⁵⁶; Remarkables Park Limited⁸⁵⁷.

1167. For this reason, there is no discussion or substantive recommendations pertaining to:

- a. Policy 15.2.3.5
- b. Rule 15.4.3.2
- c. Rule 15.5.1 (in part)
- d. Reply Rule 15.5.5 and
- e. Rule 15.6.2.2 (in part).

1168. These submissions have been heard by the Stream 13 Panel and recommendations on them can be found in Report 17.

31. MINOR AMENDMENTS

31.1. Local Shopping Centre Heading

1169. As notified, the heading of this zone listed the Local Shopping Centres as “Albert Town, Arrowtown, Fernhill, Frankton, Hawea, Sunshine Bay and Wanaka”. We found that list quite misleading in referring to Wanaka, which has a Town Centre Zone applied. It appears that the reference is intended to be to the area zoned LSCZ at Cardrona Valley Road.

1170. We recommend this list be amended to refer to “Cardrona Valley Road” in the interim until the Council can identify an appropriate suburban name for the area.

32. ASSESSMENT OF SUBMISSIONS

1171. There were 39 original submissions received from 16 submitters, and 70 further submissions received.

1172. We have reviewed all submissions on this chapter and recommend amendments where we consider it appropriate to support and achieve the purpose and function of the LSCZ. We identify changes in the text by underlying throughout this Report and provide an amended version of Chapter 15 that we are recommending in Appendix 4.

32.1. Preliminary Matter – Limitations on Retail Floor Space and Activity Types

1173. Willowridge Developments Limited⁸⁵⁸ sought that rules be included in Rule 15.4 to restrict retail activities to those providing a local service with a gross floor area of no more than 400m², or rules to like effect. The submitter considered the zone provisions to be too permissive and the range of activities could undermine the town centres and other commercial centres, particularly where the LSCZ was of a significant size.

1174. In preparing her Section 42A Report, Ms Bowbyes sought the advice of Mr Heath from Property Economics. As a result of that advice, Ms Bowbyes recommended a new policy that restricted identified retail activities to ensure the role of town centres was not threatened⁸⁵⁹, and a new

⁸⁵⁴ Submission 433

⁸⁵⁵ FS1077

⁸⁵⁶ FS1097

⁸⁵⁷ FS1117

⁸⁵⁸ Submission 249, opposed by FS1193

⁸⁵⁹ A Bowbyes, Section 42A Report, Appendix 1, Policy 15.2.1.5

rule that prescribed a non-complying activity status for identified retail activities⁸⁶⁰. She also recommended a new policy⁸⁶¹ and related rule limiting individual retail activities to 300m² and individual office activities to 200m² in the zone⁸⁶².

1175. In his evidence in chief, Mr Heath explained that, in his experience, convenience stores (supermarkets excluded) fall well below 400m² GFA⁸⁶³. Mr Heath went on to state the average store size in higher order town centres he has audited in recent years has been between 275m²- 330m² GFA, including minor department stores and supermarkets. In smaller convenience centres he noted that the average store size was around 170m² GFA. Both fall well below the 400m² GFA maximum sought by WDL.
1176. Although discussed primarily in the context of the 1 Hansen Road LSC, Mr Heath concluded that an office tenancy cap of 200m² per tenancy in the LSCZ would ensure that any office establishing in this zone was small scale and focussed on the local residential area, as contemplated by the purpose, objectives and policies of the LSCZ⁸⁶⁴.
1177. It was also Mr Heath's view that restricting certain store types would provide greater certainty of outcome. He noted that the vast majority of retail stores are normally below 300m² GFA, and that some of the store types commonly at this smaller size, are important store types to have in town centres in order for town centres to perform and role successfully in the market⁸⁶⁵. It was Mr Heath's opinion that the policy regime of the PDP meant that the LSCZ should be available for convenience shopping rather than comparison shopping. Consequently, he recommended excluding some non-convenience store types from the LSCZ, including fashion stores, electronic and electrical goods stores, appliance stores, and furniture and floor covering stores, which he considered would rely on attracting customers from well beyond any local market to generate sales⁸⁶⁶.
1178. It was in reliance on this evidence that Ms Bowbyes recommended the additional policies and rules.
1179. At the hearing, we heard evidence from Mr Polkinghorne, a retail economist appearing for the Gordon Family Trust. Mr Polkinghorne's evidence was largely focussed on the Cardrona Valley Road LSCZ, but in part responded to Mr Heath's evidence in a general sense.
1180. Mr Polkinghorne told us that while he agreed with Mr Heath that a retail tenancy cap is desirable for the Cardrona Valley Road LSCZ, he disagreed with the 300m² limit suggested by Mr Heath, rather he suggested a 400m² GFA was more appropriate⁸⁶⁷. He also suggested special provision could be made at the Cardrona Valley Road LSCZ for larger tenancies⁸⁶⁸.
1181. It was Mr Polkinghorne's opinion that the 300m² threshold recommended by Mr Heath and incorporated into Ms Bowbyes proposed Rule 15.5.9 would result in those retailers seeking to establish premises of the 300m² to 400m² range having limited options.

⁸⁶⁰ *ibid*, Appendix 1, Rule 15.4.6

⁸⁶¹ *ibid*, Appendix 1, Policy 15.2.1.4

⁸⁶² *ibid*, Appendix 1, Rule 15.5.9

⁸⁶³ T Heath, EiC, at paragraph 3.14

⁸⁶⁴ *ibid* at paragraph 3.33

⁸⁶⁵ *ibid*, at paragraph 3.18

⁸⁶⁶ *ibid*, at paragraph 3.20

⁸⁶⁷ J Polkinghorne, EiC, at paragraphs 163-164

⁸⁶⁸ *ibid*, paragraphs 165 and 183-188

1182. While Mr Polkinghorne provided extensive evidence on the growth in population and tourism in the District, and in Wanaka in particular, and the demand that would create for additional retail floor space, he did not, in our view, consider how that additional space should be properly allocated around the various business areas in Wanaka, having regard to both the Strategic Objectives and Policies of the PDP, or the objectives and policies of the LSCZ. We have left his specific comments on the Cardrona Valley Road LSCZ to be considered by the Stream 12 Hearing Panel.
1183. When appearing before us, Mr Heath told us that '*scale*' was an important focus of the zone as was the convenience nature of the retail and commercial service offer anticipated within the LSCZ.⁸⁶⁹ In his view, a 400m² maximum GFA threshold was well above the average convenience store size and was likely to require a significant proportion of a store's sales to be derived from customers who reside beyond the local area to remain viable.
1184. Mr Heath concluded that Mr Polkinghorne had failed to consider the appropriate policy context or wider policy implications of his proposed policies relating to floor size, especially when assessed against the entire LSCZ across the district and the objectives and policies in the Strategic Directions chapters.⁸⁷⁰
1185. At the hearing, we asked Ms Bowbyes to consider the 300m² limit for retail activities and compare it to some existing activities that are occurring in the LSCZ. Ms Bowbyes provided this information to us in her Reply⁸⁷¹, which clearly identified that the wide range of existing activities in the LSCZ are well below the proposed 300m² threshold.
1186. Ms Bowbyes also noted in her Reply, that, by Mr Polkinghorne's own admission, the Business Mixed Use Zone (BMUZ) was not considered in his modelling, and in her view the BMUZ would be more appropriate for activities with GFA of between 300m² and 400m² as the BMUZ did not place limits on the GFA of retail activities.⁸⁷²
1187. Turning now to the recommended limit of office tenancy floor space, Mr Graeme Todd, Counsel for the Gordon Family Trust submitted that there was no scope to apply a 300m² limit in recommended Rule 15.5.9, or to consider office activities.
1188. Ms Scott addressed this in her Reply⁸⁷³. She submitted that scope was provided by the WDL submission to consider office activity as the original submission criticised the LSCZ provisions for being too permissive for retail and commercial activity. Ms Scott noted that the definition of "*commercial activity*" included commercial and administrative offices and as such the appropriate GFA for office activity in the LSCZ could be considered and a recommendation made by the Panel.⁸⁷⁴
1189. Ms Bowbyes proposed an upper limit of 200m² for office activities in the LSCZ. Mr Polkinghorne considered the 200m² GFA cap to be arbitrary and that it could impede businesses from establishing.⁸⁷⁵

⁸⁶⁹ T Heath, Summary of Evidence, at paragraph 12.

⁸⁷⁰ *ibid* at paragraph 15.

⁸⁷¹ A Bowbyes, Reply Statement, at paragraphs 6.1-6.4.

⁸⁷² *ibid* at paragraph 6.12.

⁸⁷³ Legal Submissions (Right of Reply) of Mr Winchester dated 13 December 2016 at [6.4]

⁸⁷⁴ *ibid* at paragraphs 6.5 and 6.6

⁸⁷⁵ J Polkinghorne, EIC at [194].

1190. It was Mr Polkinghorne's view that the tenancy cap for office activities should be removed, or in the alternative that it be set at 400m² GFA, in line with the cap for retail.⁸⁷⁶
1191. Mr Heath disagreed with that view. He noted that Mr Polkinghorne had not provided any relevant evidence to support this opinion, nor any economic evidence on the implications of such a policy setting.⁸⁷⁷
1192. Mr Heath stated that in his view, office activity up to 400m² was of a scale that went well beyond the intent and purpose of the LSCZ, and potentially could result in an outcome that did not resemble a local convenience centre.⁸⁷⁸ Ms Bowbyes did not consider the changes recommended by Mr Polkinghorne with regard to GFAs to be consistent with the zone intent and purpose or the planning framework of the LSCZ.⁸⁷⁹
1193. When considering the exclusion of certain retail activities, Mr Polkinghorne supported the exclusion of electronic and electrical goods stores, appliance stores, furniture and floor covering stores, and department stores from the LSCZ, but he did not support the exclusion of fashion stores. He also suggested other types which he would support: a shop which primarily sold cellphones, Simcards, accessories, or an independent homewares store which could sell furniture.⁸⁸⁰
1194. Mr Heath did not consider these type of stores promoted by Mr Polkinghorne to be those anticipated in the LSCZ. In Mr Heath's view, these were more suited to the function and amenity of larger town centres.⁸⁸¹ In the LSCZ it was more appropriate to sell convenience/frequently required goods, or day-to-day requirements, in Mr Heath's opinion.
1195. Having considered the evidence of Mr Heath and Mr Polkinghorne, we prefer the evidence of Mr Heath. As we noted above, Mr Polkinghorne did not evaluate the provisions in the context of the Strategic Chapters, or the objectives and policies of the LSCZ. Nor did his evidence examine the wider consequences of his recommendations on all parts of the District.
1196. In our view, Strategic Policies 3.3.3, 3.3.6, 3.3.9 and 3.3.10 are the relevant high level policies which the LSCZ provisions should be implementing. Although differently numbered and slightly rephrased, these policies were in Chapter 3 as notified. We are satisfied that Mr Heath's recommendations, as expressed in the policies and rules recommended by Ms Bowbyes, reinforce those policies. We consider that Mr Polkinghorne has essentially disregarded the Strategic Direction for the District in coming to his conclusions.
1197. For these reasons, we recommend the following provisions are included in Chapter 15:
- 15.2.1.4 Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:
- a. retention and establishment of a mix of activities within the local shopping centre

⁸⁷⁶ *ibid* at [196].

⁸⁷⁷ T Heath, Summary of Evidence, at paragraph 16.

⁸⁷⁸ *ibid*.

⁸⁷⁹ A Bowbyes, Reply Statement at paragraph 6.14.

⁸⁸⁰ J Polkinghorne, EiC, at paragraphs 18.-181

⁸⁸¹ *Ibid* at paragraph 14.

- b. role and function of town centres and commercial zones that provide for large scale retailing and
- c. safe and efficient operation of the transport network.

15.2.1.5 Restrict identified retail activities to ensure that the role and function of town centres as the District’s principal centres of retailing activity is not threatened.

Activities

		Activity Status
15.4.6	Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores	NC

Standards

		<u>Non-compliance Status</u>
15.5.10	<p>Retail and Office activities:</p> <p>15.5.10.1 Individual Retail activities shall not exceed 300m² gross floor area</p> <p>15.5.10.2 Individual Office activities shall not exceed 200m² gross floor area</p> <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	NC

1198. After hearing the submissions and further submissions on the zoning of the Cardrona Valley Road centre, the Stream 12 Panel has additionally recommended the inclusion of the following provisions:

15.2.1.6 Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road to ensure that the commercial function of Wanaka Town Centre and Three Parks is not adversely affected.

15.5.11	<p>Retail and Office Activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka</p> <p>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road, and</p>	D
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	shall not be interpreted as applying to individual sites within the zone.	
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1199. We accept and adopt their recommendation and include these provisions in the recommended chapter in Appendix 4.

1200. We do note that the LSCZ is applied to a range of existing shopping centres and it does not appear, on the basis of the economic evidence we heard, that all of them are consistent with the provisions and intent of this zone. Such inconsistencies have the potential to undermine the zone provisions further when newly zoned sites are developed, or existing centres are expanded. We recommend the Council undertake of review of the zone provisions and the centres it is applied to and consider whether alternative or additional business zones should be applied to existing and proposed centres.

32.2. Section 15.1 – Zone Purpose

1201. The zone purpose provided that the LSCZ enables small scale commercial and business activities in discrete pockets of land that would be accessible to residential areas and people in transit – in summary the intent was to provide for a range of accessible activities at a limited scale.

1202. The aim of the LSCZ sought to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. The purpose further described how the LSCZ were located in predominantly residential environments, and therefore standards in the zone would limit potential adverse effects on residential amenity and discourage the establishment of inappropriate activities.

1203. Visitor accommodation and residential activities were provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.

1204. Mr Kain Froud⁸⁸² supported the zone purpose, while QAC⁸⁸³ sought to add additional text to the notified Zone Purpose highlighting reverse sensitivity effects within the OCB. Dr Maggie Lawton⁸⁸⁴ submitted that this was an “excellent purpose”, although she suggested that more amenities were needed at Northlake. However there was no further detail provided.

1205. In her Section 42A Report, Ms Bowbyes considered that the purpose as notified, provided a “*very salient and high level overview of the purpose*” of the LSCZ. We agree with Ms Bowbyes, and consider the zone purpose as notified identified the purpose and intent of the zone and no amendments are required. As such, we recommend that the QAC submission be rejected.

1206. We recommend a minor change, for clarification, to remove the reference to “*zone standards*” and rather use the term “*standards*”. The term “*zone standards*” has a specific meaning in the ODP and we would not want to create any confusion. We recommend that the Council make this change under Clause 16(2).

1207. Thus we recommend the Zone Purpose be adopted as notified, subject to that minor amendment, as shown in Appendix 4.

⁸⁸² Submission Point 19

⁸⁸³ Submission 433, supported by FS433.61 opposed by FS1097, FS1117

⁸⁸⁴ Submission 117

33. 15.2 OBJECTIVES AND POLICIES

33.1. Objective 15.2.1 and Policies 15.2.1.1 - 15.2.1.3

1208. Objective 15.2.1 and its accompanying policies as notified read:

15.2.1 Objective

Enable a range of activities to occur in the Local Shopping Centre Zone to meet the day to day needs of the community and ensure that they are of a limited scale that supplements the function of town centres.

Policies

15.2.1.1 *Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.*

15.2.1.2 *Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.*

15.2.1.3 *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.*

1209. Only one submission⁸⁸⁵ was received in relation to Objective 15.2.1 and that was in support.

1210. In her Section 42A Report, Ms Bowbyes recommended rewording Objective 15.2.1⁸⁸⁶ to be consistent with the definitions and guidance provided in the Fourth Procedural Minute in order to articulate it as an objective rather than an action.

1211. We felt that this objective should be amended further in order to convey that the LSCZ provides a focal point for those activities listed. We questioned Ms Bowbyes at the hearing as to whether it would be appropriate to amend Objective 15.2.1 for that purpose.

1212. Ms Bowbyes reconsidered the wording and in her Reply she recommended further rewording which she thought provided further acknowledgement of the differences between the LSCZ and the Commercial Precincts that are embedded within the Township Zones of the ODP (and that would be reviewed in a subsequent stage of the PDP).⁸⁸⁷

1213. We additionally recommend a minor grammatical change, and recommend Objective 15.2.1 be adopted as follows:

~~*Enable Local Shopping Centres provide a focal point for a range of activities to occur in the Local Shopping Centre Zone to that meet the day to day needs of the community and ensure they are of*~~ *at a limited scale that supplements the function of town centres.*

⁸⁸⁵ Submission Point 380

⁸⁸⁶ A Bowbyes, Section 42A Report, Appendix 1

⁸⁸⁷ A Bowbyes, Reply Statement at [5.1].

1214. In her Section 42A Report, Ms Bowbyes also recommended a minor non-substantive change for clarity in Policy 15.2.1.3.⁸⁸⁸ We agree and recommend the words “local shopping” be added as a minor change under Clause 16(2).

1215. This recommended change is shown as underlined, with Policy 15.2.1.3 recommended to read as follows:

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~~ local shopping centre is not eroded.

1216. We recommend Policies 15.2.1.1 and 15.2.1.2 be adopted as notified.

33.2. Objective 15.2.2 and Policies 15.2.2.1 - 15.2.1.6

1217. Objective 15.2.2 and its accompanying policies as notified read:

15.2.2 Objective

Buildings respond to the existing character, quality and amenity values of their neighbourhood setting.

Policies

15.2.2.1 *Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with established amenity values.*

15.2.2.2 *Ensure that development generally comprises a scale that is commensurate with the receiving built environment.*

15.2.2.3 *Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.*

15.2.2.4 *Place specific controls on the bulk and location of buildings on sites adjoining Residential-zoned properties to ensure that an appropriate standard of residential amenity is maintained.*

15.2.2.5 *Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape, while providing appropriate cover for pedestrians.*

15.2.2.6 *Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with established amenity values.*

1218. NZIA⁸⁸⁹ noted their support for Objective 15.2.2 and requested an additional requirement that any new or remedial work over 100m² or remedial works over 30% of GFA of a building be reviewed by the UDP.

⁸⁸⁸ A Bowbyes, Section 42A Report, Appendix 1

⁸⁸⁹ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

1219. There was no elaboration or evidence as to why UDP review and the thresholds for such a review were sought and Ms Bowbyes discussed in detail why she disagreed with such a requirement in her Section 42A Report.⁸⁹⁰
1220. We agree with her view that there are no changes required to the current process with the UDP. Setting thresholds as requested by the submitter to make UDP involvement mandatory is not necessary. In addition to the current case-by-case approach to UDP involvement, we think notified Objective 15.2.2 and associated policies also assist with achieving good urban design outcomes and a consideration of the receiving environment. Accordingly this submission is recommended to be rejected for these reasons.
1221. As has already been discussed throughout this Report, the ORC submission⁸⁹¹ contained a section entitled “*Effects of development on Public Transport*”. The submission referred to the example that “*poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement*”.
1222. Ms Bowbyes recommended an amendment to notified Rule 15.4.2 (to be discussed in more detail later in the decision) in her Section 42A Report and an amendment to Policy 15.2.2.5 in response to the issue identified in this submission. We consider that due to the fact that Policy 15.2.2.5 provides for design and appearance of verandas that this submission is relevant. In our view, it is both efficient and effective to provide for this issue at a policy level as well as in the rules.
1223. We recommend the adoption of the underlined additional text as recommended by Ms Bowbyes, so that the policy reads:
- Policy 15.2.2.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to and, complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, while providing appropriate cover for pedestrians.*
1224. Other than that change, we recommend Objective 15.2.2 and its policies be adopted as notified.
- 33.3. Objective 15.2.3 and Policies 15.2.3.1 - 15.2.3.5**
1225. Objective 15.2.3 and its accompanying policies, as notified, read:

15.2.3 Objective

Appropriate limits are placed on activities to minimise adverse environmental effects received both within and beyond the zone.

Policies

15.2.3.1 *Provide appropriate noise limits to control adverse noise effects generated by activities occurring within the Local Shopping Centre Zone and received by nearby properties.*

15.2.3.2 *Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of noise generated within the Zone on occupants.*

⁸⁹⁰ A Bowbyes, Section 42A Report at [10.1-10.6].

⁸⁹¹ Submission 798

15.2.3.3 *Ensure that the location and direction of lights does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.*

15.2.3.4 *Avoid the establishment of activities that are not consistent with established amenity values, cause inappropriate environmental effects, or are more appropriately located in other zones.*

15.2.3.5 *For development of the site(s) at 1 Hansen Road, between Hansen Road and the Frankton Cemetery (as shown on Planning Maps 31, 31a and 33), in addition to other Zone-wide requirements:*

a. Ensure that development is undertaken in an integrated manner, having particular regard to

b. ensuring the safe and efficient operation of the transport network

c. Implement specific controls to limit effects on the historic values of the neighbouring cemetery.

1226. In her Section 42A Report, Ms Bowbyes recommended rewording this objective consistent with the definitions and guidance provided by the Panel in the Fourth Procedural Minute.⁸⁹² We agree with her changes in order to articulate it as an objective rather than an action.

1227. NZTA⁸⁹³ submitted in support of Objective 15.2.3 and policies 15.2.3.3, 15.2.3.4 and 15.2.3.5 and sought that they be retained. We recommend accepting this submission, subject to the change recommended above in relation to the objective and Policies 15.2.3.3 and 15.2.3.4. Policy 15.2.3.5 has been dealt with in the Stream 13 hearings.

1228. QAC⁸⁹⁴ sought that an additional policy be included under Objective 15.2.3 which would read:

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.

1229. The rationale was stated as being to implement and give effect to PC35⁸⁹⁵. In her Section 42A Report, Ms Bowbyes recommended this submission be accepted in part by rewording Policy 15.2.3.2 to acknowledge the Airport and OCB at the policy level, given that a portion of the LSCZ is within the OCB.⁸⁹⁶ Ms Bowbyes further recommended wording to recognise the reverse sensitivity effects on Queenstown Airport for development within the OCB.

⁸⁹² A Bowbyes, Section 42A Report, Appendix 1

⁸⁹³ Submission 719

⁸⁹⁴ Submission Point 433, supported by FS1077, opposed by FS1097, FS1117

⁸⁹⁵ *ibid*, Sections 4.29-4.42

⁸⁹⁶ A Bowbyes, Section 42A Report at [11.11].

1230. Mr Kyle, planning witness for QAC, did not comment on Ms Bowbyes recommended amendment to this policy, and suggested no changes to her recommendation in his version of Chapter 15 presented at the hearing⁸⁹⁷.

1231. We consider that, as Policy 15.2.3.2 is concerned with acoustic insulation for critical listening environments, it is the most appropriate location for acknowledging reverse sensitivity effects on Queenstown Airport for development within the OCB.

1232. We generally agree with Ms Bowbyes with regard to the additional wording, however recommend a minor change to the policy so that it refers to the potential for reverse sensitivity effects. Accordingly, we recommend accepting the QAC submission in part, and amending the policy as underlined, to read:

Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to:

a. limit the impact of noise generated within the Zone on occupants; and,

b. where relevant, limit the potential for reverse sensitivity effects on Queenstown Airport of buildings within the Queenstown Airport Outer Control Boundary.

1233. We also recommend that Policy 15.2.3.3 be amended slightly, to focus on mitigating adverse effects on views of the night sky, rather than on the night sky itself. Therefore we recommend the following wording:

Policy 15.2.3.3 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places, and promote lighting design that mitigates adverse effects on views of the night sky.

1234. We recommend that Policies 15.2.3.1 and 15.2.3.4 be adopted as notified.

34. SUMMARY

1235. We recommend limited amendments to the objectives and policies section of Chapter 15. We are satisfied that once these amendments have been incorporated, the objectives will be the most appropriate to achieve the purpose of the Act, and the policies will be effective and efficient at implementing the objectives. We also consider they will be consistent with the higher order policies in Chapters 3 and 4.

35. 15.3 OTHER PROVISIONS AND RULES

35.1. 15.3.1 District Wide Rules

1236. This section is a cross reference to other District Wide Rules that may apply in addition to the rules in Chapter 15. There were no submissions received nor any comment in the officer's report relating to this section. Ms Bowbyes recommended only minor amendments proposed in the interests of clarification and consistency with other parts of the Plan.

1237. We agree in part with Ms Bowbyes recommendations and have made further amendments for consistency with other chapters. We recommend these be made as a minor change in accordance with Clause 16(2).

⁸⁹⁷ J Kyle, Summary of Evidence (1 December 2016), Appendix 3

1238. The recommended layout is shown in Appendix 4.

35.2. 15.3.2 Clarification

1239. As with other chapters, this section contains a series of provisions that establish how the rules work, including which chapters have precedence over others.

1240. Consistent with our approach in other chapters, we recommend that the heading of this section be *“Interpreting and Applying the Rules”* to better identify the purpose of the provisions contained. We also recommend some minor non-substantive changes that Ms Bowbyes included in her Section 42A Report.

1241. We consider these minor amendments are necessary for consistency and as such recommend they are accepted. These are minor amendments and recommend they be made as a minor change in accordance with Clause 16(2).

1242. We set out in Appendix 4 our recommended layout of this section.

36. RULES

36.1. Rule 15.4.1 Activities not listed in this table and comply with all standards

1243. This rule effectively provided a default permitted activity status to any activity that complied with all standards and was not otherwise listed in Activity Table 15.1.

1244. Throughout Stream 8, the reporting officers were asked to consider this rule and whether it was necessary. It was also discussed by Mr Winchester in the Council’s legal submissions⁸⁹⁸ and addressed by Ms Jones in detail in her Right of Reply for the Queenstown Town Centre Chapter.⁸⁹⁹ Ms Bowbyes agreed with Ms Jones’ reasoning in her reply.

1245. We thank counsel and the Section 42A Report authors for their consideration of this issue and we accept their collective view that inclusion of a default rule is necessary. We appreciate that there are other zones where the default status of an activity that is not listed is non-complying, whereas in the business chapters⁹⁰⁰ these activities default to permitted.

1246. Therefore we concur with the reasons given for inclusion and recommend the rule be adopted as notified.

36.2. Rule 15.4.2 Verandas

1247. Notified Rule 15.4.2 provided for verandas as a controlled activity with listed matters of control to apply for any resource consent applications.

1248. The ORC submission⁹⁰¹ mentioned above under Policy 15.2.2.5, noted that “poorly designed shop front veranda setbacks and heights can interfere with kerbside bus movement”.

1249. None of the matters of control listed in Rule 15.4.2 would enable consideration of this issue. Ms Bowbyes recommended an additional matter of control in response to the ORC submission. We agree with this wording and Ms Bowbyes’ reasons for including it.

⁸⁹⁸ Legal Submissions in Reply of Mr Winchester dated 13 December 2016 at section 2.

⁸⁹⁹ V Jones, Reply Statement at paragraphs 3.1 to 3.4

⁹⁰⁰ Chapters 12-17

⁹⁰¹ Submission 798

1250. Consequently, we recommend the Rule be adopted as follows:

15.4.2	Verandas, in respect of: <u>Control is reserved to:</u>	C
	15.4.2.1 Design	
	15.4.2.2 Materials	
	15.4.2.3 Materials	
	15.4.2.4 External appearance and	
	15.4.2.5 The impact on, and relationship to, adjoining verandas <u>and</u>	
	15.4.2.6 <u>The enabling of unobstructed kerbside movements of high-sided vehicles.</u>	

36.3. Rule 15.4.3 Buildings

15.4.3.1 Buildings

1251. Notified Rule 15.4.3 provided a restricted discretionary activity status for all new buildings in the LSCZ, and listed the matters discretion was restricted to.
1252. Minor changes proposed by Ms Bowbyes in her Section 42A Report, related to wording of the restriction of discretion, and rephrasing of the discretion matter regarding natural hazards, for consistency with other chapters.
1253. NZIA⁹⁰² noted that it supported this rule, but requested additional wording requiring that building work over a certain size be reviewed by the UDP. The relief sought was to add the wording “New or remedial Building work over 100m² or if remedial over 30% of GFA is reviewed by Urban Design Panel”.
1254. The merits of this have been discussed earlier with regard to Objective 15.2.2. Just as no changes were recommended to Objective 15.2.2, Ms Bowbyes, in her Section 42A Report, did not consider any changes were required to this rule due to the current process with the UDP working well. There is a discretion as to whether the UDP services are utilised and we do not consider that this should be a mandatory requirement based on the thresholds suggested by NZIA.
1255. As we have noted above in discussing Chapter 13, we do not consider there would be any benefit in making reviews by the UDP mandatory. It appears from the evidence we received that the current process is effective and efficient. Accordingly we recommend this submission be rejected.
1256. We do recommend some minor changes in the interests of consistency. These are minor amendments and we recommend they be made under Clause 16(2), so the rule reads as follows:

⁹⁰² Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

15.4.3	<p>15.4.3.1 Buildings:</p> <p>Discretion is restricted to consideration of all of the following: external appearance, materials, sign platform, lighting, impact on the street, and natural hazards to ensure that:</p> <ol style="list-style-type: none"> a. <u>External appearance, including materials, glazing treatment vertical and horizontal emphasis and the location of storage;</u> b. <u>Signage platforms</u> c. <u>Lighting</u> d. <u>The impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form</u> e. The design of the building blends well with and contributes to an integrated built form; f. The external appearance of the building is sympathetic to the surrounding natural and built environment; g. The detail of the facade is sympathetic to other buildings in the vicinity, having regard to; building materials, glazing treatment, symmetry, external appearance, vertical and horizontal emphasis and storage; h. Where residential units are proposed as part of a development, the extent to which open space is provided on site, <u>provision of open space either through private open space or communal open space, or a combination thereof and</u> i. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <u>an assessment by a suitably qualified person is provided that addresses including considering the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.</u> <ol style="list-style-type: none"> i. <u>the nature and degree of risk the hazard(s) pose to people and property</u> ii. <u>whether the proposal will alter the risk to any site and</u> iii. <u>the extent to which such risk can be avoided or sufficiently mitigated.</u> 	RD*
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Rule 15.4.3.2 – Development of 1 Hansen Road

1257. As noted above, the Chair directed that submissions in relation to this rule be heard along with the zoning of the land in Stream 13. As reported by the Stream 13 Hearing Panel (differently constituted), no evidence was received in respect of this rule. Thus we recommend it remain unchanged as shown in Appendix 4.

Requested Rule 15.4.3.3

1258. QAC⁹⁰³ requested that a new non-complying activity be included for the Frankton Local Shopping Centre Zone and a restricted discretionary activity included for all other LSCZ relating to acoustic installation with reference to PC35.
1259. In her Section 42A Report Ms Bowbyes considered that notified Rule 15.5.3 achieved the insulation and ventilation requirements endorsed by PC35 for new buildings in the OCB. Dr Stephen Chiles presented acoustics evidence on behalf of the Council, regarding these submissions and the specific relief sought at the rule level. At paragraph 15, Dr Chiles stated:
- 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 Ldn airport noise.*
1260. Relying on his evidence Ms Bowbyes recommended rejecting changes to Notified Tables 15.4 and 15.5.
1261. Mr Kyle, planning witness for QAC, agreed with Ms Bowbyes that no change was required in respect of sound insulation⁹⁰⁴. With respect to mechanical ventilation, he recommended a new standard be inserted rather an amendment in the activities table. We return to this when discussing Rule 15.5.
1262. We recommend that no additional provision be included in this Rule 15.4.3 in response to the QAC submission.
- 36.4. Rule 15.4.4 Visitor Accommodation**
1263. Notified Rule 15.4.4 provided for visitor accommodation in the BMUZ as a restricted discretionary activity.
1264. NZTA⁹⁰⁵ submitted in support of this rule, seeking to retain this rule as notified.
1265. Ms Bowbyes in her Section 42A Report, recommended only one non-substantive change for the purposes of consistency with other chapters. We recommend the rule be amended under Clause 16(2) for consistency, such that it reads as follows:

⁹⁰³ Submission 433, supported by FS1077, opposed by FS1097, FS1117

⁹⁰⁴ J Kyle, EiC, paragraph 8.6

⁹⁰⁵ Submission 719

15.4.4	<p>Visitor Accommodation</p> <p>‡Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> a. The location, provision, and screening of access and parking, traffic generation, and Travel Demand Management b. Landscaping c. The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses d. The location and screening of bus and car parking from public places and e. Where the site adjoins a residential zone: <ul style="list-style-type: none"> i. Noise generation and methods of mitigation and ii. Hours of operation of ancillary activities. 	RD‡
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36.5. Rule 15.4.5 Licenced Premises

1266. There were no submissions received on this rule, nor any comment within the Section 42A Report.

1267. However, with reference to Miss Swinney’s evidence as the Council’s Team Leader Alcohol Licensing, there was discussion with regard the merits of including reference to “*Any relevant Council alcohol policy or bylaw*”.

1268. Referring to the QTCZ, Ms Swinney explained to us that there are no current alcohol policies in place; and that breach of any bylaw could result in enforcement action being required.⁹⁰⁶

1269. Ms Bowbyes recognised the merits of this, and noted her agreement with the comments of Ms Swinney. We also agree that this matter of discretion should be removed along with other minor amendments for consistency, as follows:

⁹⁰⁶ Evidence of Ms Swinney at [5.32].

15.4.5	<p>Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>15.4.5.1 to any person who is residing (permanently or temporarily) on the premises and/or</p> <p>15.4.5.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following: The scale of the activity</p> <p>a. Car parking and traffic generation</p> <p>b. Effects on amenity (including that of adjoining residential zones and public reserves)</p> <p>c. The configuration of activities within the building and site (e.g. outdoor seating, entrances)</p> <p>d. Noise issues <u>and</u></p> <p>e. Hours of operation <u>and</u></p> <p>f. Any relevant Council alcohol policy or bylaw.</p>	RD*
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36.6. Rule 15.4.6 Industrial Activities not otherwise provided for in this table, 15.4.7 Factory Farming; 15.4.8 Forestry Activities; 15.4.9 Mining Activities; 13.4.10 Airport

1270. There were no submissions relating to these rules. We recommend they be renumbered and otherwise adopted as notified.

36.7. Rule 15.4.11 Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.

1271. There were no submissions received on notified Rule 15.4.11, but Ms Bowbyes recommended splitting the activities into separate rules for consistency and improved legibility.

1272. We agree with this amendment and recommend under Clause 16(2) that the rule numbering and text reads as follows:

15.4.11 15.4.12	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>15.4.13</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	<u>PR</u>
<u>15.4.14</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	<u>PR</u>

37. 15.5 RULES – STANDARDS

1273. Ms Gent⁹⁰⁷ submitted in support of this section, however there was no further explanation given, and therefore we recommend this submission is accepted in part.

37.1. 15.5.1 Building Coverage

1274. As notified, Rule 15.5.1 provided that maximum building coverage in the LSCZ was 75%, and any proposal that did not comply would be a restricted discretionary activity. Additionally, the rule contained a special provisions limiting the coverage at 1 Hansen Road to 50%, with an additional matter of discretion.

1275. The only submission on this rule related to 1 Hansen Road and was deferred to the Stream 13 Hearing by the Chair’s Minute of 2 December 2016. No change was recommended to this rule by that Panel. We recommend re-organising the rule to make it clearer under Clause 16(2).

1276. Accordingly, we recommend the rule be adopted with the only changes being those referred to in Section X.X of Report 1, as shown below:

<p>15.5.1</p>	<p>Building Coverage</p> <p>15.5.1.1 Maximum building coverage - 75%.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The effects on the quality of the overall streetscape; and • The ability to meet outdoor storage requirements. <p>Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33) the maximum building coverage shall be 50% with discretion restricted to the above matters and:</p> <p>2. The traffic effects of additional building coverage, including the effects on the State Highway, particularly with particular regard to the intersection between Hansen Road and State Highway 6.</p> <p>15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery the maximum building coverage shall be 50%</p>	<p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The effects on the quality of the overall streetscape and</u></p> <p>b. <u>The ability to meet outdoor storage requirements.</u></p> <p>RD*</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The effects on the quality of the overall streetscape;</u></p>
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⁹⁰⁷ Submission 223

		<p>b. <u>The ability to meet outdoor storage requirements; and</u></p> <p>c. <u>The traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6</u></p>
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37.2. 15.5.2 Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or Public Open Space

1277. There were no submissions received on this rule and no recommendations in Ms Bowbyes’ Section 42A Report. The only changes we recommend are the minor changes described in Section X.X of Report 1:

15.5.2	<p>Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or public open space</p> <p>15.5.2.1 Buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Township Zone boundary.</p> <p>15.5.2.2 Where the site adjoins any Residential zone, Township Zone or public open space the setback shall be not less than 3m.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The visual effects of the height, scale, location and appearance of the building, in terms of <ul style="list-style-type: none"> – Dominance; – Loss of privacy on adjoining properties; and – Any resultant shading effects. 	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. The visual effects of the height, scale, location and appearance of the building, in terms of</p> <ul style="list-style-type: none"> i. Dominance ii. Loss of privacy on adjoining properties and iii. -Any resultant shading effects.
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37.3. 15.5.3 Acoustic installation

1278. Notified Rule 15.5.3 set out the requirements for acoustic insulation for buildings in the LSCZ.

1279. Spence Farms Limited⁹⁰⁸ requested that notified Rule 15.5.3 be deleted and replaced with the PC35 controls for buildings within the Queenstown Airport Air Noise Boundary (ANB). The further submission lodged by QAC⁹⁰⁹ pointed out that no area of the LSCZ is within the ANB. We recommend the relief sought by Spence Farms Ltd be rejected as being inappropriate. We also note that this submission was not supported by evidence.
1280. There were no changes proposed by Ms Bowbyes in her Section 42A Report. As we discussed above in relation to Rule 15.4.3, Mr Kyle, planning witness for QAC, considered that Rule 15.5.3 adequately addressed the insulation issue, but he suggested that the mechanical ventilation requirements that were proposed during Hearing Stream 5 should be applied to the LSCZ in Frankton.⁹¹⁰
1281. Mr Chris Day, on behalf of QAC, and Dr Chiles for the Council agreed with this view. Mr Kyle included a marked up set of changes to address the points in the QAC submission.⁹¹¹ Ms Rebecca Wolt in her legal submissions on behalf of QAC considered that there was scope to include these amendments insofar as they relate to airport related mechanical ventilation requirements in the LSCZ.⁹¹²
1282. We agree that the QAC submission on Rule 15.4.3 provides scope for this amendment. However, we agree with Ms Bowbyes that the rule should refer to development within the OCB, rather than referring to the Frankton LSCZ.
1283. We have also amended the references in the Rules to the recommended version of Chapter 36. We therefore recommend Rules 15.5.3 and 15.5.4 read as follows:

15.5.3	<p><u>Acoustic insulation (excluding development within the Outer Control Boundary (OCB) Queenstown)</u></p> <p>15.5.3.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 65 in Chapter 36.</p> <p>15.5.3.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • the noise levels that will be received within the critical listening 	<p>RD*</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity b. the extent of insulation proposed and c. whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.
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⁹⁰⁸ Submission 698, opposed by FS1077, FS1340

⁹⁰⁹ FS1340

⁹¹⁰ J Kyle, EiC at 8.7.

⁹¹¹ ibid at Appendix B.

⁹¹² Legal submissions of Ms Wolt on behalf of QAC, dated 29 November 2016 at [196-197].

		<p>environments, with consideration including the nature and scale of the residential or visitor accommodation activity;</p> <ul style="list-style-type: none"> • the extent of insulation proposed; and • whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site. 	
15.5.4	15.5.4.1	Acoustic insulation: development within the Outer Control Boundary (OCB) Queenstown	NC
	15.5.4.2	A mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.2 in Chapter 36.	
	15.5.4.3	All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.	

37.4. 15.5.4 Development of 1 Hansen Road

1284. The hearing of submissions on this Rule was deferred to Hearing Stream 13. The only amendment recommended by the Stream 13 Hearing Panel is the deletion of the floor area limitation on individual tenancies and the limit on the number of tenancies in clause a. We agree with that Panel’s reasoning and recommend that amendment, as shown in Appendix 4.

37.5. 15.5.5 Residential and Visitor Accommodation Activities

1285. Notified Rule 15.5.5 required that all residential and visitor accommodation activities are located on first floor level or above, with breaches considered as a non-complying activity.

1286. Spence Farms Limited⁹¹³ sought that notified Rule 15.5.5 be deleted. Ms Bowbyes did not recommend any amendments to this rule as notified.

1287. Together with Policy 15.2.1.3, this rule sought to protect the core function of the zone, which Ms Bowbyes described as to *“provide for commercial and business activities, with the residential and visitor accommodation components being secondary.”*⁹¹⁴

1288. We agree with Ms Bowbyes when she stated, that in her view, as notified, Rule 15.5.5 was an appropriate tool for achieving this policy and giving effect to the Zone Purpose.⁹¹⁵ As such,

⁹¹³ Submission 698, opposed by FS1340

⁹¹⁴ A Bowbyes, Section 42A Report at [12.3].

⁹¹⁵ Ibid at [12.3]

we recommend the Spence Farms Limited submission is rejected and Rule 15.5.5 is retained as notified, subject to renumbering.

37.6. 15.5.6 Building Height

1289. The only submission on this rule was directed specifically at 1 Hansen Road. The hearing of this submission was deferred by the Chair’s Minute of 21 December 2016 to the Stream 13 hearing. We note that no evidence was presented at that hearing in support of this submission and the Stream 13 Hearing Panel has not recommended any changes to it.

1290. Therefore, we recommend this rule be adopted as notified, subject to renumbering and changing the reference to Wanaka to Cardrona Valley Road, consistent with our recommendation regarding the heading of the Chapter.

37.7. 15.5.7 Noise

1291. Notified Rule 15.5.7 provided the noise thresholds for activities within the LSCZ.

1292. There were no submissions on this rule and nor did Ms Bowbyes recommend any changes in her Section 42A Report.

1293. We asked Ms Bowbyes to consider the rule and whether any amendments should be made with regard to the exemptions for sound associated with airports or windfarms.

1294. We did not consider it likely that such activities would occur in the LSCZ and as such these exemptions appeared to us superfluous and able to be removed.

1295. While Ms Bowbyes agreed with us, she did not consider there to be any scope to make changes to this rule. We discuss this in the final section of this decision report, where we identify matters that we think warrant consideration but are out of scope.

1296. The only change that Ms Bowbyes recommended was a small non-substantive change to clarify which part of the rule was a note and which were exemptions. We recommend adopting this change as per her reply with a further small minor grammatical change for clarification of the note, consistent with all other chapters in Stream 8.

1297. We recommend that the Council make the changes under Clause 16(2) as shown below:

15.5.78	<p>Noise Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>15.5.8.1 Daytime (0800 to 2200 hrs) 60 dB LAeq(15 min)</p> <p>15.5.8.2 night-time (2200 to 0800 hrs) 50 dB LAeq(15 min)</p> <p>15.5.8.3 night-time (2200 to 0800 hrs) 75 dB LAFmax</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p>	NC
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	<p>a. The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999</p> <p>b. The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan</p> <p>c. The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.</p> <p>b) <u>Note:</u> Sound from activities in this zone which is received in another zone shall comply with the noise limits set in the zone standards for that zone.</p>	
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37.8. 15.5.8 Glare

1298. There were no submissions received in relation to this rule. Ms Bowbyes however considered that there were some changes necessary as she considered 15.5.8(a) and 15.5.8(d) to be *ultra vires* and should be deleted.
1299. Notified Rule 15.5.8(a) included reference to limiting the effects on the night sky. Ms Bowbyes considered this provided too much discretion and subjectivity associated with whether an activity would be compliant. She further noted that its removal would lessen the regulatory effect of the rule.
1300. We discussed this with Mr Winchester, Legal Counsel for the Council and questioned whether there was any scope in other submissions to remove the phrase “*and so as to limit the effects on the night sky*”.
1301. Ms Scott addressed this issue in her legal submissions with regard to Rule 14.5.9 (which contains the same phrase) where she submitted as part of the reply that uncertainty made the standard *ultra vires*, and therefore should be deleted.⁹¹⁶
1302. We however, disagree with deleting this phrase. We prefer including the wording of Policy 15.2.3.3 “*directed downward so as to limit the effects on views of the night sky*” to quantify and better clarify what effects we are seeking to mitigate. We consider scope for this amendment is provided for by Submission 340, which sought that greater prominence be given to protecting the views of the night sky. It also gives effect to Strategic Policy 4.2.2.10. This is consistent with our recommendation on all the other rules in this stream that relate to glare and in our view the amendment deals with the uncertainty of the rule as notified.⁹¹⁷
1303. Notified Rule 15.5.8(d) 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.”

⁹¹⁶ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8].

⁹¹⁷ For discussion regarding scope for amendment and reasoning see Chapter 12, Rule 12.5.14 Glare.

1304. Ms Bowbyes considered that nearly all surfaces, especially all roofs that comprise pressed steel (i.e. brands such as colorsteel) emit a reflectance value to some degree.⁹¹⁸ Ms Bowbyes directed us to a website to show that even the more recessive coloursteel colours on the market have a light reflectance value in the order of 10% (Ironsand).⁹¹⁹

1305. These points will be discussed further below under the heading *Further Recommendations of the Panel*.

1306. We recommend this rule read as follows:

15.5.89	Glare	NC
	<p>15.5.9.1 <i>All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and <u>directed downward</u> so as to limit the effects on <u>views of the night sky</u>.</i></p> <p>15.5.9.2 <i>No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</i></p> <p>15.5.9.3 <i>No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone measured at any point more than 2m inside the boundary of the adjoining property.</i></p> <p>15.5.9.4 <i>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.</i></p>	

38. RULES – NON-NOTIFICATION OF APPLICATIONS

1307. This section provides for application for controlled activities to proceed without any written consents and on a non-notified basis. It also provides for certain restricted discretionary activities to proceed on the same basis.

1308. The QAC submission⁹²⁰ sought to include a requirement for notice to be served on the Requiring Authority for Queenstown Airport of applications that did not comply with acoustic treatments within the OCB.

1309. Ms Bowbyes disagreed with this stating that notified Rule 15.6 did not propose any restrictions on the ability for breaches of notified Rule 15.5.3 (Acoustic insulation) to be publicly notified or limited notified. Therefore a requirement such as the one sought by QAC would be onerous.

⁹¹⁸ Reply of Ms Bowbyes dated 13 December 2016

⁹¹⁹ http://www.roof.co.nz/uploads/resources/Colorsteel_luminous_reflectance_values.pdf.

⁹²⁰ Supported by FS1077.47 and opposed by FS1097.353 and FS1117.116

1310. Further, Ms Bowbyes considered 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. This would 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 as such she recommended the relief sought by QAC be rejected.

1311. We agree with the reasons advanced by Ms Bowbyes, that to require notification on QAC as the Requiring Authority for every application to breach notified Rule 15.5.3 would be too onerous and we recommend rejection of the QAC submission.

1312. Ms Bowbyes recommended a small amendment in the interests of clarity to add the rule reference (15.4.3) to 15.6.2.1 Buildings. This is consistent with the other chapters in the business stream, and as it adds an initial clarification for the reader. We recommend this small amendment utilising Clause 16(2) as underlined:

15.6.2.1 Buildings (Rule 15.4.3).

1313. The submission on Rule 15.6.2 seeking that the road controlling authority be notified in relation to any consent required to exceed building coverage at 1 Hansen Road was deferred to the Stream 13 hearing.

1314. The Stream 13 Hearing Panel has recommended that Rule 15.6.2.2 be amended to read as follows:

15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (Rule 15.5.1.2).

1315. We agree with this amendment and recommend it be adopted.

1316. Apart from that amendment and the minor change proposed by Ms Bowbyes, we recommend this provision be adopted as notified.

39. FURTHER RECOMMENDATIONS OF THE PANEL

1317. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

39.1. Notified Rule 15.5.7 Noise

1318. We asked Ms Bowbyes to consider the rule and whether any amendments should be made with regard to the exemptions for sound associated with airports or windfarms.

1319. As notified, this Rule provides standards for noise limits and exempts some activities. This exemption includes:

- a. *The noise limits shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.*
- b. *The noise limits shall not apply to sound from aircraft operations at Queenstown Airport.*

1320. We do not consider it likely that airports or windfarms would be located in the LSCZ and as such we recommend these are deleted from the Rule.

1321. We also do not consider that rules in this zone should be attempting to regulate noise produced in another zone. Thus, we also consider the provision relating to aircraft operations should be deleted.

39.2. Notified Rule 15.5.8 Glare

1322. As identified earlier, Notified Rule 15.5.8 includes the requirement that:

a. 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.

1323. Ms Bowbyes told us that 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).⁹²¹

1324. There is no submission relating to this, however we recommend removing Notified Rule 15.5.8(d) in order to make the rule more workable. This is also consistent with our recommendation in Chapter 14 – Arrowtown Town Centre. As it is, and based on Ms Bowbyes advice above, it is ultra vires and would be very onerous on any development in the LSCZ.

40. CONCLUSION

1325. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.

1326. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

1327. Consequently, we recommend that:

- a. Chapter 15 be adopted as set out in Appendix 4;
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7; and
- c. The Council initiate a variation to amend Rules 15.5.7 and 15.5.8.

⁹²¹ A Bowbyes, Section 42A Report at [17.4-17.5].

PART F – CHAPTER 16 BUSINESS MIXED USE

41. PRELIMINARY

41.1. General Submissions

1328. There were 95 submission points received from 29 submitters, and 188 further submissions received. Two submitters⁹²² submitted in general support of the whole chapter, with one⁹²³ submitting that the objective, policies and rule framework of the zone would provide a “*compatible mix of activities with appropriate built form controls.*”
1329. Ledge Properties Ltd and Edge Properties Ltd⁹²⁴ (Ledge) submitted in support of the general direction proposed for the BMUZ, stating that in their view the Gorge Road BMUZ has an important strategic role to play in supporting the town centre with complementary activities and allowing people to live and stay close to the town centre. Further with appropriate emphasis on the quality of design, development in Gorge Road could reinforce the compact, vibrant character of central Queenstown.
1330. Ross & Judith Young Family Trust⁹²⁵ submitted in general support of the provisions of Chapter 16 and sought confirmation of the provisions and zoning of the BMUZ in Anderson Heights.
1331. We have reviewed all submissions and expert evidence presented in relation to this chapter and have recommended amendments where we consider it is appropriate. The amended version of Chapter 16 that we are recommending is contained in Appendix 5. Our specific recommendations on submissions are in Appendix 7.

42. SECTION 16.1 – ZONE PURPOSE

1332. There were several submissions⁹²⁶ in support of the zone purpose as notified but with no substantive comment explaining the reasons for that submission. Identical submission points from Skyline Enterprises Ltd⁹²⁷ and Trojan Holdings Ltd⁹²⁸ noted their agreement with the overarching purpose of the BMUZ as this zoning structure would allow the regeneration of the commercial area along Gorge Road with an appropriate mix of compatible commercial and residential activities.
1333. NZIA⁹²⁹ requested a name change to “Mixed Use”, however Ms Bowbyes disagreed with this submission, explaining that the zone would evolve from a business zone to a mixed use zone and the name “*Business Mixed Use*” reflected this. We agree with Ms Bowbye’s reasoning.
1334. Downtown QT⁹³⁰ submitted in support of the BMUZ along Gorge Road, as they sought to encourage additional residential accommodation close to where residents work and play. That aligns with the purpose of this zone.

⁹²² Submissions 223 and 591 (opposed by FS1059)

⁹²³ Submission 591

⁹²⁴ Submission 700

⁹²⁵ Submission 704

⁹²⁶ Submissions 30, 102 (supported by FS1059, FS1118), 329 (supported by FS1288, FS1059, FS1059)

⁹²⁷ Submission 556

⁹²⁸ Submission 634, opposed by FS1059

⁹²⁹ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1242.

⁹³⁰ Submitter 630, opposed by FS1043

1335. Feldspar Capital Management⁹³¹ requested that residential accommodation be provided for in Andersons Height as well as Gorge Road, and that there be provision for lower cost residential developments suitable for rentals. Ms Bowbyes pointed out that residential activities were provided for in both BMUZs and as such no change was required.⁹³² Although the BMUZ does not specifically require lower cost developments, Ms Bowbyes was of the view that apartments are encouraged due to the building heights enabled.⁹³³ We do not consider any amendments are required to recognise this submission point.

1336. We recommend there be no amendments to the zone purpose that it be adopted as notified.

43. 16.2 OBJECTIVES AND POLICIES

43.1. Objective 16.2.1 and Policies 16.2.1.1 - 16.2.1.9

1337. As notified, Objective 16.2.1 and its accompanying policies read:

16.2.1 Objective

An area comprising a high intensity mix of compatible residential and non-residential activities is enabled.

Policies

16.2.1.1 *Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.*

16.2.1.2 *To enable a range and mix of compatible business, residential and other complementary activities and to achieve an urban environment that is desirable to work and live in.*

16.2.1.3 *Avoid activities that have noxious, offensive, or undesirable qualities from locating within the Business Mixed Use Zone to ensure that appropriate levels of amenity are maintained.*

16.2.1.4 *Residential and visitor accommodation activities are enabled, while acknowledging that there will be a lower level of amenity than residential zones due to the mix of activities provided for.*

16.2.1.5 *For sites fronting Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.*

16.2.1.6 *Provide appropriate noise limits to minimise adverse noise effects received within the Business Mixed Use Zone and by nearby properties.*

16.2.1.7 *Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.*

⁹³¹ Submission 136

⁹³² A Bowbyes, Section 42A Report, Appendix 2 at p1

⁹³³ *ibid.*

16.2.1.8 *Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on the night sky.*

16.2.1.9 *Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the appropriate levels of amenity.*

1338. Four submissions supported Objective 16.2.1 in full⁹³⁴. Ms Spijkerbosch⁹³⁵ also submitted in support of Objective 16.2.1, but submitted strongly to exclude visitor accommodation from the BMUZ.

1339. NZIA⁹³⁶ sought to amend Objective 16.2.1 to include visitor accommodation, requesting the following underlined additional wording:

An area comprising a high intensity mix of compatible residential, visitor accommodation and non-residential activities is enabled within a high quality urban environment.

1340. Ms Bowbyes did not consider that Objective 16.2.1 required any rewording. In her view, as visitor accommodation was specifically excluded from the definition of “residential”, it fell within the category of non-residential activities. She explained that she did not see any reason to warrant singling visitor accommodation out and therefore recommended retaining the objective as notified.⁹³⁷

1341. We questioned Ms Bowbyes on this matter, as to whether including the words “*visitor accommodation*” would cause any harm, or would it in fact improve legibility for the reader.

1342. Ms Bowbyes responded in her Reply, that she remained of the view that the Objective did not require any changes.

1343. In her view there was no uncertainty as to the status of visitor accommodation. If there was any uncertainty, Ms Bowbyes said, this was easily resolved by referring the plan user to the definitions, where visitor accommodation was excluded from residential activities.

1344. Ms Bowbyes also opined that singling out one activity that, in her view, fell under the broad category of “*non-residential*” activities, would be confusing and was not warranted.

1345. We note that Policies 16.2.1.4, 16.2.1.5 and 16.2.1.7 explicitly provide for visitor accommodation as an activity distinct from residential. We are satisfied that when the objectives and policies are read together, as they should be, it is clear that provision is made for visitor accommodation in this zone.

1346. The NZIA suggested amendment also sought to include “*within a high quality urban environment*.” We are satisfied that Objective 16.2.1 is concerned with achieving a compatible mix of activities, while Objective 16.2.2 seeks to achieve “*high quality design outcomes*”. Therefore there is no need to duplicate the wording here.

⁹³⁴ Submissions 237, 380, 556 and 634

⁹³⁵ Submission 392, supported by FS1059

⁹³⁶ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1242

⁹³⁷ A Bowbyes, Section 42A Report at [9.3].

1347. There were no submissions received on 16.2.1.1 and only one submission in support of 16.2.1.2, by NZIA⁹³⁸.

1348. NZIA supported notified Policy 16.2.1.3 with some suggested amendments as shown below:

Avoid activities that have noxious, offensive or undesirable qualities from locating within the ~~business mixed use zone~~ to ensure that ~~appropriate levels of amenity are maintained~~ a high quality urban environment is maintained.

1349. The NZIA submission stated that “*amenity is a difficult word to assess*” and that the emphasis of the policy should be on the desired outcomes. Ms Bowbyes agreed with this submission and reasoning in part and recommended the additional wording “*a high quality urban environment is maintained*” be included.

1350. We accept Ms Bowbyes reasoning for amending the latter part of this policy, as we consider it will be more effective in achieving the objective. We have already set out our reasons for retaining the zone name unaltered. We recommend Policy 16.2.1.3 be amended to read as follows:

Avoid activities that have noxious, offensive or undesirable qualities from locating within the Business Mixed Use Zone to ensure that a high quality urban environment is maintained.

1351. Ledge⁹³⁹ submitted that as notified, Policy 16.2.1.4 would invite applications for and approvals of poor building designs. Recognising that there would be a different level of amenity in a mixed use environment, Ledge suggested the following wording as underlined:

Residential and visitor accommodation activities of a nature consistent with a mixed use environment are enabled, while acknowledging that there will be a lower level of amenity than residential zones due to the mix of activities provided for.

1352. NZIA⁹⁴⁰ questioned why there would be a lower level of amenity, and submitted that a higher level of amenity should be sought in high density environments. They sought that notified policy 16.2.1.4 be removed and replaced with the following:

A high level of amenity will be achieved by creating an interesting vibrant street life by bringing together a diverse range of people and activities.

1353. Ms Bowbyes was of the view that notified Policy 16.2.1.4 sought to acknowledge that residents of the BMUZ could not expect the same amenity that might be expected in a residential zone.⁹⁴¹ She did, however, consider the wording to be problematic as it contained no explanation as to what a “*lower level*” was and would, as drafted, contradict Policy 16.2.2.3 which required that a high standard of amenity be achieved. We agree with Ms Bowbyes and accordingly we recommend that Policy 16.2.1.4 is deleted, accepting in part both the Ledge and the NZIA submissions.

⁹³⁸ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹³⁹ Submission 700, opposed by FS1059, FS1314

⁹⁴⁰ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249, FS1242

⁹⁴¹ A Bowbyes, Section 42A Report at [9.18].

1354. The NZIA⁹⁴² also sought that notified Policy 16.2.1.5 be removed and replaced with the following wording:

For sites fronting Gorge Road (and other main streets) avoid residential activities on the ground floor.

1355. While Ms Bowbyes considered the notified wording more appropriate, she did recommend a small change to the policy – removing the reference to 'high density' residential, thus ensuring that the policy applied to any form of residential and visitor accommodation activities.⁹⁴³

1356. Further to discussion at the hearing and evidence presented by Mr Freeman⁹⁴⁴, Ms Bowbyes reconsidered the wording in this policy. In his evidence, Mr Freeman raised concern with the use of the word "fronting". In his opinion this term was "open to interpretation"⁹⁴⁵ and he suggested that the better approach was to include a specific setback distance for ground floor residential or visitor accommodation activities that fronted Gorge Road.

1357. In response to this Ms Bowbyes proposed rewording⁹⁴⁶ the policy further by replacing the word *fronting* with *adjoining*.

1358. In our view, Mr Freeman raises some valid concerns with "fronting". Replacing "fronting" with "adjoining" will mean more certainty and clarity for plan users and therefore we recommend Policy 16.2.1.5 be renumbered and amended to read:

For sites adjoining Gorge Road in Queenstown, discourage the establishment of residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.

1359. The only submission on Policy 16.2.1.6 was in support⁹⁴⁷. Subject to renumbering, we recommend it be adopted as notified.

1360. NZIA⁹⁴⁸ sought that notified Policy 16.2.1.7 be amended to set out the noise thresholds to be achieved to avoid reverse sensitivity. It must be pointed out that notified Rule 16.5.8 set out the noise thresholds and Ms Bowbyes explained in her Section 42A Report that this approach was consistent with the other business zones of the PDP.⁹⁴⁹ In her view, putting the thresholds in the policy would remove any flexibility for applications that breached the noise thresholds to be approved. However at the rule level, such breaches would be a non-complying activity.

1361. We agree with Ms Bowbyes and further note that no explanation or evidence was provided by the submitter as to why thresholds should be provided at a policy level in addition to the rule level.

⁹⁴² Submission 238, supported by FS 1059, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁴³ A Bowbyes, Section 42A Report at [10.23].

⁹⁴⁴ Providing planning evidence in support of Submissions 542, 545, 550, 556 and 634.

⁹⁴⁵ S Freeman, EIC, at [36].

⁹⁴⁶ A Bowbyes, Reply Statement at [6.3].

⁹⁴⁷ Submission 238, opposed by FS1059, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁴⁸ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁴⁹ A Bowbyes, Section 42A Report at [13.6].

1362. We also asked Ms Bowbyes to consider the use of the word “avoid” and whether that was the true intent of the policy or should the wording be amended. Ms Bowbyes agreed with our comments that this policy did need rewording however she did not consider there was scope to do so as no submissions were made to amend the policy.⁹⁵⁰

1363. In our view, the word “avoid” should be replaced with “limit the potential for reverse sensitivity effects” which we think is more achievable and also more practical in its application. We consider this wording would more effectively achieve the objective, and recommend the Council initiate a variation to amend the policy.

1364. NZIA⁹⁵¹ sought that notified Policy 16.2.1.8 be amended to include the following underlined wording:

Ensure that the location and direction of street lights does not cause significant glare to other properties roads and public places and promote lighting design that mitigates adverse effects on the night sky, and provide a safe well lit environment for pedestrians.

1365. The submission noted that while the night sky was largely irrelevant in Gorge Road, good lighting was a priority for safety. Ms Bowbyes considered that because this amendment incorporated CPTED principles it was appropriate. She took this a step further by recommending a new policy that required CPTED principles to be incorporated in site design in response to this submission.⁹⁵²

1366. We agree with the submitter and Ms Bowbyes that safety provided by lighting is important, and that it is appropriate that the importance of incorporating CPTED principles is reflected in a standalone policy. We also recommend that the policy be amended to make it clear that it is views of the night sky that are to be protected, consistent with wording we have recommended in other chapters.

1367. Consequently, we recommend renumbered Policies 16.2.1.7 and 16.2.19 be adopted wording as follows:

Ensure that the location and direction of street lights does not cause significant glare to other properties roads and public places and promote lighting design that mitigates adverse effects on views of the night sky, and provide a safe well-lit environment for pedestrians.

Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.

1368. NZIA also sought the inclusion of a policy requiring the undergrounding of all overhead wires to enable a successful streetscape to evolve. Ms Bowbyes considered this to be outside the scope of matters to be considered by the BMUZ, as it related to activities within the roading

⁹⁵⁰ A Bowbyes, Reply Statement at [3.1].

⁹⁵¹ Submission 238, supported by FS1059, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249 ort at [13.2].

⁹⁵¹ A Bowbyes, Section 42A Report

⁹⁵² A Bowbyes, Section 42A Report at [13.2].

corridor, which was not within the BMUZ.⁹⁵³ We agree with this view and note that this was a matter considered in Hearing Stream 5 in relation to the rules applying to utilities.

1369. NZIA⁹⁵⁴ questioned use of the phrase “*appropriate levels of amenity*” in Policy 16.2.1.9. Ms Bowbyes agreed with the submitter that the phrasing created uncertainty due to its subjective nature.⁹⁵⁵

1370. Ms Bowbyes recommended removing the words “*to be consistent with the appropriate levels of amenity*” as sought, and additionally rewording the policy to tie it to the effects that outdoor storage could have on public places and residential zones.

1371. We agree with Ms Bowbyes assessment. The recommended wording creates more certainty uses similar phrasing to that used in Rule 16.5.2. We recommend adopting the wording below with consequential renumbering:

Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects on public places and adjoining residential zones.

1372. Our recommended wording of Objective 16.2.1 and Policies 16.2.1.1 to 16.2.1.9 inclusive as amended and renumbered are set out in Appendix 5.

43.2. Objective 16.2.2 and Policies 16.2.2.1 - 16.2.1.7

1373. As notified, Objective 16.2.2 and its accompanying policies read:

16.2.2 Objective

New development achieves high quality design outcomes that minimises adverse effects on adjoining residential areas.

Policies

16.2.2.1 *Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.*

16.2.2.2 *Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.*

16.2.2.3 *Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout and design measures.*

16.2.2.4 *Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.*

16.2.2.5 *Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.*

⁹⁵³ A Bowbyes, Section 42A Report at [9.11].

⁹⁵⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁵⁵ A Bowbyes, Section 42A Report at [11.38].

16.2.2.6 *Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.*

16.2.2.7 *Provide for significantly taller development above the permitted height limit in the Business Mixed Use Zone in Queenstown, subject to high design quality.*

1374. Four submissions supported the objective⁹⁵⁶. NZIA⁹⁵⁷ sought amendments to the objective to encourage a positive urban outcome.

1375. Ms Bowbyes agreed with the NZIA submission, in that there was a strong emphasis on urban design throughout the policies and rules. She recommended accepting in part the relief sought by NZIA to reword the objective.⁹⁵⁸ We agree and think that the proposed changes will make the objective clearer in its intent. Several of the policies that support this objective implement urban design treatments. As these consider the impact on the public realm it is important for the objective to reflect this intention also. With this in mind, we recommend Objective 16.2.2 be adopted as follows:

New development achieves high quality building and urban design outcomes that minimise adverse effects on adjoining residential areas and public spaces.

1376. There were no submissions on Policies 16.2.2.1, 16.2.2.2, 16.2.2.4, 16.2.2.5 and 16.2.2.6. We recommend they be adopted as notified.

1377. Ms Spijkerbosch⁹⁵⁹ sought landscaping of 2m (for example) along the street frontage to soften the appearance of taller buildings on either side. Ms Bowbyes noted that although the notified BMUZ, in Policy 16.2.2.3 has emphasis on high quality building design and a high standard of amenity, there was no minimum requirement for landscaping at the 'rule' level.⁹⁶⁰

1378. Ms Bowbyes considered that due to the emphasis on providing a high quality environment in the BMUZ, landscaping should be considered further. As such, she asked Mr Church to provide expert advice.

1379. Mr Church addressed this question in his evidence at length. He described that landscape strips are "effective in helping to unify a potentially disparate and intensive mix of uses, while also helping to soften the scale of development and generally improving the visual amenity of the zone."⁹⁶¹ He went on to say that "Landscape strips can also be effective in screening and mitigating the visual impact of car parking, service and storage areas, although these should be discouraged along more pedestrian orientated corridors."⁹⁶²

1380. Mr Church did note that the BMUZ was silent on any requirement for landscaping, other than as a matter of discretion for buildings. As such he recommended a rule requiring a minimum

⁹⁵⁶ Submissions 380, 392, 556 and 634

⁹⁵⁷ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁵⁸ A Bowbyes, Section 42A Report at [9.14-9.16].

⁹⁵⁹ Submission 392.

⁹⁶⁰ A Bowbyes, Section 42A Report at [9.38].

⁹⁶¹ T Church, EIC at [35.3]

⁹⁶² *ibid* at [35.6]

of 10% landscaping, which he considered had the potential to contribute to achieving a higher amenity and more unifying approach to the street frontage.

1381. We discuss the matter of a rule later in this report.

1382. Returning to Policy 16.2.2.3, Ms Bowbyes recommended that it be amended to specifically include landscaping.⁹⁶³ We agree with this, and recommend that Ms Spijkerbosch's submission be accepted in part by adopting Policy 16.2.2.3 as worded below:

Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures.

1383. Notified Policy 16.2.2.7 aimed to provide for significantly taller development in the BMUZ, subject to design quality. That was a reflection of the purpose for the zone which specifically stated that "*significantly greater building heights are enabled*".

1384. This policy attracted one submission⁹⁶⁴ supporting the provision for height increase subject to high design quality. Notified Rule 16.5.7.1 provided the standards for activities with regard to their height and attracted submissions. Mr Church discussed this rule in his expert urban design evidence. In her Section 42A Report, Ms Bowbyes also identified the higher order provisions that she considered relevant to the issue of building heights and capacity in the BMUZ.

1385. After taking all this into consideration, Ms Bowbyes concluded⁹⁶⁵:

- a. The BMUZ is consistent with the strategic direction to encourage intensification within existing urban areas that are close to town centres*
- b. When a high quality design bar, such as that of the BMUZ is met, enabling taller buildings significantly increases the zone's capacity. The Gorge Road area of the BMUZ is strategically located and, in my view, is an appropriate location for taller buildings. The landscape values of our District pose constraints on the ability for intense forms of development to be provided*
- c. The BMUZ is consistent with the strategic direction to enable a mix of housing typologies close to town centres. Providing the opportunity for taller buildings in the BMUZ would assist with realising this goal due to the increased capacity that height enables.*

1386. Ms Bowbyes recommended rewording notified Policy 16.2.2.7 and further amendments to notified Rule 16.5.7 which we discuss later in this report. Ms Bowbyes' redrafted Policy 16.2.2.7 contains qualifiers that are more directive and provide for consideration of sunlight access, which is a key effect on neighbouring residential and/or public spaces. We consider the redrafted policy to be more targeted and to provide guidance and clarity to those preparing proposals in the BMUZ. The policy would provide further guidance to landowners as to the type of development anticipated in the BMUZ. We consider it is very clear from the amended wording of the policy that while buildings of a greater height are to be enabled, that can only occur when a high quality design outcome is achieved.

1387. We recommend Policy 16.2.2.7 be worded as follows:

⁹⁶³ A Bowbyes, Section 42A Report at [9.46].

⁹⁶⁴ Submission 321, supported by FS1059

⁹⁶⁵ A Bowbyes, Section 42A Report at [11.18]

~~Provide for significantly taller development above the permitted height limit~~ Allow buildings between 12m and 20m heights in the Queenstown Business Mixed Use Zone in Queenstown, subject to situations when:

- a. The outcome is of high ~~design~~ quality design
- b. The additional height would not result in shading that would adversely impact on adjoining residential-zoned land and/or public space and
- c. The increase in height would facilitate the provision of residential activity.

1388. The BMUZ contemplates a mix of residential and non-residential activities. Bunnings⁹⁶⁶, however, considered that the framework was weighted towards facilitating residential activities and did not achieve a complementary integration of both non-residential and residential activities as set out in the purpose of the BMUZ. They sought that the urban design-related matters for restricted discretion on all buildings (Rule 16.4.2) be 'de-tuned' to allow for flexible built form for non-residential activities.

1389. Bunnings also proposed an additional policy in order to recognise the requirements for business, worded as follows:

Ensure that the operational and functional requirements of non-residential activities are recognised and provided for.

1390. Bunnings submitted their proposed policy wording to be included under Objective 16.2.1, however Ms Bowbyes considered that as the subject relates to design, that inclusion under Objective 16.2.2 would be more appropriate.⁹⁶⁷ She proposed inclusion of a new Policy 16.2.2.8 with wording as follows:

Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.

1391. We agree with the inclusion of this policy as it reflects a more pragmatic, flexible and zone appropriate approach. We also think this new policy supports the zone purpose.

1392. We recommend a new Policy 16.2.2.8 be included worded as recommended by Ms Bowbyes (shown above).

1393. Ms Bowbyes recommended a new policy and matters of discretion with regard to encouraging the naturalisation and daylighting of Horne Creek.

1394. NZIA⁹⁶⁸, in those parts of its submission relating to Rule 16.4, sought that consideration be given to "opening up Horne Creek". Ms Bowbyes was of the view that Horne Creek would provide a source of local amenity and warranted specific consideration.⁹⁶⁹ We note that Horne Creek runs through private land, and also receives stormwater discharges.

⁹⁶⁶ Submission 746

⁹⁶⁷ A Bowbyes, Section 42A Report at [9.6].

⁹⁶⁸ Submission 238, opposed by FS1314, FS1059, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

⁹⁶⁹ A Bowbyes, Section 42A Report at [9.29].

1395. In her Section 42A Report, Ms Bowbyes stated that she consulted with the QLDC Property and Infrastructure Team and they advised that daylighting of the Creek could assist with water attenuation.⁹⁷⁰ Ms Bowbyes also sought the opinion and advice of Mr Church on this issue.
1396. Mr Church, in his evidence, stated that it was his understanding that it was best practice to daylight streams and that a number of environmental benefits would arise from this practice.⁹⁷¹ He concluded that it would be appropriate that *“public access, daylighting and remediation of Horne Creek be incentivised through the consenting process.”*⁹⁷²
1397. Whilst accepting Mr Church’s opinion, Ms Bowbyes also noted that Horne Creek flows through a number of sites on the eastern side of Gorge Road. With this in mind, she recorded her reluctance in her Section 42A Report to require that daylighting be achieved in every instance, as imposing such a requirement on these properties would severely limit the ability for development.⁹⁷³
1398. As such, Ms Bowbyes, took a more pragmatic approach and recommended a new policy that provided a level of flexibility in those instances where daylighting of Horne Creek may not be appropriate.
1399. In response to Ms Bowbye’s proposed policy, Mr Freeman⁹⁷⁴ highlighted some concerns, including uncertainty of interpretation and application of the policy as drafted by Ms Bowbyes.. He proposed that the daylighting of Horne Creek should be subject to a separate process outside of the PDP process⁹⁷⁵.
1400. Additional concerns were raised by Mr Ridd, on behalf of Ms Spijkerbosch⁹⁷⁶. In particular he queried how outdoor living space could be integrated with the stream, unless ground floor residential or visitor accommodation activities were proposed.
1401. Ms Macdonald⁹⁷⁷ questioned whether opening up Horne Creek was a matter for the District Council, or whether it fell under the jurisdiction of the Otago Regional Council.⁹⁷⁸
1402. These concerns led to Ms Bowbyes’ reconsidering the wording of policy 16.2.2.9 within her Reply⁹⁷⁹. She proposed a simplified wording that removed references to daylighting.
1403. We have reviewed Ms Bowbyes recommended policy in the light of the evidence and submissions received. While we can see value in recognising the creek as a natural feature, and recognising that Section 6 of the Act and higher order objectives and policies seek to protect natural waterways, we consider if this policy is to be included in this zone, it should not conflict with other policies in the zone. Policy 16.2.1.4 discourages ground floor residential and visitor accommodation activities. Given that policy direction, we consider it would be inappropriate to be encouraging outdoor living spaces integrating with Horne Creek in this

⁹⁷⁰ ibid at [9.31].

⁹⁷¹ T Church, EIC at [31.4]

⁹⁷² ibid at [2.26].

⁹⁷³ A Bowbyes, Section 42A Report at [9.33]

⁹⁷⁴ In expert evidence in support of Submissions 542, 545, 550, 556 and 634

⁹⁷⁵ S Freeman, EIC at paragraphs 52 - 61

⁹⁷⁶ Submission 392

⁹⁷⁷ Appearing for Submission 545 (High Peaks Limited) and 634 (Trojan Holdings Limited)

⁹⁷⁸ J Macdonald, Legal Submissions at p2.

⁹⁷⁹ A Bowbyes, Reply Statement at [5.1-5.8].

policy. We also agree that the policy should not require daylighting of Horne Creek, but do not think that possibility should be excluded.

1404. Taking all those matters into account, we recommend that a new Policy 16.2.2.9 be included reading:

Encourage the layout and design of new buildings and landscaping to integrate with Horne Creek where feasible.

43.3. New Objective and Policies

1405. The Stream 13 Hearing Panel is recommending the zoning of an area of land at Frankton North as Business Mixed Use. Part of that recommendation is the insertion of a specific objective and policies and rules applying to that area. We agree with the reasoning of the Stream 13 Panel and recommend the following objective and policies be inserted:

16.2.3 *Objective - The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.*

Policies

16.2.3.1 *Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.*

16.2.3.2 *Avoid the impacts of stormwater discharges on the State Highway network.*

16.2.3.3 *Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.*

16.2.3.4 *Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.*
Note: *Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.*
Note: *Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.*

16.2.3.5 *Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.*

16.2.3.6 *Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.*

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.

- 16.2.3.7 *Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.*
- 16.2.3.8 *Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:*
- a. *A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;*
 - b. *All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and*
 - c. *New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.*
- 16.2.3.9 *Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive*

43.4. Summary

1406. There are some substantive changes recommended for the objectives and policies of Chapter 16. We recommend also recommend some minor limited amendments to those objectives and policies. We are satisfied that once these amendments have been incorporated, the objectives will be the most appropriate to achieve the purpose of the Act, and the policies will be effective and efficient at implementing the objectives. We also consider they will be consistent with the higher order policies in Chapters 3 and 4.

44. 16.3 OTHER PROVISIONS AND RULES

44.1. 16.3.1 District Wide Rules

1407. We recommend this section be amended under Clause 16(2) for the reasons set out in Section 1.10 of Report 1.

1408. The recommended layout is shown at Appendix 5.

44.2. 16.3.2 Clarification

1409. As with the previous section, we recommend renaming and amending provisions in the section under Clause 16(2) for the reasons set out in Section 1.10 of Report 1.

1410. We set out in Appendix 5 our recommended layout of this section.

45. 16.4 RULES – ACTIVITIES

1411. The table at rule 16.4 prescribes the activity status of activities located in the BMUZ. Two submissions were received in general support of Section 16.4⁹⁸⁰.

⁹⁸⁰ Submissions 30 and 237

45.1. Rule 16.4.1 Activities not listed in this table and comply with all standards

1412. This rule effectively provides a default permitted activity status to any activity that complies with all standards and is not otherwise listed in Activity Table 16.1. Bunnings⁹⁸¹ sought this Rule be retained.

1413. We questioned the need for this rule, and requested further consideration from the Section 42A Officers. This matter is discussed further in Chapter 12, with regard to Ms Scott's legal submissions and the reasons for inclusion of a default rule.

1414. Again we thank the Council and the Section 42A authors for their consideration of this issue and we accept their collective view that inclusion of a default rule is necessary and there are no changes considered necessary.

1415. We recommend Rule 16.4.1 be adopted as notified.

45.2. Rule 16.4.2 Buildings

1416. As notified, Rule 16.4.2 provided a restricted discretionary activity status for all new buildings in the BMUZ.

1417. Several submitters⁹⁸² requested that notified Rule 16.4.2 be amended to shift the activity status of buildings from restricted discretionary to controlled. Coronet Property Investments Limited⁹⁸³ requested that the activity status of the establishment of, and alteration to, buildings be amended to controlled rather than restricted discretionary. Submission 344 sought an amendment to Rule 16.4.2 such that it would be a controlled activity to establish a building or trade supplier up to 1000m² GFA.

1418. The Section 32 Evaluation Report appended to the Section 42A Report was thorough and set out the reasoning as to why buildings in the BMUZ had the status of restricted discretionary, rather than controlled. Ms Bowbyes considered this carefully, concluding that in her view the restricted discretionary status to be more appropriate.⁹⁸⁴

1419. We agree with this. Restricted discretionary buildings would proceed on a non-notified basis, which would reduce uncertainty, time and cost, whilst also providing for achieving the high quality design outcomes as sought by the zone purpose and objective 16.2.2. By attributing a status of restricted discretionary to buildings, it means the Council would have the ability to decline any resource consent application that was not achieving the objectives and policies of the zone.

1420. Therefore we recommend these submissions be rejected and the activity status remain restricted discretionary.

1421. NZIA⁹⁸⁵ requested additional information and assessment criteria in this rule. The submission noted outside spaces, urban amenity, promoting the use of urban design panel and Horne Creek with regard to hazard-flood issues as matters that should be considered.

⁹⁸¹ Submission 746

⁹⁸² Submissions 556, 634, 542, 545 and 550.

⁹⁸³ Submission 321, supported by FS1059

⁹⁸⁴ A Bowbyes, Section 42A Report at [12.3-12.5].

⁹⁸⁵ Submission 238, opposed by FS1314, FS1059, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, and FS1249

1422. As discussed earlier, Ms Spijkerbosch raised the idea of landscaping in order to soften the appearance of tall buildings and contribute to the amenity of the zone. In response to this submission and the redrafted policies that place a strong emphasis on urban design, Ms Bowbyes recommended including additional matters of discretion, including landscaping, in Rule 16.4.2.⁹⁸⁶
1423. We questioned whether these, as notified, were in fact assessment matters, rather than matters of discretion. We asked Ms Bowbyes to consider this and this resulted in her rephrasing the provisions to reflect that they were assessment matters. This is consistent with the other parts of the Plan and also much clearer for the reader when trying to understand what the relevant considerations are.
1424. Daylighting of Horne Creek has been discussed earlier in this report and we apply the same rationale to the matters of discretion for buildings in the BMUZ. Rather than requiring daylighting of the Creek, the matter to be considered is integration of the development with Horne Creek with regard to site layout and landscaping.
1425. The Ledge submission⁹⁸⁷ expressed concern regarding the practicality of meeting the requirements of the matter of discretion pertaining to natural hazards in this rule. The submission suggested that there needed to be exemptions for small consents and minor natural hazards.
1426. As notified, the relevant matter of discretion for Rule 16.4.2 at bullet-point 5 stated:
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.*
1427. Ms Bowbyes agreed that as worded, the notified version would place a burdensome requirement on applicants proposing minor developments, or for instances where the risk posed by the natural hazard is low. In her view, this was a partial mix of an assessment matter and a matter of discretion.⁹⁸⁸
1428. Whilst Ms Bowbyes recommended the matter of discretion remains, she did recommend removing the requirement for an assessment by a suitably qualified person which provides consistency with Notified Policy 28.3.2.3. That policy provided further guidance as to information requirements and does not contain a requirement for all hazard assessments to be completed by a suitably qualified person.⁹⁸⁹
1429. We consider that the changes recommended by Ms Bowbyes will provide a level of flexibility for the assessment to be proportionate to the level of risk posed. This is also consistent with the approach in other chapters and the provisions of Chapter 28 as recommended.
1430. We have made further changes to Ms Bowbyes recommended wording of this rule. We do not think it is necessary to specify that integration with Horne Creek only relates to the Gorge

⁹⁸⁶ A Bowbyes, Section 42A Report at [9.41-9.42].

⁹⁸⁷ Submission 700

⁹⁸⁸ A Bowbyes, Section 42A Report at [12.22].

⁹⁸⁹ *ibid* at [12.23].

Road area. We consider it would be better to make the matter relevant “where applicable”. It will not be applicable on every site in Gorge Road.

1431. We also consider the matter of discretion relating to open space for residential development still reads somewhat akin to an assessment matter. We have simplified this further to make it clearly a matter of discretion.

1432. We recommend Rule 16.4.2 be adopted with the wording set out below (we have not used a underline/strike-out format as that format was too difficult to follow):

16.4.2	<p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building materials b. Glazing treatment c. Symmetry d. Vertical and horizontal emphasis e. Location of storage f. Signage platforms g. Landscaping h. Where residential units are proposed as part of a development, provision made for open space on site, whether private or communal i. Where applicable, integration of the development with Horne Creek including site layout and landscaping and j. Where a site is subject to any natural hazard and the proposal will result in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>Assessment matters relating to buildings:</p> <ul style="list-style-type: none"> a. The impact of the building on the streetscape including whether it contributes positively to the visual quality, vitality, safety and interest of streets and public places by providing active and articulated street frontages and avoids large expanses of blank walls fronting public spaces b. Whether the design of the building blends well with and contributes to an integrated built form and is sympathetic to the surrounding natural environment. 	RD
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45.3. Rule 16.4.3 Licenced Premises

1433. There were no submissions received in relation to this Rule and Ms Bowbyes recommended only a minor non-substantive change utilising Clause 16(2) in respect of grammatical changes for consistency.

1434. The content however of this rule, was the subject of discussion at the hearing. With reference to evidence presented by Ms Swinney, Team Leader Alcohol Licensing for the Council, we did

not consider it appropriate to include a matter of discretion as “Any relevant Council alcohol policy or bylaw”.

1435. Ms Swinney told us that there are no current alcohol policies in place and that breach of any bylaw could result in enforcement action being required.⁹⁹⁰

1436. Ms Bowbyes recognised the merits of this, and noted her agreement with the comments of Ms Swinney. We also agree that this matter of discretion should be removed as shown below with strikeout as follows:

16.4.3	<p>Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>This rule shall not apply to the sale and supply of alcohol:</p> <p>a. to any person who is residing (permanently or temporarily) on the premises and/or</p> <p>b. to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The scale of the activity</p> <p>b. Car parking and traffic generation</p> <p>c. Effects on amenity (including that of adjoining residential zones and public reserves)</p> <p>d. The configuration of activities within the building and site (e.g. outdoor seating, entrances)</p> <p>e. Noise issues <u>and</u></p> <p>f. Hours of operation; and</p> <p>Any relevant Council alcohol policy or bylaw.</p>	RD*
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45.4. Rule 16.4.4 Visitor Accommodation

1437. Notified Rule 16.4.4 provided for visitor accommodation in the BMUZ as a restricted discretionary activity.

1438. Several submissions⁹⁹¹ were received seeking to change the activity status from restricted discretionary to controlled for visitor accommodation. The submissions also considered that the notified matters of discretion would be appropriate as the matters of control.

1439. Ms Bowbyes compared the matters for discretion listed in the notified rule and noted that they were very similar to the visitor accommodation rules of QTCZ⁹⁹², WTCZ⁹⁹³ and ATCZ⁹⁹⁴ which all provided for visitor accommodation as a controlled activity. The LSCZ however, provided for visitor accommodation as a restricted discretionary activity.

⁹⁹⁰ S Swinney, EIC at [5.32].

⁹⁹¹ Submissions 542 (supported by FS 1059), 550, 556, 571, 634 (opposed by FS1059) and 1366

⁹⁹² Notified Rule 12.4.2

⁹⁹³ Notified Rule 13.4.3

⁹⁹⁴ Notified Rule 14.4.3

1440. Neither the submissions nor the Section 32 analysis provided much discussion as to the benefits of a controlled activity versus a restricted discretionary. However Ms Bowbyes recommended that due to the close proximity of the BMUZ to the Queenstown and Wanaka Town Centres that it was appropriate for visitor accommodation to have a controlled status.⁹⁹⁵ Further, Ms Bowbyes considered that the notified matters of discretion were appropriate matters of control.
1441. We agree. The Queenstown and Wanaka town centres are the main centres for tourism and therefore it is appropriate to encourage visitor accommodation in close proximity to those centres. The BMUZ is within walking distance of these town centres, and visitor accommodation in such close proximity would be enabled through controlled status. Controlled status is both consistent with and would achieve the zone purpose.
1442. Therefore we recommend that these submissions be accepted and visitor accommodation is amended to have controlled activity status. In addition to minor grammatical changes for consistency and clarity, we recommend that rule be relocated to 16.4.2 with consequential renumbering. The recommended wording is as follows:

16.4.2	<p>Visitor Accommodation</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p><u>Control is reserved to:</u></p> <p>a. The location, provision, and screening of access and parking and traffic generation;</p> <p>b. Landscaping;</p> <p>c. The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses;</p> <p>d. The location and screening of bus and car parking from public places; and</p> <p>e. Where the site adjoins a residential zone:</p> <p style="padding-left: 20px;">i. Noise generation and methods of mitigation; and</p> <p style="padding-left: 20px;">ii. Hours of operation, in respect of ancillary activities.</p>	RDC*
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45.5. Rule 16.4.5 Daycare Facilities

1443. There were no submissions received regarding this rule. Ms Bowbyes recommended that wording in the final matter of discretion be deleted to clarify the matter. We agree that the simplified wording is less likely to be misinterpreted, and that it is a non-substantive change.
1444. We recommend that Rule 16.4.5 be adopted with that modification and the other minor non-substantive changes consistent with our recommendations throughout this report, as worded below:

⁹⁹⁵ A Bowbyes, Section 42A Report at [10.19].

16.4.5	<p>Daycare Facilities</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The compatibility of the development with respect to existing land uses on the subject site and nearby properties;</p> <p>b. Potential reverse sensitivity issues;</p> <p>c. Traffic, parking and access limitations; and</p> <p>d. Noise associated with the activity on the subject site.</p>	RD*
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45.6. Rule 16.4.6 Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers

1445. As notified, Rule 16.4.6 provided for Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers as a restricted discretionary activity.

1446. Bunnings⁹⁹⁶ sought deletion of notified Rule 16.4.6, or as an alternative that the rule be amended to delete reference to “*trade suppliers*” on the grounds that it was not defined in the PDP. Fletcher Distribution Ltd and Mico Ltd⁹⁹⁷ also made reference to the fact that trade supplier was not included in the definitions of notified Chapter 2. These submitters requested amendments to the definition of building supplier to remove the reference to Three Parks and the Industrial B Zone.

1447. Ms Bowbyes did not recommend any amendments in respect of the rule itself, however she did consider it was appropriate to amend the definitions relating to this rule.⁹⁹⁸ This included the addition of a definition for “*Trade Suppliers*” and some amendments to “*Building Suppliers*”. In Ms Bowbyes view, those amendments would sufficiently address the matters included in the submissions and provide an appropriate degree of certainty as to the activities captured by 16.4.6. We discuss these definitions further at the end of this report.

1448. We agree with Ms Bowbyes that the changes sought to the rule by Bunnings would make the rule inconsistent with the objectives and policies of the zone. Consequently, we recommend the standard minor amendments, and that the rule be adopted with the wording set out below:

16.4.6	<p>Warehousing , Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. The impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings;</p> <p>b. The provision, location and screening of access, parking and traffic generation; and</p> <p>c. Landscaping.</p>	RD*
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⁹⁹⁶ Submission 746

⁹⁹⁷ Submission 344, supported by FS1164 and opposed by FS1314

⁹⁹⁸ A Bowbyes, Section 42A Report at [12.12 -12.19].

- 45.7. Rule 16.4.7 Industrial Activities not otherwise provided for in this Table; Rule 16.4.8 Service Stations; Rule 16.4.9 Panelbeating, spray painting, motor vehicle repair or dismantling.
1449. There were no submissions received relating to these rules, nor any comment or discussion by Ms Bowbyes.
1450. However, Ms Bowbyes did note in her Section 42A Report, that the shift in the zone purpose from that in the ODP could result in uncertainty for existing activities within the BMUZ⁹⁹⁹ resulting from the change of the default status to non-complying when it was permitted under the ODP.
1451. The HW Richardson Group submission¹⁰⁰⁰ requested that the Allied Concrete site at 105 Gorge Road be either rezoned to a zone that permitted service and industrial activities or, in the alternative, requested that the BMUZ be amended to provide for those activities on that site as permitted. The rezoning component of the submission was heard in Hearing Stream 13.
1452. The site at 105 Gorge Road was a rear site on the eastern side of the road, with access located opposite the entrance to Sawmill Road.¹⁰⁰¹ It was therefore centrally located within the Gorge Road area of the BMUZ.
1453. Ms Bowbyes explained that, in her view, enabling industrial activities in the BMUZ could result in effects that would not achieve the levels of amenity consistent with a mixed use environment.¹⁰⁰² She was concerned that the relief sought by HW Richardson would not assist with achieving notified Objectives 16.2.1 and 16.2.2, nor would it assist with the implementation of notified Policies 16.2.1.1, 16.2.1.2, 16.2.1.3, proposed Policy 16.2.1.5, and notified Policy 16.2.2.3. She therefore recommended that the changes to the BMUZ provisions sought by the HW Richardson Group be rejected.¹⁰⁰³
1454. At the hearing, we asked Ms Bowbyes to provide us more information regarding the industrial activities currently operating within the Gorge Road area of the BMUZ. Ms Bowbyes addressed this in her Reply¹⁰⁰⁴, noting that she had carried out a site visit and based on this she considered there to be three activities operating¹⁰⁰⁵ that would be captured by the PDP definition of industrial activity, one of which was Allied Concrete.
1455. We also requested site areas for these activities, however Ms Bowbyes said these occupied only part of the sites where they are situated, and as such it was hard to determine site areas with confidence.¹⁰⁰⁶ She did however note, that they were established in a cluster on the eastern side of Gorge Road.¹⁰⁰⁷ This demonstrated that there was very little industrial activity in the zone and we are satisfied that the rules as notified with regard to industrial activities were appropriate for this zone, because the existing industrial activities were so limited in extent.

⁹⁹⁹ A Bowbyes, Section 42A Report at [10.9].

¹⁰⁰⁰ Submission 252

¹⁰⁰¹ A Bowbyes, Section 42A Report at [10.7].

¹⁰⁰² *ibid* at [10.10].

¹⁰⁰³ *ibid* at [10.11].

¹⁰⁰⁴ A Bowbyes, Reply Statement at [12.1-12.3].

¹⁰⁰⁵ Rockgas: 119 Gorge Road; Otago Southland Waste Services: 121 Gorge Road; and Allied Concrete: 105 Gorge Road.

¹⁰⁰⁶ A Bowbyes Right of Reply at [12.4].

¹⁰⁰⁷ *Ibid*.

1456. We also consider that as the zone further develops into a mixed use zone, it is unlikely that existing industrial activities located within the zone would seek to expand. We also think it unlikely that new industrial activities would seek to locate within the BMUZ as the PDP will provide more suitable zones for industrial activities. We note that the new Coneburn Industrial Zone recommended by Hearing Stream 13 would be a more appropriate location for industrial activities of the type presently found in Gorge Road.
1457. The Stream 13 Hearing Panel has recommended a minor change to Rule 16.4.7 so as to exclude Warehousing, Storage & Lock-up Facilities and Trade Suppliers from the Frankton North BMUZ. This is in association with the insertion of a new Rule 16.4.18 which classifies such activities as prohibited in the Frankton North BMUZ. We agree with that Panel’s reasoning and recommend those changes be made.
1458. Consequently, we recommend:
- Rules 16.4.8, 16.4.9 be adopted as notified;
 - Rule 16.4.7 be adopted as notified with the insertion of the following wording after “Trade Suppliers” – “except as provided for by Rule 16.4.18”; and
 - The insertion of a new Rule 16.4.8 which reads:

<u>16.4.18</u>	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North	PR
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- 45.8. Rule 16.4.10 Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.
1459. Although there were no submissions received or comment by the reporting officer in her Section 42A Report; in her reply Ms Bowbyes recommended amending the layout of this rule, by splitting the activities in notified rule 16.4.10 for consistency and improved legibility.¹⁰⁰⁸
1460. We agree this is a minor non-substantive amendment and recommend the following three rules be adopted:

16.4.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
<u>16.4.11</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	
<u>16.4.12</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	

¹⁰⁰⁸ A Bowbyes Section 42A Report, Appendix 1 at p16-7.

45.9. Rule 16.4.11 Factory Farming; Rule 16.4.12 Mining Activities; Rule 16.4.13 Forestry Activities; Rule 16.4.14 Airport

1461. There were no submissions relating to these notified rules. We recommend these rules be renumbered and adopted as notified, as shown in Appendix 5.

45.10. New Rule – Activities Sensitive to Aircraft Noise

1462. The Stream 13 Hearing Panel has recommended the insertion of a new Rule 16.4.17 prohibiting the establishment of Activities Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport. This is consequential on that Panel recommending the rezoning of an area at Frankton North as BMUZ. We agree with the reasoning of that Panel and recommend the new rule be included as set out in Appendix 5.

46. 16.5 RULES – STANDARDS

46.1. 16.5.1 Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone

1463. In addition to a 3m setback, notified Rule 16.5.1 required that buildings on sites adjoining, or separated by a road from, a Residential Zone shall not project beyond a recession line constructed at an angle of 35 degrees inclined towards the site from points 3m above the Residential Zone boundary.

1464. Five submissions¹⁰⁰⁹ sought a relaxation of the angle for the recession line to 45 degrees. Mr Church¹⁰¹⁰ provided his opinion as to whether the relief sought in these submissions was appropriate to achieve Objective 16.2.2 and whether the height recession and setbacks would be effective in limiting the impact of building heights on adjoining residential zoned land.

1465. Mr Church explained in his evidence that he undertook modelling of both the 35 degree and 45 degree scenarios. He supported the relief sought insofar as it applies to the northern boundary of a site.¹⁰¹¹ In his view, the 35 degree recession plane should be retained on the southern, eastern and western boundaries. He further suggested adding the terms “*visual dominance*” and “*residential privacy*” to provide specificity to the matters of discretion within Rule 16.5.1, and the addition of “*screen planting*” as a further matter of discretion.¹⁰¹²

1466. The second element of notified Rule 16.5.1 was that buildings on sites adjoining a residential zone be set back no less than 3m. Three submissions¹⁰¹³ supported this rule. In the absence of any opposition, we recommend Rule 16.5.1.2 be retained as notified.

1467. With regard to the recession lines, we agree with Mr Church and Ms Bowbyes. We consider relaxing the recession plane applied at the northern boundary would provide additional flexibility for site development. Retaining the 35 degree recession plane at all other boundaries would ensure that issues such as visual dominance and residential privacy continue to be appropriate.

1468. We have considered the changes Mr Church has recommended be made to the matters of discretion. We consider the inclusion of ‘visual’ and ‘residential’ to be minor changes which make the provision more certain. However, we consider the addition of ‘screen planting’ as

¹⁰⁰⁹ Submissions 556, 634, 550, 542, 545

¹⁰¹⁰ T Church, EiC at paragraph 34.2.

¹⁰¹¹ *ibid* at paragraphs 34.6, 34.8.

¹⁰¹² *ibid* at paragraphs 34.13 – 34.15.

¹⁰¹³ Submissions 565, 634 and 344 (supported by FS1059)

matter of discretion to be beyond scope. No submission sought that inclusion and it would add a potential limitation on applicants which the public have not had the opportunity to comment on.

1469. Taking into account our standard recommended changes to standards, we recommend the rule is adopted with the wording shown below:

16.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p><i>16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at an <u>the following</u> angles of 35° <u>inclined towards the site from points 3m above the Residential zone boundary:</u></i></p> <p><i>a. <u>45° applied on the northern boundary; and</u></i></p> <p><i>b.</i></p> <p><i>c. <u>35° applied on all other boundaries</u></i></p> <p><i>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</i></p> <p>*Discretion is restricted to consideration of all of the following: the visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the visual effects of the height, scale, location and appearance of the building, in terms of <u>visual</u> dominance and loss of <u>residential</u> privacy on adjoining properties and any resultant shading effects.</p>
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46.2. 16.5.2 Storage

1470. There were no submissions received regarding this rule.

1471. Accordingly, we recommend adopting this rule with our standard recommended amendments, as follows:

16.5.2	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining Residential zones.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. the effects on visual amenity;</p> <p>b. the location relative to the public realm and adjoining residential properties;</p> <p>c. consistency with the character of the locality; and</p> <p>d. whether pedestrian and vehicle access is compromised.</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the effects on visual amenity</p> <p>b. the location relative to the public realm and adjoining residential properties</p> <p>c. consistency with the character of the locality and</p> <p>d. whether pedestrian and vehicle access is compromised.</p>
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46.3. 16.5.3 Residential activities and visitor accommodation located on sites fronting Gorge Road in Queenstown

1472. Notified Rule 16.5.3 required that all residential and visitor accommodation activities on sites fronting Gorge Road be at first floor level or above. Non-compliance required consent as a restricted discretionary activity.

1473. NZIA¹⁰¹⁴ requested some changes relating to outdoor living requirements, use of the urban design panel and opening up of Horne Creek. To a large extent these points have been discussed throughout this report.

1474. As discussed with regard to notified Policy 16.2.1.5, Mr Freeman¹⁰¹⁵ highlighted his concern with the potential misinterpretation arising from the word “*fronting*” and questioned what constitutes “*fronting*” in terms of location or proximity to Gorge Road for residential or visitor accommodation activities.

1475. Mr Freeman suggested that it was more appropriate to prescribe a setback for ground floor residential and visitor accommodation. He explained this by reference to the example of a residential building with residential activities on the ground floor could be set back 50m (a significant distance in an urban environment) on the Wakatipu High School site and still deemed to front Gorge Road.¹⁰¹⁶ He suggested that in order to achieve the goals of Policy 16.2.1.5, Rule 16.5.3 should include a specific setback distance (i.e. 10 m) for the allowance of ground floor residential or visitor accommodation activities that front Gorge Road.

1476. Taking this evidence into consideration, Ms Bowbyes recommended replacing the word “*fronting*” with “*adjoining*” and also adopting Mr Freeman’s suggestion of a 10 m setback.¹⁰¹⁷ She considered this 10m setback to be appropriate to add, so that the rule only applies to residential and visitor accommodation activities at ground floor level located within 10m of

¹⁰¹⁴ Submission 238, opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, and FS1249

¹⁰¹⁵ On behalf of submitters G H and P J Hensman (542), High Peaks Limited (545), Ngai Tahu Property Limited (550), Skyline Enterprises Limited (556) and Trojan Holdings Limited (634).

¹⁰¹⁶ S Freeman, EiC at [36].

¹⁰¹⁷ A Bowbyes, Summary of Evidence at [6].

the site boundary adjoining Gorge Road.¹⁰¹⁸ We noted that Mr Freeman confirmed that he supported this approach at the hearing.¹⁰¹⁹

1477. We agree that as notified there was potential for misinterpretation, and that both notified Policy 16.2.1.4 and Rule 16.5.3 require rewording. Ms Bowbyes' recommended changes ensure that the outcome sought by the Policy is implemented by Rule 16.5.3(a) without placing unintended restrictions on residential and visitor accommodation activities establishing on sites adjoining Gorge Road. We consider that the additional wording proposed by Ms Bowbyes is effective in providing greater certainty regarding the application of redrafted Policy 16.2.1.4.
1478. Ms Bowbyes, relying on Mr Church's evidence, also recommended the imposition of a 2m landscaping strip on all sites in the zone where residential activities occurred at ground floor level¹⁰²⁰. For scope she relied on Submission 392. We have examined this submission. We consider it clear that the submitter was only seeking that a landscaping strip be imposed where taller buildings were allowed (as a restricted discretionary activity). In our view, that would only apply to notified Rule 16.5.7.1(b). We consider that persons reading Submission 392 could not anticipate that it would lead to the imposition of a 2 m landscaping strip in the BMUZ in Wanaka, for instance. We do not accept Ms Bowbyes' recommendation on this point.
1479. Ms Bowbyes also recommended clarification in regard to the matters for discretion by adding additional wording¹⁰²¹, which we agree with in as matters that can be adopted pursuant to Clause 16(2).
1480. Ms Bowbyes recommended inclusion of a fourth matter of discretion worded: "*the effects on privacy for occupants and visual amenity.*" Again she referenced Submission 392 as scope for this addition. We consider there is no scope to be found in that submission for this addition and do not accept that recommendation.
1481. Consequently, taking into account our own standard amendments, we recommend Rule 16.5.3 be adopted with the following wording:

¹⁰¹⁸ A Bowbyes, Reply Statement at [6.3].

¹⁰¹⁹ S Freeman, Supplementary Evidence at [3].

¹⁰²⁰ A Bowbyes, Section 42A Report, at paragraph 9.41

¹⁰²¹ A Bowbyes Section 42A Report, Appendix 1 at p16-9.

16.5.3	<p>Residential activities and visitor accommodation activities located on sites fronting Gorge Road in Queenstown</p> <p>All residential activities and visitor accommodation <u>activities on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road</u> shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <p>a. the effects on surrounding buildings and activities;</p> <p>b. location relative to the public realm; and</p> <p>c. the maintenance of active and articulated street frontages</p>	<p>RD*</p> <p>Discretion is restricted to:</p> <p>a. the effects of <u>residential and visitor accommodation activities at ground floor level</u> on surrounding buildings and activities;</p> <p>b. location of <u>residential and visitor accommodation activities at ground floor level</u> relative to the public realm; and</p> <p>c. the maintenance of active and articulated street frontages.</p>
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46.4. 16.5.4 Building Coverage

1482. As notified, Rule 16.5.4 stated that maximum building coverage in the BMUZ was 75%, and any proposal that did not comply would be a discretionary activity.

1483. The sole submission on this rule sought that it be retained¹⁰²².

1484. We recommend that Rule 16.5.4 be adopted as notified.

46.5. 16.5.5 Acoustic Installation; 16.5.6 Fencing

1485. There were no submissions received on these rules nor any comment by the reporting officer.

1486. We recommend adopting these rules as notified.

46.6. Proposed Rule - Landscaping

1487. Ms Bowbyes recommended a new standard be included that would require a minimum landscaped coverage of 10%, relying on Mr Church's evidence¹⁰²³.

1488. While this may be a laudable outcome, there was no scope within the submissions for such a rule. Consequently we do not recommend it be adopted.

1489. If the Council wishes to include specific provisions requiring landscaping, it will need to initiate a variation.

¹⁰²² Submission 344, supported by FS1059

¹⁰²³ A Bowbyes, Section 42A Report at [9.46].

46.7. 16.5.7 Maximum Building Height

1490. Notified Rule 16.5.7 provides for buildings up to 12m as a permitted activity in both the Gorge Road and the Anderson heights areas. Buildings between 12m to 20m in Gorge Road are anticipated through the use of the restricted discretionary activity status. The notified matters of discretion are:
- a. *the design and quality of the building, including the use of articulated facades and active street frontages*
 - b. *The avoidance of large monolithic buildings and*
 - c. *The impact on the street scene.*
1491. Notified Rule 16.5.7.1 also stipulates that buildings exceeding 20m height in the Gorge Road area of the BMUZ would require resource consent for a non-complying activity, as would buildings exceeding 12m height in the Anderson Heights area under notified Rule 16.5.7.2.
1492. This rule was supported by Placemakers¹⁰²⁴, and Coronet Property Investments Limited.¹⁰²⁵
1493. Ms Spijkerbosch ¹⁰²⁶, opposed notified Rule 16.5.7 insofar as it applied to Gorge Road, submitting that the 20m restricted discretionary height should only apply on the eastern side of Gorge Road, and that up to 25m heights should be '*allowed*' at the eastern edge of the BMUZ, and finally building heights should be staggered to a height of 12m at the Gorge Road frontage. She also considered that proposed buildings above 12m should be notified, unless they are on the eastern side of Gorge Road. In addition, she considered a 2m landscaping strip should be imposed to soften the impact of taller buildings.
1494. Mr Church provided urban design evidence on the suitability of enabling the restricted discretionary heights across the entire Gorge Road BMUZ. This including modelling and illustrations appended to his evidence. He supported the retention of the 12m to 20m restricted discretionary heights on the eastern side of Gorge Road, with the exception of two areas at the northern and southern ends of the eastern side of Gorge Road.¹⁰²⁷
1495. These two sites were described in Mr Church's evidence¹⁰²⁸ as:
- a. Gorge Road Centre – site of an existing low rise business park at the very northern end of Gorge Road (east), beyond Bush Creek reserve and to the west of Matakauri Park; and
 - b. Caltex Service Station – a site at the corner of Gorge Road and Hallenstein Street.
1496. Mr Church considered that these two sites should have a lower permitted and/or RD height range because, in his view tall buildings on these two sites could potentially obstruct view shafts up and down the Gorge, and visual connections to the steep rock walls at the top of the Gorge.¹⁰²⁹
1497. In addition to keeping these heights lower, Mr Church was concerned with the possibility of a “visually dominant band of tall buildings stretching across the valley floor and potentially

¹⁰²⁴ Submission 344, supported by FS1059

¹⁰²⁵ Submission 321

¹⁰²⁶ Submission 392, supported by FS1288, FS1059, opposed FS1216, FS1228, FS1238, FS1246

¹⁰²⁷ T Church, EIC, at paragraphs 31.34 — 31.35

¹⁰²⁸ *ibid* at paragraph 31.34.

¹⁰²⁹ *Ibid* at [31.35].

extend up the lower slopes of Ben Lomond.”¹⁰³⁰ He supported Ms Spijkerbosch’s submission to keep the building heights lower on the western side of Gorge Road.¹⁰³¹

1498. Mr Church explained that in his view the PDP represents a “significant change to the character in this section of the gorge and it will need to be developed in a way that the community can readily adapt to and accept this change. Provisions need to ensure sufficient quality design to appropriately integrate with the gorge context and, where possible, maintain and enhance the experience of living and working in Queenstown.”¹⁰³²
1499. Mr Church also supported the provision for a stepped frontage to enable simple building forms while creating a more comfortable human scale at street level and managing other effects along the Gorge Road corridor.¹⁰³³ He referenced the fact that Auckland City have introduced a similar provision into its mixed use zone, creating a podium-type development.¹⁰³⁴
1500. Ms Bowbyes considered Mr Church’s views, however she noted the importance of balancing these considerations against other matters.¹⁰³⁵ Taking the concerns of Mr Church, Ms Bowbyes drafted a rule that she believed responded to these concerns, by including them as matters to be considered in the consenting process.¹⁰³⁶
1501. Ms Bowbyes considered the Gorge Road BMUZ to provide a significant opportunity for brownfield development within walking distance of the Queenstown town centre, which is the District's principal hub for commercial activities, employment, and tourism.¹⁰³⁷ She referenced the Section 32 Evaluation Report which states the additional residential capacity enabled within the BMUZ would assist with supplying more land zoned for residential uses.¹⁰³⁸ Building heights would be an important component in considering the capacity of the zone, given that most residential activities would be provided for above street level.
1502. Ms Bowbyes stated her view that “the restricted discretionary status of buildings between 12m and 20m and the accompanying policy framework, which sets a high expectation for the design of buildings, would achieve the 'strict design rules' that the submitter seeks.”¹⁰³⁹ Height recession planes would apply for sites adjoining residential-zoned properties, limiting the ability of sites adjoining a residential zone to be built above the permitted 12m threshold.
1503. For these reasons, she did not consider it necessary to apply a different height range to the west of Gorge Road, as suggested by Mr Church to be 12m-15m as RD status. Any proposal for development above 12m would require a resource consent, which would require consideration of the matters of discretion as part of the decision-making process.
1504. The matters of discretion proposed by Ms Bowbyes to address the urban design matters raised by Mr Church, were:

¹⁰³⁰ *ibid* at [31.37].

¹⁰³¹ *ibid* at [31.36].

¹⁰³² *ibid* at [31.22].

¹⁰³³ *ibid* at [33.2].

¹⁰³⁴ *ibid* at [33.2].

¹⁰³⁵ A Bowbyes Section 42A Report at [11.8].

¹⁰³⁶ *ibid* at [11.20].

¹⁰³⁷ *ibid* at [11.9].

¹⁰³⁸ *ibid* at [11.10].

¹⁰³⁹ *ibid*16 at [11.13].

- a. *the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites*
- b. *modulated roof forms, including screening of plant and services*
- c. *material use and quality*
- d. *the avoidance of large monolithic buildings*
- e. *the impact on the street scene*
- f. *privacy and outlook for residential uses*
- g. *sunlight access to adjoining residential zoned land and/or public space*
- h. *Crime Prevention Through Environmental Design (CPTED) considerations*
- i. *where appropriate, the integration of Horne Creek into the development and landscaping and*
- j. *facilitation of the provision of residential activities.*

1505. In addition to these matters, Policy 16.2.2.7 also would provide guidance as to when buildings between 12-20m would be appropriate in the BMUZ.

1506. It is clear to us that Ms Bowbyes has considered this rule in great detail, with regard to its application in Gorge Road. In addition to considering the expert opinion of Mr Church, Ms Bowbyes has balanced this with the relevant higher order goals, objectives and policies of the Strategic Directions Chapter and the Urban Development Chapter. Her views are recorded above in the discussion pertaining to Policy 16.2.2.7 and we do not seek to repeat them here.

1507. In addition to rewording Policy 16.2.2.7, Ms Bowbyes recommended adding additional matters of discretion which will give effect to the changes at policy level.¹⁰⁴⁰ She also recommended accepting Ms Spijkerbosch's submission in part, by including a rule requiring stepped frontage of buildings from the fourth storey and above in Gorge Road.¹⁰⁴¹

1508. However with regard to the request to taper the heights to 12m at the Gorge Road frontage, Ms Bowbyes did not consider this necessary.¹⁰⁴² The evidence of Mr Church also supported the retention of the 12m-20m restricted discretionary height range on the east of Gorge Road¹⁰⁴³; and in practice anything above 20m would require resource consent for a non-complying activity.

1509. With regard to Anderson Heights, Mr Church supported the permitted 12m height limit, within a generally smaller scale context and a more open, rolling landscape. He did not consider heights up to 20m would be appropriate in that context.¹⁰⁴⁴ We think the context of Anderson Heights is very different to Gorge Road, and as such we agree with and adopt Mr Church's views to retain the 12m maximum permitted height, with anything above this attracting the status of non-complying.

1510. We note the detailed assessment completed by Mr Church in response to questions posed by Ms Bowbyes regarding building heights. This assessment, and indeed the further discussion completed by Ms Bowbyes, was very informative for us and provided an efficient level of detail to enable us to consider the issues and make our recommendation.

¹⁰⁴⁰ A Bowbyes Section 42A Report at [11.19].

¹⁰⁴¹ Ibid at [11.20].

¹⁰⁴² Ibid at [11.21].

¹⁰⁴³ T Church, EiC at [2.27].

¹⁰⁴⁴ Ibid at [32.6]

1511. We agree with Ms Bowbyes' recommended additional discretion matters and the additional provision requiring steeped frontage in Gorge Road (recommended Rule 16.5.9.3) and the recommendation to retain the maximum building heights as notified. Increasing the height limit from the ODP limits will increase the development capacity of sites within the zone, which, in turn, will enhance the zone's viability. We are satisfied the enhanced building height opportunity in Queenstown reflects the ability of Gorge Road to absorb taller built forms, taking into account Mr Church's expert opinion.
1512. We consider it appropriate that the matters for discretion will act to limit the impact of any buildings between 12m and 20m, and ensure high-quality design which, we think, will be more effective in implementing the relevant objectives and policies. As such, we recommend adopting the wording as set out above for Rule 16.5.8.
1513. We did however request that Ms Bowbyes consider amending redraft Rule 16.5.8 to make the format of the rule consistent with that of Rules 12.5.9 and 12.5.10 of the Queenstown Town Centre Chapter. Ms Bowbyes did not think this was necessary, however we disagree.¹⁰⁴⁵ We recommend rewording this rule and separating it into two separate standards of differing activity status, which is not only consistent with Chapter 12, but also easier for the reader to understand.
1514. Taking account of that, and including our standard amendments, we recommend Rule 16.5.7 be split into Rules 16.5.7 and Rule 16.5.8, with the wording set out below:

¹⁰⁴⁵ Ms Bowbyes Right of Reply at [11.2].

16.5.7	<p>Discretionary Building Height (Queenstown Only)</p> <p>In Queenstown the discretionary maximum building height shall be 12 m</p> <p>Discretion is restricted to consideration of all of the following:</p> <p>a. the design and quality of the building, including the use of articulated facades, active street frontages;</p> <p>b. modulated roof forms, including screening of plant and services</p> <p>c. material use and quality;</p> <p>d. the avoidance of large monolithic buildings; and</p> <p>e. the impact on the street scene</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the design and quality of the building, including the use of articulated facades, active street frontages <u>and the treatment of corner sites;</u></p> <p>b. modulated roof forms, including screening of plant and services</p> <p>c. material use and quality;</p> <p>d. the avoidance of large monolithic buildings; <u>and</u></p> <p>e. the impact on the street scene.;</p> <p>f. <u>privacy and outlook for residential uses</u></p> <p>g. <u>sunlight access to adjoining residential zoned land and/or public space;</u></p> <p>h. <u>Crime Prevention Through Environmental Design (CPTED) considerations;</u></p> <p>i. <u>where appropriate, the integration of Horne Creek into the development and landscaping; and</u></p> <p>j. <u>facilitation of the provision of residential activities.</u></p>
16.5.8	<p>Maximum building height</p> <p>16.5.8.1 The absolute maximum building height shall be:</p> <p style="padding-left: 40px;">a. Queenstown - 20m</p> <p style="padding-left: 40px;">b. Wanaka – 12m</p> <p>16.5.8.2 <u>Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</u></p>	<p>NC</p>

46.8. 16.5.8 Noise

1515. Notified Rule 16.5.10 set out the noise thresholds for activities within the BMUZ.

1516. There were no submissions received regarding this rule. Ms Bowbyes recommended a minor change to clarify the provision.

1517. We recommend further amendment for clarification to the “note” by including the words “in this zone” to demonstrate that the note relates to sound from activities in this zone. We recommend these changes be made under Clause 16(2) of the First Schedule, and the rule be consequently renumbered, so it reads as follows:

16.5.8 <u>9</u>	<p>Noise</p> <p>16.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <p>a. Daytime (0800 to 2200hrs) 60 dB L_{Aeq}(15 min)</p> <p>b. night-time (2200 to 0800hrs) 50 dB L_{Aeq}(15 min)</p> <p>c. night-time (2200 to 0800hrs) 75 dB L_{AFmax}</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <p>a. The noise limits in rule 16.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p><u>Note:</u> Sound from activities <u>in this zone</u> which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	NC
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46.9. 16.5.9 Glare

1518. There were no submissions received on this rule, however much like the other Chapters in this Stream, the rule generated discussion in relation to the effects of lighting on the night sky. Ms Bowbyes considered that the reference to limiting the effects on the night sky provided too much discretion and subjectivity when considering whether an activity is compliant. She further noted, the rule is considered *ultra vires* and should therefore be deleted. However as there were no submissions received she did not consider there was scope to make this recommendation.¹⁰⁴⁶
1519. We asked Ms Bowbyes to reconsider this position, having regard to submissions that specifically referred to the effects of lighting on views of the night sky. Ms Bowbyes considered two submissions, being 568 and 340, and concluded that these did not provide scope to delete the phrase.¹⁰⁴⁷
1520. This was further considered in the Council's closing submissions, where Ms Scott submitted that uncertainty makes the standard *ultra vires*, and therefore should be deleted.¹⁰⁴⁸
1521. We however consider there is another option and that is to amend the wording to be consistent with Policy 16.2.1.7, which seeks to mitigate any adverse effects on views of the night sky by directing the lighting downward.

¹⁰⁴⁶ A Bowbyes, Section 42A Report, Appendix 1 at p16-11.

¹⁰⁴⁷ A Bowbyes, Reply Statement at [9.1-9.5].

¹⁰⁴⁸ Legal Submissions (Right of Reply) of Ms Scott dated 13 December 2016 at [3.7-3.8]

1522. This is discussed further in Chapter 12¹⁰⁴⁹, and we recommend adopting the same approach in this chapter to maintain consistency across the stream. Furthermore, we think this phrase and is more certain although we accept it remains subjective.
1523. We prefer amending the wording to Ms Scott’s suggestion to delete the phrase, as this rule will support the implementation of Policy 16.2.1.7.
1524. Consequently, we recommend Rule 16.5.9 be renumbered and amended under Clause 16(2) of the First Schedule so it reads as follows:

<u>16.5.910</u>	Glare	NC
	<p>16.5.-910.1 All exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting, and directed <u>downward</u> so as to limit the effects on <u>views of</u> the night sky.</p> <p>16.5.-910.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Business Mixed Use Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.-910.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>16.5.-910.4 External building materials shall either:</p> <p style="margin-left: 20px;">a. Be coated in colours which have a reflectance value of between 0 and 36%; or</p> <p style="margin-left: 20px;">b. Consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper;</p> <p>Except that:</p> <ul style="list-style-type: none"> • Architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%. 	

46.10. New Standard to Apply at Frankton North

1525. Associated with their recommendation to rezone part of the land at Frankton North as BMUZ, the Stream 13 Hearing Panel has recommended a new standard the same as that recommended for the MDRZ to deal traffic access and landscaping along State Highway 6. We agree with that Panel’s reasoning and recommend the following standard be included as Rule 16.5.11:

¹⁰⁴⁹ For discussion regarding scope for amendment and reasoning see Chapter 12, Rule 12.5.14 Glare

16.5.11	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>16.5.13.1 Transport, parking and access design that: Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive</p> <p>There is no new vehicular access to the State Highway Network.</p> <p>16.5.13.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows:</p> <p>a. A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</p> <ul style="list-style-type: none"> i. Ribbonwood (<i>Plagianthus regius</i>) ii. <i>Corokia cotoneaster</i> iii. <i>Pittosporum tenuifolium</i> iv. <i>Grisilinea</i> v. <i>Coprosma propinqua</i> vi. <i>Olearia dartonii</i> <p>b. Once planted these plants are to be maintained in perpetuity.</p>	NC
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46.11. 16.6 Rules – Non-notification of Applications

1526. There were several submissions received in support of this section¹⁰⁵⁰. We recommend the section be adopted as notified.

47. FURTHER RECOMMENDATIONS OF THE PANEL

1527. We have included this section in order to identify matters that we think warrant consideration but are out of scope.

47.1. Redraft Rule 16.5.11 Glare

1528. As identified earlier, Redraft Rule 16.5.10 (Notified Rule 16.5.9) includes the requirement that:

16.5.10.4 External building materials shall either:

- a. be coated in colours which have a reflectance value of between 0 and 36% or*
- b. consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.*

Except that:

- a. architectural features, including doors and window frames, may be any colour; and*

¹⁰⁵⁰ Submissions 30, 321 (supported by FS1059), 392 (supported by FS1288, FS1059), 556, 634

b. Roof colours shall have a reflectance value of between 0 and 20%.

1529. We agree with the view of Ms Bowbyes. This rule as notified is very onerous and the same provisions (12.5.14.4 and 13.5.11.4) have been removed in the decision report for Chapter 12 and Chapter 13.

1530. There was no submission relating to this, however we recommend removing the requirement in Rule 16.5.11.4 in the interests of consistency and in order to make the rule more workable. As it is, and based on the discussion in Chapter 12 and Ms Bowbyes' view, it would be very onerous on any development in the MBUZ.

47.2. Comprehensive Development

1531. We must also make mention of Comprehensive Development in the BMUZ. It was pointed out to us by both Ms Bowbyes and Mr Church that the notified BMUZ does not include a requirement for development of large sites to provide a Comprehensive Development Plan.¹⁰⁵¹

1532. Ms Bowbyes was of the opinion that introducing this requirement would give effect to Strategic Direction Policy 3.2.3.1.2 which seeks that development on large sites is undertaken in a comprehensive manner.¹⁰⁵² Ms Bowbyes mentioned that a rule akin to Rule 12.4.6.2 in the QTCZ which she thinks would be an appropriate addition to this zone.¹⁰⁵³

1533. Mr Church recommended that the Council prepare non-statutory design guidance relating to the anticipated design outcomes and common mitigation approaches between uses to give more direction and certainty to applicants and Plan administrators.¹⁰⁵⁴

1534. We agree with these comments, and recommend to the Council that they consider, in particular, Mr Church's suggestion of Design Guidelines for the BMUZ.

48. RECOMMENDATIONS TO STREAM 10 PANEL

1535. As discussed above, with reference to Rule 16.4.6, Bunnings¹⁰⁵⁵ and Fletcher Distribution Ltd (trading as Placemakers) and Mico Ltd (Placemakers and Mico)¹⁰⁵⁶ highlighted the fact that this chapter referred to "trade supplier" however notified Chapter 2: Definitions did not provide a definition for this activity. Placemakers and Mico summarised the issue clearly in their submission, stating that:

Given building suppliers are typically a subset of trade suppliers, it would be helpful to provide a definition for Trade Suppliers to create some distinction between the uses and to reduce confusion within the Plan.

1536. In order to implement notified Rule 16.4.6 with efficiency and certainty, Ms Bowbyes recommended this term be defined. We agree with that recommendation.

1537. Placemakers and Mico included a suggested definition in their submission for consideration. In considering this suggested definition, Ms Bowbyes undertook a search of the notified Plan

¹⁰⁵¹ A Bowbyes, Section 42A Report at [13.14] and T Church, EiC at [29.10].

¹⁰⁵² A Bowbyes, Section 42A Report at [13.15].

¹⁰⁵³ Ibid

¹⁰⁵⁴ T Church, EiC at [29.13].

¹⁰⁵⁵ Submission 746

¹⁰⁵⁶ Submission 344, supported by FS1164, opposed by FS1314.

to identify where these terms arise.¹⁰⁵⁷ She explained in her Section 42A Report that the term Building Supplier does not occur in any notified Chapter (aside from notified Chapter 2: Definitions), and the term Trade Supplier only occurs in the BMUZ.¹⁰⁵⁸

1538. Ms Bowbyes also provided her view that the list of activities included in the suggested definition were appropriate.¹⁰⁵⁹
1539. Ms Bowbyes noted that the definition would result in Building Suppliers becoming a subset of Trade Suppliers, meaning that the activities listed within the Building Suppliers definition would also be subject to notified Rule 16.4.6.¹⁰⁶⁰ This is considered appropriate in the context of the BMUZ as, the activities listed in the Building Suppliers definition warrant the restricted discretionary activity status prescribed by notified Rule 16.4.6.
1540. We therefore recommend the relief sought by submission 344.11 be accepted, and the following definition is included:

Trade Supplier

means a business engaged in sales to businesses and institutional customers and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following categories:

- a. automotive and marine suppliers*
- b. building suppliers*
- c. catering equipment suppliers*
- d. farming and agricultural suppliers*
- e. garden and patio suppliers*
- f. hire services (except hire or loan of books, video, DVD and other similar home entertainment items)*
- g. industrial clothing and safety equipment suppliers and*
- h. office furniture, equipment and systems suppliers.*

1541. Submissions¹⁰⁶¹ were received requesting the removal of “Three Parks and Industrial B Zones” from the Building Supplier definition.
1542. Placemakers and Mico submitted that Placemakers and Mico would fit within the notified definition of Building Supplier, however as notified, the definition was limited in its application. As this could result in inconsistencies with the application of the term “*building suppliers*”, we consider this relief is appropriate and necessary to reduce the scope for varied interpretation.
1543. Therefore we recommend accepting the Placemakers and Mico submission, and the Bunnings submission insofar as it requested deleting the reference to Three Parks and Industrial B Zones. Bunnings also requested the addition of “*garden and patio suppliers*” to be added to the list of goods sold under the definition of building supplier. This has been included under the definition of “*trade supplier*” as noted above, and therefore we do not consider it appropriate to duplicate, and recommend this element of the relief is rejected.

1544. The definition recommended reads as follows:

¹⁰⁵⁷ A Bowbyes, Section 42A Report at [12.13].

¹⁰⁵⁸ *ibid*

¹⁰⁵⁹ *ibid.*

¹⁰⁶⁰ *ibid.*

¹⁰⁶¹ Submission Point 344.10 supported by FS1314.9 and Submission Point 746.5

Building Supplier

Means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings and without limiting the generality of this term, includes: glaziers; locksmiths; and suppliers of:

- a. awnings and window coverings*
- b. bathroom, toilet and sauna installations*
- c. electrical materials and plumbing supplies*
- d. heating, cooling and ventilation installations*
- e. kitchen and laundry installations, excluding standalone appliances*
- f. paint, varnish and wall coverings*
- g. permanent floor coverings*
- h. power tools and equipment*
- i. safes and security installations and*
- j. timber and building materials*

1545. We consider that the amendments to the above definitions will improve the clarity and consistency of the Plan.
1546. Consequently, with regard to the definitions discussed above, we recommend that the Stream 10 Hearings Panel:
- a. Accept the recommended definitions as set out in Appendix 8; and
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

49. CONCLUSION

1547. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.
1548. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.
1549. Consequently, we recommend that:
- a. Chapter 16 be adopted as set out in Appendix 5;
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7;
 - c. The Council initiate a variation to amend recommended Rule 16.5.11; and
 - d. The Council give consideration to Mr Church's recommended Design Guidance for the BMUZ.

PART G – CHAPTER 17 AIRPORT ZONE

50. PRELIMINARY

50.1. Wanaka Airport

1550. As notified, this zone was titled “Airport Mixed Use” and the zone applied to, and the objectives, policies and rules only related to, Queenstown Airport.
1551. The first point we note is that Ms Holden recommended the name of the zone be simplified to the Airport Zone. While there was not specific recommendation on this name change in her Section 42A Report, it is the name she referred to the zone as throughout the report. Given that the PDP contains a Business Mixed Use Zone which provides for a mix of business and residential activities, we agree that simplifying the name to the Airport Zone avoids potential confusion as to the intent of zones. We consider the name change to be a minor non-substantive for clarity that can be made under Clause 16(2), and so recommend. We refer to the zone as the Airport Zone (or “AZ”) throughout this report.
1552. In the notified PDP, Wanaka Airport was zoned Rural, and was subject to a designation for “Aerodrome Purposes”. QAC¹⁰⁶² lodged submissions seeking amendments to the Rural Zone to provide for airport and airport related activities at Wanaka Airport. The amendments proposed included objectives, policies and rules to be inserted into the Rural Zone.
1553. These submissions by QAC were heard in Stream 2 in May 2016. After hearing the legal submissions and evidence presented on behalf of QAC, the Stream 2 Hearing Panel (differently constituted from this Panel) advised the Council of its preliminary conclusions that some specific zoning provision should be made for Wanaka Airport. Following the receipt of the Council’s Reply for the Stream 2 hearing, the Chair issued a Minute¹⁰⁶³ directing that the QAC submissions concerning the zone provisions for Wanaka Airport be transferred to this hearing stream. The Chair noted in the Minute that the Panel would prefer not to see a proliferation of site specific zones and would be more favourably disposed to a single Airport Zone than two very similar zones.
1554. As a result, Ms Holden was able to advise us in her Section 42A Report that she had received a working draft of a revised Chapter 17 from QAC, which she had further refined, to make provision in this zone for Wanaka Airport. The changes involved:
- The inclusion of a new objective (inserted after Objective 17.2.1) and associated policies
 - A new set of activities applying to Wanaka Airport inserted in Table 1
 - A new Table 3 containing standards applying to activities at Wanaka Airport and
 - Various minor consequential changes.
1555. We note for completeness that the further submissions¹⁰⁶⁴ on QAC’s submission relating to Wanaka Airport were also heard in this Hearing Stream in relation to the provisions recommended by Ms Holden.
1556. We will discuss the provisions of chapter and relevant submissions in the order the provisions were notified, but where Ms Holden proposed insertion of a provision relating to Wanaka Airport, we will consider that in the location recommended in her Section 42A Report.

¹⁰⁶² Submission 433

¹⁰⁶³ Minute Concerning Provisions Applying to Wanaka Airport, dated 16 June 2016

¹⁰⁶⁴ FS1030, FS1097 and FS1117

1557. We have reviewed all submissions and expert evidence presented in relation to this chapter and have recommended amendments where we consider it is appropriate. The amended version of Chapter 17 that we are recommending is contained in Appendix 6.

51. GENERAL SUBMISSIONS

1558. There were 22 original submissions and further submissions received with 70 points of submission.

1559. Submitters Mr Kain Froud¹⁰⁶⁵ and the Board of Airline Representatives of New Zealand¹⁰⁶⁶ (BARNZ) submitted in support of all provisions in Chapter 17. We recommend these submissions are accepted in part as modifications to the chapter are recommended below.

52. EXTENT OF THE AIRPORT ZONE AT QUEENSTOWN

1560. A matter we need to deal with at the outset is the extent to which the Airport Zone applies to Queenstown Airport.

1561. The boundary of the notified Airport Zone extended beyond the boundary of the operative QAMUZ to include 99 additional hectares of land zoned Rural General in the ODP. This was shown on notified Planning Map 31a.

1562. RPL¹⁰⁶⁷ submitted on, and provided evidence in opposition to the extent of the activities provided for within the notified Queenstown AZ on that land that extends beyond the operative zone.

1563. This extension of the zone is best illustrated in Attachment 4 of Mr Serjeant's¹⁰⁶⁸ evidence in chief, which we replicate below, with the current AMUZ shown in the south-west corner and the proposed boundary shown in yellow:



¹⁰⁶⁵ Submission 19
¹⁰⁶⁶ Submission 271
¹⁰⁶⁷ Submission 807
¹⁰⁶⁸ appearing for RPL

1564. Ms Holden did not make any recommendation regarding the RPL submission regarding the extension of the Queenstown AZ in her Section 42A Report.
1565. Mr Serjeant provided his opinion there was insufficient evidence that the application of the amended provisions to an extended AMUZ was the most appropriate means of achieving the objectives for the zone¹⁰⁶⁹.
1566. Mr Serjeant said that the Section 32 Evaluation Report encapsulated the issues as two statements:¹⁰⁷⁰
- a. Providing for long term sustainable management of Queenstown Airport and
 - b. Balancing the operational requirements of the Queenstown Airport with residential amenity and outlook, including the Airport as a key strategic gateway to the District.
1567. In his view, the ‘*broad options*’ to address these issues were either about retention of the existing zone provisions or an improvement on the existing zone provisions, and a consideration of where the zone boundary should lie.¹⁰⁷¹
1568. Mr Serjeant was of the view that in the Section 32 Evaluation Report there was no consideration of alternative zoning options, or more broadly whether in fact the issues were, or could be, addressed beyond the airport’s boundaries.
1569. Mr Serjeant called this a “significant shortcoming in the analysis and it gives the impression that the section 32 is really about just zoning the airport land, not solving a resource management issue.”¹⁰⁷² He also considered the cost and benefit analysis to have the same limitation. On the whole, Mr Serjeant did not consider that there had been a thorough assessment of the wider environment to support the extension of the zone.
1570. Ms Holden considered that many activities included within the definition of “*Airport Related Activities*” could be high trip generating activities and therefore have significant impacts on the surrounding road network and demand for parking.¹⁰⁷³ This was supported by Mr Serjeant, who stated that, in his view, this had not been addressed in the Section 32 Evaluation Report.¹⁰⁷⁴
1571. Mr Serjeant further opined, that in his view there was “no risk of not acting to change the underlying zone of the airport, pending a more comprehensive approach to a change in zoning”, and therefore, one option is “to stay with the existing AMUZ”.¹⁰⁷⁵ He also said that if the AZ were to be extended then there were a number of matters that must be addressed.¹⁰⁷⁶
1572. At the hearing Mr Serjeant explained the four quadrants that surround the airport runway, and that they were very different to each other. He also explained that in his view these needed to be understood and responded to appropriately within any development.

¹⁰⁶⁹ D Serjeant EiC, at [6.12-6.16].

¹⁰⁷⁰ Ibid at [5.4]

¹⁰⁷¹ Ibid at [5.6].

¹⁰⁷² Ibid at [5.6]

¹⁰⁷³ R Holden, Section 42A Report at [7.8].

¹⁰⁷⁴ D Serjeant, EiC at [6.14].

¹⁰⁷⁵ Ibid at [8.2]

¹⁰⁷⁶ Ibid at [8.3]

1573. It was Mr Kyle’s opinion that the zone should match the land subject to designation¹⁰⁷⁷. It was also his view that the activities allowed by the zone should at minimum mirror those provided for by the designation¹⁰⁷⁸.
1574. In her Reply Report, Ms Holden advised us that she agreed with Mr Serjeant.¹⁰⁷⁹
1575. Ms Holden noted her agreement with his opinion that “the nature, extent and location of potential development, and the manner in which it will integrate with the wider environment is unclear”.¹⁰⁸⁰
1576. She explained to us, that she had concerns relating to whether the provisions adequately provided for the extension of the zone, as, in her view, the provisions in the PDP provide for the scale and scope of activities in the operative QAMUZ.¹⁰⁸¹ In other words, she recommended that due to the risk and uncertainties that had been highlighted by Mr Serjeant, the extent of the zone should be reduced to that of the operative QAMUZ.
1577. If not, Ms Holden was of the view that more restrictive provisions would need to apply to the aforementioned additional 99 hectares of proposed Airport zone land.
1578. We have to agree. In our view, there is too much uncertainty. The purpose of these proposed provisions is to anticipate effects and appropriately avoid, remedy and mitigate them through the use of standards and rules. Where there is such a high level of uncertainty as identified by Mr Serjeant and Ms Holden, then we do not consider the activities or the effects generated can be sufficiently anticipated in order to respond with appropriate provisions.
1579. We also note that we have difficulty with Mr Kyle’s view that the zone should somehow mirror the designation. Designation 2 is subject to a number of conditions, including specific conditions on aircraft operations so as to mitigate the adverse effects of aircraft noise as received in surrounding residential areas. As we understood Mr Kyle’s approach, if the zone applied to the entire operational area of Queenstown Airport, and Airport Activity, which includes the landing and taking off of aircraft, was a permitted activity, then QAC would be in a position to operate the airport without resorting to Designation 2, thereby avoiding the conditions applying to that designation.. While that may not have been the intention of QAC (and there was no evidence to suggest it was), it would be poor resource management practice, in our view, to create such a set of regulatory alternatives. A partial solution was suggested to us of excluding Aircraft Operations from the listed permitted activity of Airport Activity. However, the definition of Aircraft Operations excludes certain movements of aircraft and engine testing. While it is a partial solution, we consider restricting the application of the zone is a more appropriate response.
1580. We requested further information from QAC and this was provided by way of Memorandum and Plans.¹⁰⁸² However, we still consider there to be uncertainty remaining as to how future development would integrate with adjoining zones.

¹⁰⁷⁷ Designation 2

¹⁰⁷⁸ J Kyle, Summary of Evidence

¹⁰⁷⁹ R Holden, Reply Statement, at [7.7-7.10]

¹⁰⁸⁰ D Serjeant, Summary of Evidence, at [6].

¹⁰⁸¹ R Holden, Reply Statement at [7.10].

¹⁰⁸² Memorandum of Counsel for QAC relating to additional information dated 6 December 2016.

1581. On 19 May 2017 we received a joint memorandum of counsel¹⁰⁸³ for RPL, QAC and the Council advising neither QAC nor RPL sought to call further evidence or make further legal submissions concerning the proposed extension of the Airport Mixed Use Zone at Queenstown Airport, and that the Council would not provide any further comment or analysis on the proposed extension. All parties would rely on the legal submissions and evidence presented to this Panel in December 2016.
1582. In that circumstance, we will make the recommendations to the Stream 13 Hearing Panel on the extent of the Airport Zone as it applies to Queenstown Airport.
1583. For the reasons set out above, we recommend the extent of the Airport Zone, as it applies to Queenstown Airport be reduced such that it is the same as that area zoned QAMUZ in the ODP, with one minor exception. We recommend that the remaining land notified as Airport Mixed Use be zoned Rural.
1584. The one exception is the northern half of the car park located south and west of Lucas Place and east of Kawarau Road, which has a split zoning in the ODP. We recommend this entire car park retain the Airport Zone as notified.
1585. We also recommend that the Council review the application of the AZ on the south side of Lucas Place, presently occupied by a car sales and servicing operation. We do not see how that fits within the range of activities related to the operation of the airport.
1586. We note that the Airport Mixed Use Zone, as notified, applied to land outside the airport in Glenda Drive and adjoining the ODP Frankton Flats B Special Zone. We do not consider Rural to be the most appropriate zone for this land but equally find that there is no suitable alternative zone in the PDP to apply to this land. Our recommendation in respect of this land is that the Rural Zone be used as an interim zoning until the Council notifies industrial zone provisions which may be appropriate for this land. We also note that if the Council were to withdraw the PDP from this land (which is an option available to it), the land would remain zoned Rural General in the ODP.
1587. Having come to that conclusion, we have considered the appropriateness of the objectives, policies and rules in the context of the reduced extent of the zone.
1588. We note that there was no dispute between QAC and the Council about the extent of the Airport Zone as it would apply to Wanaka Airport: they both considered it should apply to the designated area. We note our concern regarding the potential for any conditions on the designation applying to Wanaka Airport to be avoided if reliance was made on the zone provisions. We did not have sufficient evidence to be able to determine whether that would be an issue, or what alternative area the zone should apply to. Therefore we recommend the Council review the application of the Airport Zone to the Wanaka Airport. If it is being applied for the reasons given by QAC in the Stream 2 hearing it need only apply to the land between the runway and State Highway 6.
1589. In the interim, based on the uncontested evidence, we recommend the Airport Zone apply to the designated area of the Wanaka Airport.

53. SECTION 17.1 – ZONE PURPOSE

¹⁰⁸³ Memorandum of Counsel for Remarkables Park Limited, Queenstown Airport Corporation and the Queenstown Lakes District Council, dated 16 May 2017

1590. Two submitters¹⁰⁸⁴ requested that the Zone Purpose be retained without further modification.
1591. J Berriman¹⁰⁸⁵ opposed the Zone Purpose on the grounds of not wanting to see further growth in Queenstown. There was no evidence to support this submission. The Zone Purpose does not in itself promote growth, and we do not see the function of the PDP to regulate growth in either a positive or negative sense. We recommend this submission be rejected.
1592. RPL¹⁰⁸⁶ supported the zone purpose insofar as it identified the importance of the airport to tourism, however considered there could be improvement by removing repetition. The submission went on to suggest some alternate wording. Ms Holden did not agree with the amendments proposed as they did not fully acknowledge all of the factors incorporated into the notified zone purpose.¹⁰⁸⁷ We agree with Ms Holden and consider that the wording proposed by RPL actually detracts from the importance of the Airport to the region.
1593. The Zone Purpose recommended by Ms Holden referred to Wanaka Airport having capacity for commercial passenger flights and flights through to 10pm at night.¹⁰⁸⁸ During the hearing, we questioned where the 10pm limit was derived from.
1594. In her Reply Statement, Ms Holden referred to a condition recommended to be included as part of Designation #64, that would restrict aircraft operations, other than emergency aircraft operations, between 10pm and 7am.¹⁰⁸⁹ Designation #64 within the ODP contains a similarly restrictive condition for aircraft operations during the hours of darkness.
1595. Mr Kyle's evidence for QAC¹⁰⁹⁰ suggested that the permitted hours of aircraft operations is a matter for the conditions of the designation, and may be subject to future NoR processes.¹⁰⁹¹ Ms Holden considered this and recommended removing reference to commercial passenger flights and flights through until 10pm at night for Wanaka Airport from the Zone Purpose.¹⁰⁹² We agree. In our view, this restriction is better placed as a condition of the designation, as it applies to the requiring authority and its operations.
1596. There was some additional rewording proposed to the zone purpose, and part of this was in response to the fact that the zone purpose needed to be extended to include reference to Queenstown and/or Wanaka Airport, incorporating the submissions and evidence of QAC.
1597. We have considered the relevant submissions and suggested amendments and evaluations by Ms Holden. We agree that this rewording is required in order to include reference to Wanaka Airport. As previously discussed, we considered it appropriate to include zone provisions for Wanaka Airport in this chapter, rather than in Chapter 21 (Rural). Accordingly, we recommend Section 17.1 be amended to read as set out in Appendix 6.

54. 17.2 OBJECTIVES AND POLICIES

¹⁰⁸⁴ Submissions 433 (opposed by FS1097, FS1117) and 768
¹⁰⁸⁵ Submission 217
¹⁰⁸⁶ Submission 807, opposed by FS1077
¹⁰⁸⁷ R Holden, Section 42A Report at [7.11].
¹⁰⁸⁸ As suggested by Ms Holden in her Appendix 1, Section 42A Report at 17-1.
¹⁰⁸⁹ Ibid at [2.2].
¹⁰⁹⁰ Submission 433
¹⁰⁹¹ J Kyle, EiC, Appendix A at p3.
¹⁰⁹² R Holden, Reply Statement at [2.3].

1598. QAC¹⁰⁹³ submitted in support of the objectives and policies, requesting they be retained as notified. There are changes recommended throughout the next sections, and for this reason we recommend this submission be accepted in part.

54.1. **Objective 17.2.1 and Policies 17.2.1.1 - 17.2.1.3**

1599. Objective 17.2.1 and its accompanying policies as notified stated as follows:

17.2.1 Objective

Queenstown Airport is recognised as a generator of nationally and regionally significant economic, social and cultural benefits.

Policies

17.2.1.1 *Provide for those aviation activities necessary to enable Queenstown Airport to operate in a safe and efficient manner.*

17.2.1.2 *Provide for a range of airport related service, business, industrial and commercial activity to support or complement the functioning of Queenstown Airport.*

17.2.1.3 *Zone sufficient land to meet the foreseeable future requirements of activities that support or complement the functioning of Queenstown Airport.*

1600. The Oil Companies¹⁰⁹⁴ requested rewording as follows:

Queenstown Airport is recognised as being nationally significant infrastructure and a generator of nationally and regionally significant economic, social and cultural benefits.

1601. In her Section 42A Report, Ms Holden recommended including this phrase, as well as modifying the objective to make it more outcome focussed in accordance with our Fourth Procedural Minute.

1602. ORC¹⁰⁹⁵ requested "provisions for roading, access and parking should recognise the needs of active transport modes, public transport services and infrastructure" and referred to Objective 17.2.1. Objective 17.2.1 does not specifically refer to transport needs and Ms Holden did not suggest an amendment to the Objective to incorporate the ORC submission.

1603. Ms Holden referred us to notified Policy 4.4.6 of the proposed RPS which placed emphasis on walking, cycling and public transport as energy efficient and sustainable transport options for Otago communities.¹⁰⁹⁶ She proposed an additional policy at 17.2.1.4 encouraging active transport modes, public transport services and infrastructure. We discuss this below.

1604. At the hearing, we asked Ms Holden to give further consideration to Objective 17.2.1 to ensure it read as a desired outcome rather than a statement of fact.

1605. Ms Holden reconsidered using the guidance provided in the Fourth Procedural Minute¹⁰⁹⁷ and amended wording was included in her Reply.

¹⁰⁹³ Submission 433, opposed by FS1097 and FS1117

¹⁰⁹⁴ Submission 768

¹⁰⁹⁵ Submission 798, supported in part by FS1340

¹⁰⁹⁶ R Holden, Section 42A Report at [7.22].

¹⁰⁹⁷ R Holden, Reply Statement at [2.4].

1606. We largely agree with the wording proposed by Ms Holden, but recommend minor amendments to improve the grammar. We recommend the Council adopt the following wording for Objective 17.2.1:

Queenstown Airport is maintained as nationally significant infrastructure and a generator of nationally and regionally significant economic, social and cultural benefits.

1607. Policy 17.2.1.1 was concerned with providing for those aviation activities necessary to enable Queenstown Airport to operate in a safe and efficient manner. The Oil Companies¹⁰⁹⁸ identified the potential ambiguity associated with the term “aviation activities” as this was not defined in the Plan. The relief sought was to amend the policy to refer to the defined term “airport activity”.

1608. Ms Holden agreed with that submissions and recommended some minor amendments to improve the drafting of the policy so as to provide greater certainty and clarity.

1609. In his statement of evidence, Mr Kyle on behalf of QAC¹⁰⁹⁹, considered that the notified policy provided greater clarity than Ms Holden’s redrafted policy.¹¹⁰⁰ He proposed further amending the policy so that it read:

Provide for ~~those aviation activities~~ airport activities necessary to enable Queenstown Airport to operate in a safe and efficient manner.

1610. Ms Holden accepted this wording in her Reply as being more directive and giving greater effect to redraft Objective 17.2.1.¹¹⁰¹

1611. We think this wording serves little purpose. An airport will obviously have airport activities provided for – otherwise it will not be an airport. It is not apparent how providing for those activities will make the airport any more safe or efficient than it would otherwise be.

1612. We are also not convinced that policies should only use defined terms. Aviation is a readily understood term, as is aviation activities. We agree with the QAC submission that as notified, the policy appropriately expressed how the objective will be given effect to.

1613. We recommend that Policy 17.2.1.1 be adopted as notified.

1614. Notified Policy 17.2.1.2 sought to provide for a range of airport related service, business, industrial and commercial activity to support or complement the functioning of Queenstown Airport. There were no submissions seeking to amend this policy.

1615. Mr Kyle, appearing for QAC, suggested that rather than use the phrase “service, business, industrial and commercial activities”, the defined term “Airport Related Activities” should be used. “Airport Related Activities” is a broader class of activity, rather than limiting the policy to the activities listed, and, based on his analysis of the Section 32 evaluation and the activities

¹⁰⁹⁸ Submission 768

¹⁰⁹⁹ Submission 433

¹¹⁰⁰ J Kyle, EiC at [5.26].

¹¹⁰¹ R Holden, Reply Statement at [2.6].

provided for under Rule 17.4.1, Mr Kyle did not consider that this limitation was the Council's intention.¹¹⁰²

1616. Ms Holden agreed with this submission and proposed amending the policy as suggested in Mr Kyle's evidence¹¹⁰³.
1617. We do not agree with Mr Kyle. As we understand the purpose of a policy, it is to establish a course of action to implement the objective, and that course of action will be given effect to, generally, by rules. We view Mr Kyle's proposal as bringing the rule definition into the policy. We also disagree with Ms Holden's view that scope for this change is provided by Submission 768.
1618. We recommend Policy 17.2.1.2 be adopted as notified.
1619. As notified, Policy 17.2.1.3 sought to zone sufficient land to meet the foreseeable future requirements of activities that support or complement the functioning of Queenstown Airport. RPL¹¹⁰⁴ sought that this policy be deleted.
1620. Mr Serjeant, appearing for RPL, presented his assessment of the policy and expressed his doubt at whether this was a policy at all. In his view, this is simply "*a statement of what the zoning in the District Plan is to be for the Airport land*".¹¹⁰⁵ Ms Holden considered his evidence and she agreed with Mr Serjeant in that an analysis of the land requirements to provide for Airport and Airport Related activities had not been established through the provision of evidence. Ms Holden concluded that this policy served a limited purpose as the land was already zoned and she recommended accepting the RPL submission and deleting Policy 17.2.1.3.¹¹⁰⁶
1621. We agree with this assessment and additionally note that our conclusion that the area zoned be reduced was based in part on the lack of justification for the extension beyond the ODP zoned area.
1622. We recommend notified Policy 17.2.1.3 be deleted.
1623. As indicated earlier in response to the ORC¹¹⁰⁷ submission, Ms Holden recommended¹¹⁰⁸ inclusion of a new policy 17.2.1.4 reading as follows:
- Promote the use of walking, cycling and public transport services and infrastructure to support or complement the functioning of Queenstown Airport.*
1624. In his Statement of Evidence, Mr Kyle for QAC, recommended that this policy be deleted. He said that while he considered Ms Holden's suggested Policy "*serves a broadly useful purpose*" he was of the view that the policy had limited utility, and emulated matters already covered in Chapter 14 of the ODP.¹¹⁰⁹ He therefore sought this policy be deleted.

¹¹⁰² J Kyle, EiC at [5.30].

¹¹⁰³ R Holden, Reply Statement at [2.7] – [2.9]

¹¹⁰⁴ Submission 807, opposed by FS1077, FS1340

¹¹⁰⁵ D Serjeant, EiC at [7.15].

¹¹⁰⁶ R Holden, Reply Statement at [2.11].

¹¹⁰⁷ Submission 798

¹¹⁰⁸ R Holden, Section 42A Report at [7.22-7.23].

¹¹⁰⁹ J Kyle, EiC at [5.37].

1625. We think this new policy recognises the importance of providing public transport services. As highlighted by Ms Holden¹¹¹⁰, this gives effect to proposed RPS Policy 4.4.6 which seeks to enable energy efficient and sustainable transport for Otago's communities by placing a high priority on walking, cycling and public transport. Ms Holden considered that as a significant employer of the region, and catalyst for a significant number of passenger movements that alternative modes of transport should be facilitated.¹¹¹¹ It is also noted that Ms Tregidga for QAC included reference in her evidence to the challenges identified in the 2017-2019 Statement of Intent for the Airport. Ms Tregidga outlined the relevant points including “*pressure and congestion on transport and roading networks*” and that this contributes to the impact on visitors and locals and may eventually cap visitor demand.¹¹¹²
1626. Taking all of this into consideration, we recognise that inclusion of this policy seeks to improve an existing problem and encourage alternatives. Therefore, we recommend this policy be included as Policy 17.2.1.3, and worded as follows:

Promote the use of walking, cycling and public transport services and infrastructure to support or complement the functioning of Queenstown Airport.

54.2. New Objective and Policies related to Wanaka Airport

1627. As discussed above, amendments were proposed to include objectives, policies and rules applying to Wanaka Airport so that the AZ could apply to that zone also. Ms Holden recommended the inclusion of the following objective and policies as 17.2.2 and the renumbering of the notified Objective 17.2.2 and policies to 17.2.3.

1628. As recommended, Objective 17.2.2 and its policies read:

17.2.2 Objective

At Wanaka Airport, Airport Activities and Airport Related Activities support the essential functioning of aviation activities.

Policies

17.2.2.1 *Airport Activities which are core to the safe and efficient operation of Wanaka Airport are enabled and provided for.*

17.2.2.2 *Ensure land uses including Airport Related Activities have a legitimate relationship with Airport Activities and are only allowed where they are of a size (either individually or cumulatively) that:*

- a. is ancillary to and support part of the operation of an Airport Activity and*
- b. do not adversely affect the key local service and employment function of Wanaka Town Centre or other commercially zoned areas within the District.*

17.2.2.3 *Only allow retail and food and beverage facilities which are designed and operated and of a nature, scale and intensity to service visitors, passengers or workers engaged in or associated with Airport Activities or Airport Related Activities within the Wanaka Airport zone, and are unlikely to attract significant patronage outside of this purpose.*

¹¹¹⁰ R Holden, Summary of Evidence, Appendix 1

¹¹¹¹ ibid

¹¹¹² R Tregidga, EiC at [9c].

17.2.2.4 *Ensure buildings and activities are adequately serviced with a water supply for firefighting purposes as well as provision of potable water, sewage treatment and disposal.*

1629. We understood the purpose of Objective 17.2.2 was to set the framework for the enablement of airport and airport related activities at Wanaka Airport so long as they were an aviation activity or provided legitimate support to the functioning and operation of Wanaka Airport.
1630. Mr Kyle described the recommended objective as problematic¹¹¹³ and recommended redrafting the objective and each of the policies. We understood from his evidence that he considered a wide range of activities should be enabled at the airport.
1631. In Mr Heath's evidence summary, he acknowledged that there are important locational differences between the Wanaka and Queenstown Airports that require consideration.¹¹¹⁴ He described Wanaka Airport as "*located in a more isolated rural environment some distance from the urban area of Wanaka. This results in the source of commercial demand at Wanaka Airport being more distant than that of the Queenstown Airport. As such, demand for non-aviation commercial activity at Wanaka Airport is likely to be very low and simply reflect the demand generated by localised airport business activity*".¹¹¹⁵
1632. Mr Heath went on to state in his view, that the level of non-aviation related commercial activity enabled at Wanaka Airport should be kept to a minimum. Not including any provisions within the policy framework to limit the nature and scale of such activities at Wanaka Airport, in his view is "*a high risk strategy for Council*".¹¹¹⁶
1633. The recommended policies 17.2.2.1 – 17.2.2.3 (supported by recommended Rules 17.5.13-17.5.15) seek to regulate the nature, scale and intensity of identified commercial activities at Wanaka Airport, protecting the viability of the commercial zones within Wanaka's Urban Growth Boundary.
1634. In her Reply Statement, Ms Holden discussed Mr Heath's opinion provided after reviewing QAC's evidence concerning the Wanaka Airport provisions¹¹¹⁷. She did not recommend any changes to the objective or the four recommended policies.
1635. We have some sympathy with the concerns raised by Mr Kyle regarding the wording of recommended Objective 17.2.2. It seems to us to be tautological, and it also jumps to using defined terms which we earlier expressed concern about. However, we are not sure Mr Kyle's suggested wording is an improvement.
1636. The QAC submission sought that a new objective be inserted in Chapter 21 that read as follows:
- Recognise and provide for Wanaka Airport as strategic infrastructure and a key asset that supports the social and economic wellbeing of the District.*
1637. We consider this has elements similar to our recommended Objective 17.2.1 which, with amendments to make it outcome focussed, can better express the role of Wanaka Airport than

¹¹¹³ J Kyle, EiC, at page 29ff

¹¹¹⁴ T Heath, Summary of Evidence at [19].

¹¹¹⁵ Ibid.

¹¹¹⁶ Ibid at [23].

¹¹¹⁷ R Holden, Replay Statement, Section 14

those suggested by Ms Holden or Mr Kyle. We also recognise that it is Submission 433 that provides scope for the inclusion of this objective in Chapter 17.

1638. Consequently, we recommend a new objective be inserted as Objective 17.2.2 which reads:

Wanaka Airport remains a key strategic infrastructural asset supporting the well-being of the District.

1639. The only evidence we received that discussed the recommended policies in any detail was that of Mr Kyle¹¹¹⁸. However, we are mindful that Mr Heath's evidence discussed above supported a particular policy approach to Wanaka Airport which limited the scale of airport related activities and restricted other activities at the airport so as not to undermine the commercial centres and urban growth boundaries in Wanaka. Such a regime would be consistent with the Strategic Objectives and Policies, particularly Objective 3.2.1.9, Policies 3.3.3, 3.3.25 and 4.2.2.23.

1640. Mr Kyle considered proposed Policy 17.2.2.1 should read:

Provide for airport activities to enable Wanaka Airport to operate in a safe and efficient manner.

1641. We do not consider that to be any more useful than the policy proposed by Ms Holden. It seems that both planners were trying to express the idea that airport activities be allowed in a way that was safe and efficient. In our view this can be expressed more clearly and we consequently we recommend that the new Policy 17.2.2.1 read:

Enable airport activities at Wanaka Airport which can operate in a safe and efficient manner.

1642. Mr Kyle suggested that if we accepted his recommended change to the definition of airport related activity then proposed Policies 17.2.2.2, 17.2.2.3 and 17.2.2.4 could be simplified into two policies, one of which enabled a range of airport related activities, and another avoided the establishment of activities incompatible with the operation and functioning of the airport.

1643. Although we discuss this in more detail later in this report, we consider that Mr Kyle's definition created no restriction on the range or scale of activities that may claim to be airport related. We also consider that his recommended policies do not fit within the higher level strategic provisions we discussed above.

1644. We agree with Ms Holden that there is justification for the policies she has proposed.. We recommend that proposed Policies 17.2.2.2, 17.2.2.3 and 17.2.2.4 be adopted in the form recommended by Ms Holden.

54.3. Notified Objective 17.2.2 and Policies 17.2.2.1 - 17.2.2.3

1645. With the insertion of the objective and policy specific to Wanaka Airport, this objective and its policies need to be renumbered to 17.2.3 and 17.2.3.1 to 17.2.3.3. As notified, Objective 17.2.2 and its accompanying policies read:

17.2.2 Objective

Provision for the requirements of Queenstown Airport is balanced with achieving an acceptable level of amenity for those using the airport and for those residing on neighbouring land.

¹¹¹⁸ J Kyle, EiC, at [6.19] – [6.24]

Policies

17.2.2.1 *Maintain Queenstown Airport as a memorable and attractive gateway to the District.*

17.2.2.2 *Manage adverse effects on amenity values arising from the on-going development, use and maintenance of Queenstown Airport.*

17.2.2.3 *Avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport.*

1646. As notified, Objective 17.2.2 sought to balance the provisions of airport activities with achieving acceptable amenity levels. There was only one submission on this objective seeking to retain it as notified¹¹¹⁹. Ms Holden initially had no comment, other than to include reference to Wanaka Airport¹¹²⁰.
1647. In her Reply, Ms Holden noted similarities with the LDRZ (Chapter 7) where the Panel had raised the issue of maintaining residential amenity but also protecting the Queenstown (and Wanaka) Airports from potential reverse sensitivity effects.¹¹²¹
1648. With regard to Chapter 7, The Hearing Stream 6 Panel's response to this issue has been to recommend a new objective 7.2.2 and three associated policies to limit residential development within the Queenstown Airport Air Noise Boundary and Outer Control Boundary in recognition of the amenity constraints in that area now and in the future.
1649. On behalf of RPL¹¹²², Mr Serjeant suggested rewording Objective 17.2.2 and Ms Holden took this into consideration. The changes suggested by Mr Serjeant differentiated between an acceptable level of amenity being maintained for those residing on neighbouring land in relation to noise (given the high noise environment), contrasted with a higher level of amenity being maintained in relation to other effects on amenity (such as urban design, traffic safety and parking).¹¹²³
1650. Ms Holden considered Mr Serjeant's changes were appropriate and further that they were consistent with Objective 7.2.1 as recommended in the Council Reply, which provides for a "high level of amenity" in the LDRZ.¹¹²⁴ Ms Holden considered the QAC submission on the LDRZ as well as RPL's submission on this chapter and has suggested amendments to the Objective. Ms Holden considered that the relief in the RPL submission, seeking that the operative objectives and policies not be amended, provided scope for this amendment¹¹²⁵.
1651. We think that Ms Holden's redraft of Objective 17.2.3 is both reasonably clear and provides certainty whilst also being consistent with provisions in other chapters of the Plan. We also accept her reasoning as to scope to make the amendments. We show our recommended amendments using tracked changes below. We recommend renumbering notified Objective 17.2.2 to 17.2.3 and adopting the following wording:

¹¹¹⁹ Submission 768

¹¹²⁰ R Holden, Section 42A Report, Appendix 1

¹¹²¹ R Holden, Reply Statement at [2.13].

¹¹²² Submission 807

¹¹²³ R Holden, Reply Statement at [2.15].

¹¹²⁴ Ibid at [2.16].

¹¹²⁵ ibid at [2.17]

17.2.23 Objective

Provision for the requirements of Airport Activities and Airport Related Activities are provided for at Queenstown and Wanaka Airports while ~~is balanced with achieving~~ maintaining an acceptable level of noise amenity, and high levels of general amenity for those using the airports and for those residing on neighbouring land.

1652. Policy 17.2.2.1 attracted only one submission¹¹²⁶ in support. We heard no evidence on it and recommend it be adopted as notified and renumbered as 17.2.3.1.

1653. The only submission on notified Policy 17.2.2.2 was in support¹¹²⁷. The only amendment proposed by Ms Holden was to add reference to Wanaka Airport. We agree with Ms Holden that this policy should be consequentially changed to include reference to Wanaka Airport, and that scope is provided by the QAC submission on Chapter 21. We recommend this policy be renumbered as 17.2.3.2 and amended to read:

Manage adverse effects on amenity values arising from the on-going development, use and maintenance of Queenstown and Wanaka Airports.

1654. Notified Policy 17.2.2.3 sought to 'avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport'. Ms Holden considered this policy sets out the framework to apply the prohibited activity status for incompatible activities.¹¹²⁸

1655. The Oil Companies¹¹²⁹ requested that this be amended to recognise that intensification of existing incompatible activities also has the potential to adversely impact on the functioning of Queenstown Airport, by including the phrase "or intensification" in the policy.

1656. Mr Laurensen filed evidence on behalf of the Oil Companies in which he requested broadening the policy to address Wanaka Airport, affording it the same protection from the encroachment of activities that are incompatible with its ongoing operation and function.¹¹³⁰

1657. We think Ms Holden may have misinterpreted the effect of this policy where she discussed the potential for reverse sensitivity effects to be exacerbated if intensification of incompatible activities were to occur. The policy only applies in this zone. We agree with Mr Kyle¹¹³¹ that it is primarily given effect to by rules prohibiting various activities in the zone. We also note that other activities (not prohibited and not airport activities or airport related activities) were provided for as notified as a restricted discretionary activity. The matters of discretion did not include incompatibility.

1658. We do not see any value in including intensification in the policy. The only amendments we recommend are renumbering and inclusion of reference to Wanaka Airport. Consequently, we recommend the policy be numbered 17.2.3.3 and read:

¹¹²⁶ Submission 834

¹¹²⁷ Submission 768

¹¹²⁸ R Holden, Section 42A Report at [7.37].

¹¹²⁹ Submission 768

¹¹³⁰ M Laurensen, Tabled Statement at Part 2.

¹¹³¹ J Kyle, EiC at [5.41]

Avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown and Wanaka Airports.

54.4. Summary

1659. The most substantive change to the objectives and policies is the inclusion of and the subsequent reference to Wanaka Airport.

1660. We are satisfied that once these amendments have been incorporated, all objectives will be the most appropriate to give effect to the purpose of the Act and the related policies will be effective and efficient in achieving the objectives.

55. 17.3 OTHER PROVISIONS AND RULES

55.1. 16.3.1 District Wide Rules

1661. We recommend this section be amended under Clause 16(2) of the First Schedule for the reasons set out in Section 1.10 of Report 1.

1662. The recommended layout is shown at Appendix 6.

55.2. 17.3.2 Clarification

1663. As with the previous section, we recommend amendments under Clause 16(2) of the First Schedule for the reasons set out in Section 1.10 of Report 1.

1664. We recommend additional changes to this section to reflect the inclusion of Wanaka Airport in this Chapter. To aid the reader, we recommend including provisions that specify which rules and standards apply to Queenstown and Wanaka Airports respectively.

1665. The Reply for Recommended Chapter 30 Energy and Utilities (Recommended General Rule 30.3.3.4) included a clarification note to state that the provisions of Chapter 17 prevail over the provisions of Chapter 30, in order to address the QAC submission to ensure the same. Ms Holden also recommended the same clarification note for Chapter 17 be included to advise the Plan user.¹¹³²

1666. The Hearing Panel which heard submissions on Chapter 30 (Stream 5 Panel) concluded there was no scope to make the amendments sought in that respect, and that such an exclusionary statement was not the most appropriate method to deal with the issue. We agree with the conclusions of that Panel and do not recommend the changes proposed by Ms Holden.

1667. In response to the Oil Companies¹¹³³ submission on Notified Rule 17.5.7, Ms Holden recommended moving "*Chapter 16 Hazardous Substances of the Operative District Plan does not apply to the Airport Zone*" to be located at the "general rules" section of 17.3.

1668. However, we disagree with this as Chapter 16 of the ODP will no longer apply once the PDP becomes operative, and as such we do not think there should be any reference to this Chapter. We also note that it is not proposed to include a hazardous substances chapter in the PDP now as that is no longer a function of the District Council¹¹³⁴.

¹¹³² R Holden, Section 42A Report at Appendix 1, page 17-4.

¹¹³³ Submission 768.

¹¹³⁴ Section 31 Resource Management Act 1991 as amended by the Resource Legislation Amendment Act 2017

1669. We set out in Appendix 6 our recommended wording and layout of this section.

56. RULES – QUEENSTOWN AIRPORT

56.1. Preliminary

1670. We will discuss the notified rules relating to Queenstown Airport first in this section, and then consider the rules relating to Wanaka Airport.

56.2. 17.4 Rules – Activities

Rule 17.4.1 Any airport activity or airport related activity or farming activity which complies with all the relevant rules in section 17.5 shall be a Permitted Activity

1671. As notified this rule included reference to “*farming activity*” which reflected the fact that some of the land zoned Rural General in the ODP was included in the AZ and the rule sought to capture that existing permitted activity zone. While the logic behind this inclusion has merit, we consider it is fundamentally flawed due to the current definitions.

1672. Some of this land is used for grazing of livestock, which Ms Holden did not consider met the definition of “*farming activity*”.¹¹³⁵ Further “*farming*” was a prohibited activity in the ODP for the QAMUZ. However the northern area of the Queenstown Airport was zoned Rural General in the ODP and therefore farming was permitted under the ODP in that area.¹¹³⁶

1673. Mr Kyle, for QAC¹¹³⁷, provided his view on farming activities in his evidence in chief.¹¹³⁸ He demonstrated that on a strict interpretation grazing of livestock would not meet the definition of “*farming activities*.” However he went on to further explain how the current grazing on QAC land would meet this definition, through subtle linkages in the definition.¹¹³⁹ He also told us that the grazing of animals and keeping of livestock is an existing land use management practice that occurs within QAC’s current landholding albeit to a minor extent.¹¹⁴⁰

1674. Mr Kyle did concede however, that despite farming activities being a permitted activity, there did not seem to be any policy framework to support this outcome. In response, he suggested either inserting a new policy or including “*farming*” in the definition of “*airport related activity*” and therefore the relevant airport related activity policies would apply.¹¹⁴¹

1675. In her Reply, Ms Holden both agreed with Mr Kyle’s interpretation of grazing and with his recommendation that “*farming activities*” be included in the definition of “*airport related activity*”.¹¹⁴² She also considered that the RPL submission¹¹⁴³ seeking to retain the operative provisions provided the scope for this amendment.¹¹⁴⁴

1676. As we have concluded that the AZ only apply to the land which was zoned QAMUZ in the ODP and that the remainder of the land notified as Airport Mixed Use be rezoned Rural, there is no need for provision to be made in the AZ as it applies to Queenstown Airport for any form of

¹¹³⁵ R Holden, Section 42A Report at [8.4].

¹¹³⁶ Ibid at [8.5].

¹¹³⁷ Submission 433

¹¹³⁸ J Kyle, EiC at [5.49 – 5.52]

¹¹³⁹ Ibid at [5.51].

¹¹⁴⁰ Ibid at [5.50].

¹¹⁴¹ Ibid at [5.52]

¹¹⁴² R Holden, Reply Statement at [3.6].

¹¹⁴³ Submission 807.

¹¹⁴⁴ Ibid at [3.7].

farming activity. If we were to provide for it we would limit the activity to grazing of pastoral animals.

1677. Ms Holden also recommended that this rule be amended by excluding Aircraft Operations in response to the concern we had raised that the notified rule in combination with the extent of the zone would have allowed the airport to be operated without complying with Designation 2¹¹⁴⁵. As we have recommended that the extent of the zone be reduced so as to exclude the runways and most of the taxiways, this potential issue should not arise. We do not consider there is, therefore, a need to make such an amendment.

1678. Finally we note that the rule as recommended by Ms Holden duplicates provision 17.3.2.1. We consider the duplicated wording in this rule to be unnecessary and should be deleted.

1679. Consequently, we recommend this rule be worded as shown below:

17.4.1	Any airport activity or airport related activity.	P
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56.3. Reply Rule 17.4.2

1680. Ms Holden noted in her Section 42A Report that she considered Notified Standard 17.5.10 to be more of an activity than expressed as a standard.¹¹⁴⁶ As at that stage she did not consider there to be any scope to amend the rule, she recorded her view as *“Notified Standard 17.5.10 [Redraft 17.5.8] should be redrafted to be consistent with other standards within this table or moved in its entirety.”*¹¹⁴⁷

1681. In her Reply, Ms Holden considered that after hearing the evidence of Mr Kyle, moving the rule to the activity table would be a non-substantive improvement and not affect application of the rule itself.¹¹⁴⁸

1682. Ms Holden recommended simply moving the provision from the standards table to the activity table. In addition to some reformatting there is no actual change in the substance of signage provisions for Queenstown Airport. We agree with Ms Holden and Mr Kyle. The wording we recommend below includes an amendment introduced by the Stage 2 variations. That wording is not part of our recommendation.

17.4.2	<p>Signage</p> <p>17.4.2.1 Advertising or promotional signage located greater than 20m from the zone boundary.</p> <p>17.4.2.2 Signage to be viewed by persons within the zone and not directed at persons outside the zone.</p> <p>17.4.2.3 Instruction or directional signage.</p> <p>Note: for all other signs, the rules in Section 18 – Signs of the Operative District Plan apply.</p>	P
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¹¹⁴⁵ R Holden, Reply Statement, section 4

¹¹⁴⁶ R Holden, Section 42A Report at [8.7].

¹¹⁴⁷ Ibid at [8.7].

¹¹⁴⁸ R Holden, Reply Statement at [13.2].

56.4. Reply Rule 17.4.3 Freight Facilities

1683. In her Reply, Ms Holden recommended an additional rule be inserted into Activity Table 1 for Queenstown Airport to provide for freight facilities.¹¹⁴⁹ This would be a permitted activity as it falls within the definition of “*airport related activity*” which, pursuant to 17.4.1 would be permitted at Queenstown Airport.

1684. It was also proposed that “*airport related activity*” be a permitted activity in Wanaka.¹¹⁵⁰ Ms Holden did not consider that it was appropriate for freight facilities to be located at Wanaka Airport without some control.¹¹⁵¹ As such, she recommended the definition for “*airport related activity*” be amended to remove “*freight facilities*” from the activities that are considered airport related activities and, as a consequence, “*freight facilities*” be made a permitted activity in Queenstown AZ. There is further discussion relating to freight facilities in Wanaka later in this Report.

1685. This is not a substantive change as it still provides for freight facilities to be a permitted activity at Queenstown Airport. It also means that, along with other changes, the definition of “*airport related activities*” will be able to apply to both Queenstown and Wanaka Airport, avoiding duplication in definitions. We consider this minor amendment can be made pursuant to Clause 16(2).

1686. This rule is recommended as follows:

17.4.3	Freight Facilities	P
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56.5. Reply Rule 17.4.4 Buildings for Airport and Airport Related Activities

1687. Mr Kyle told us that he had recommended additional conditions on Designation 2 to address the potential effects arising from buildings developed on the designated land. He considered the designation and zone provisions should be aligned in this regard as the bulk and location effects of buildings remained the same whether undertaken by QAC or a third party¹¹⁵². He noted that buildings were a controlled activity under the ODP in the QAMUZ.

1688. Ms Holden recommended a rule to this effect in her Reply, with the control being limited to matters such as design and appearance of buildings, effects on visual amenity, parking provision, landscaping, and location.¹¹⁵³

1689. The RPL submission requested:

*Retain the existing Airport Mixed Use Zone rules in relation to height, setbacks, building coverage, landscaping.*¹¹⁵⁴

1690. QAC sought that the rules be retained as notified¹¹⁵⁵.

1691. We are not satisfied that scope exists to include this recommended rule. In addition, it appears to us that the section 32 evaluation saw benefit in reducing the consent requirements in the

¹¹⁴⁹ R Holden, Reply Statement at [3.9].
¹¹⁵⁰ Recommended Reply rule 17.4.15
¹¹⁵¹ R Holden, Summary of Evidence, Appendix 1 at p17.
¹¹⁵² J Kyle, EiC, at [5.53] to [5.56]
¹¹⁵³ R Holden, Reply Statement at [10.3].
¹¹⁵⁴ Submission 807 at [10.5]
¹¹⁵⁵ Submission 433, at page 18

zone, and that the bulk and location requirements would achieve the objectives. With no substantive changes to the objectives and policies, we cannot see how the imposition of an additional consenting process can be justified. Ms Holden’s Section 32AA evaluation did not, in our view, answer that question.

1692. We do not recommend the inclusion of a rule making buildings a controlled activity.

56.6. Reply Rule 17.4.5 Signage

1693. As discussed above, Ms Holden considered that as notified the rule relating to signage was more of an activity than a standard. Ms Holden proposed moving the permitted aspects of signage to be more clearly identified above at Rule 17.4.2;¹¹⁵⁶ and the non-complying activity of signage on the roof of buildings was, she considered, more appropriate in the rules of the Chapter, rather than the standards.

1694. We agree with the reasons advanced by Ms Holden. However, consistent with our approach in other chapters, we consider it should be relocated to after all restricted discretionary or full discretionary activities. Therefore, we recommend this rule be renumbered as Rule 17.4.6 and be worded as follows:

17.4.5	Signage Signage on the roof of buildings	NC
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56.7. Notified Rule 17.4.2 Any non-airport related activity which is not listed as Prohibited

1695. The only submission received on this rule sought that it be retained as notified¹¹⁵⁷. Ms Holden recommended only minor amendments for legibility and consistency with other chapters in the Plan. Further, she suggested inclusion of the specific rule references that relate to activities for Queenstown Airport to aid the Plan user.¹¹⁵⁸

1696. We consider Ms Holden’s drafting continues ambiguities in this rule table. As notified, the rule only applied to activities that were not airport related and not listed as prohibited. The table lacked a provision providing an activity status for airport activities and airport related activities that did not comply with the standards. Presumably the expectation was that the non-compliance with the standards would provide that activity status. We note that in each instance (other than for signs and visitor accommodation which we deal with later) failure to comply makes the activity restricted discretionary.

1697. Within the scope available, we recommend this rule be renumbered 17.4.4 and reworded to read:

¹¹⁵⁶ R Holden, Reply at [13.1-13.2].

¹¹⁵⁷ Submission 433

¹¹⁵⁸ R Holden, Reply, Appendix 1 at 17-5.

17.4.4	<p>Activities which are not airport related activities that are not listed as prohibited activities in Rules 17.4.6 to 17.4.13</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, external appearance and siting of buildings and structures. b. Traffic generation, vehicle parking, site access and servicing, including provision for an integrated transport assessment. c. Landscaping and screening of any outdoor storage. d. The extent to which the activity benefits from an Airport location. 	RD
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56.8. **Rule 17.4.3 Forestry; Rule 17.4.4 Factory Farming; Rule 17.4.5 Mining; Rule 17.4.6 Any activity requiring an Offensive Trade Licence under the Health Act 1956; Rule 17.4.7 Residential Activities; Rule 17.4.8 Community Activities (excluding police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose); Rule 17.4.9 Daycare Facilities**

1698. These activities were all notified as prohibited activities and the only submission they received was that they be retained¹¹⁵⁹. We heard no evidence on them and recommend they be renumbered and adopted as notified.

56.9. **17.5 Rules – Standards - Preliminary**

1699. As notified, this rule consisted of a single table. Ms Holden recommended it be divided into two tables: one containing the standards for Queenstown Airport; and the second containing the standards for Wanaka Airport.

1700. As will become apparent, we are recommending a re-arrangement of the rules to group the standards relating to Queenstown Airport with that activity table, and those for Wanaka Airport, with its activity table. The notified Standards (as amended by our recommendations) would remain as Rule 17.5 in Table 2.

56.10. **Notified Rule 17.5.1 Maximum Building Coverage**

1701. RPL¹¹⁶⁰ sought that the same building coverage to be retained as per the ODP. The notified coverage was the same as the ODP provision.

1702. Other than amendments for legibility and consistency with the other chapters we recommend the rule be adopted as notified.

56.11. **17.5.2 Minimum Buildings Setback**

1703. As notified, Rule 17.5.2 set out the minimum building setbacks and prescribed that where a setback was not met, then the activity became a restricted discretionary activity.

1704. The notified and recommended rules would reduce the minimum building setback requirement. This would enable buildings to be located closer to property boundaries.

1705. In her Section 42A Report, Ms Holden referred to the Section 32 Evaluation Report and provided us with comparison to setbacks of adjoining zones, in order to illustrate that those

¹¹⁵⁹ Submission 433

¹¹⁶⁰ Submission 807

proposed in this zone are no more lenient with that of adjoining zones. This included the operative RPZ which has a minimum 1.5m building setback, also the adjoining Activity Area D within the operative Frankton Flats B Zone has no side or rear boundary setbacks, and a minimum setback distance along a boundary which adjoins the Rural General Zone or a road boundary of 5m.¹¹⁶¹

1706. RPL¹¹⁶² sought to reinstate the ODP minimum setback rules over the proposed reduced building setbacks in the PDP. For the reasons outlined above, Ms Holden recommended to reject the relief sought by RPL to retain the existing ODP setbacks.¹¹⁶³ We agree.
1707. In our view, the reduction in the setback will enable greater development opportunities of a limited land resource. We agree with the Section 32 Evaluation Report that concluded *“coupled with other building and urban design controls, the effects on amenity values can be appropriately managed.”*¹¹⁶⁴
1708. QAC¹¹⁶⁵ sought a minor amendment to Rule 17.5.2.1 to remove reference to Queenstown Airport and to clarify that the wording within this standard refers to all buildings in the zone. We agree that such an amendment would make it clear that buildings in parts of the zone outside the airport need to comply with the bulk and location rules.
1709. At the hearing, during the discussion about reduced setbacks, we were concerned that the notified matters of discretion do not include the effects on adjoining neighbours. We asked Ms Holden to consider this and respond.
1710. Ms Holden agreed with our concerns. She concluded that in her view considering effects on adjoining neighbours was appropriate, given the scale of potential adverse effects that could result from a 15m high building being located 3m from the boundary of the zone.¹¹⁶⁶
1711. She then suggested adding the following:¹¹⁶⁷
- a. *The external appearance and visual dominance of the building as viewed from the street and adjacent properties*
 - b. *Amenity and character of the streetscape*
 - c. *Access to sunlight, shading and privacy of adjoining properties and*
 - d. *Views to and from Outstanding Natural Features and Landscapes.*
1712. Scope to make these changes is provided by the submission from RPL¹¹⁶⁸, who sought to retain the ODP standards for building height and setback. Ms Holden described in her Reply Statement the matters for discretion that are currently in the ODP. Her suggested assessment matters are consistent with the ODP assessment matters contained within Part 6.2.6.1iii – Setback from the Zone Boundaries.¹¹⁶⁹
1713. At paragraph 5.4 of her Reply, Ms Holden described:

¹¹⁶¹ R Holden, Section 42A Report at [7.56].

¹¹⁶² Submission 807

¹¹⁶³ R Holden, Section 42A Report at [7.55-56].

¹¹⁶⁴ Section 32 Evaluation Report at p24.

¹¹⁶⁵ Submission Point 433, opposed by FS1097, FS1117

¹¹⁶⁶ R Holden, Reply Statement at [5.2].

¹¹⁶⁷ Ibid at [5.3].

¹¹⁶⁸ Submission 807

¹¹⁶⁹ Ibid at [5.4].

Specifically, within the ODP, Rule 6.2.3.3i – Discretionary Activities specifies that the exercise of Council’s discretion is confined to (a) the matter(s) specified in the standard(s) not complied with; and (b) the extent to which the activity is dependent on an airport location. The Assessment Matters contained within Part 6.2.6.1iii – Setback from Zone Boundaries of the ODP give direction on matters to consider such as (but not limited to) the extent the intrusion into the setback is necessary to allow more efficient or practical use of the remainder of the site, whether practical alternative locations are available and whether the degree of amenity experienced on adjoining sites is affected.

1714. We consider that the addition of these matters in both this rule and Rule 17.5.3 satisfy the concerns we raised at the hearing, and as such, in addition to the minor grammatical amendments we recommend, the addition of the matters of discretion as described above.

1715. We recommend this rule read as follows:

17.5.2	<p>Minimum Buildings Setback</p> <p>For-all-buildings:</p> <p>17.5.2.1 Where the site adjoins the Residential Zone the setback shall be 5m.</p> <p>17.5.2.2 The setback from all other zones shall be 3m.</p> <p>17.5.2.3 The setback from any public road shall be 5m.</p> <p>Except: Security fencing around the perimeter of Queenstown Airport and jet blast fences are not subject to the building setback standards in 17.5.2.1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effects on urban design outcomes.</p> <p>b. The positive economic, social and/or cultural effects that may be generated from the proposed activity.</p> <p>c. The external appearance and visual dominance of the building as viewed from the street and adjacent properties.</p> <p>d. Amenity and character of the streetscape.</p> <p>e. Access to sunlight, shading and privacy of adjoining properties.</p> <p>f. Views to and from Outstanding Natural Features and Landscapes.</p>
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56.12. Rule 17.5.3 Maximum Building Height

1716. As notified Rule 17.5.3 prescribed the maximum building height of all buildings at Queenstown Airport as 15m. Any building that did not comply with this rule was restricted discretionary and the matters of discretion were listed, largely focused on amenity values.

1717. RPL¹¹⁷⁰ sought to retain the existing AMUZ rules in the ODP with regard to maximum building heights. They opposed the increase in building height, stating it is not necessary for aerodrome uses and is inconsistent with the surrounding commercially zoned land.

1718. Rule 17.5.3 increases the maximum building height of 9m within the ODP to 15m in the PDP. Any non-compliance with these standards would require resource consent as a restricted discretionary activity.

¹¹⁷⁰ Submission 807

1719. In her Section 42A Report, Ms Holden compared the maximum building heights of the adjoining zones both for consistency and to ensure an appropriate degree of amenity is retained within surrounding zones. Ms Holden concluded that this height increase is appropriate for the notified Queenstown Airport Zone. She further noted that there are additional restrictions imposed by Designation #4 (Airport Approach and Land Use Controls) which further limit the maximum building height within the Queenstown Airport Zone, by setting height and obstacle clearance restrictions to safeguard the efficient functioning of the Airport and to protect people's safety.
1720. We consider that the maximum height of 15m within the airport is appropriate for the zone for the reasons advanced by Ms Holden. However, as the QAC submission noted with respect to the setback rule and we highlighted above when discussing the extent of the zone, there are sites within the zone which are outside of the airport. We note in particular that the sites which are to the west or south of Lucas Place are either outside the area covered by Designation 2, or not directly associated to the terminal area where they are. Those parts of the zone directly adjoin land zoned Lower Density Residential, where buildings are limited to 7m in height and subject to a recession plane, along with a 2 m setback. The application of these rules would limit a building set back 5 m from the boundary to 7m, and subject to a non-complying activity consent to exceed it. We consider that, to provide, as a permitted activity, for a building to be 15m in height when setback a similar distance on the other side of the boundary, and to only be subject to a restricted discretionary rule for non-compliance, to be disproportionate.
1721. The ODP rules sought by RPL required a 10m setback from the zone boundary and a 9m height limit. It was a restricted discretionary activity to exceed the setback, and non-complying to exceed the height limit. Thus, residents in the Lower Density Residential Zone would enjoy much more light and air on their boundaries under those provisions than those notified for this zone.
1722. In our view a similar outcome can be provided if a recession plane is applied where this zone directly adjoins a residential zone (not separated by a road) measured from ground level at the boundary and applied at an angle of 45°. That would have a slightly more adverse effect on the Lower Density Residential Zone properties than the ODP rules, but in our view it achieves a reasonable compromise. It would allow a 5m high building 5m from the boundary, and a 15m high building would need to be located 15m from the boundary. We recommend this rule be inserted after Rule 17.5.3 and be worded as follows:

17.5.4	<p>Recession Plane</p> <p>On any boundary that directly adjoins a residential zone a recession plane commencing at ground level on the boundary and angled at 45° shall be applied. No building shall exceed the height of the recession plane at any point.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The effects on urban design outcomes. Visual effects. The positive economic, social and/or cultural effects that may be generated from the proposed activity. The external appearance and visual dominance of the building as viewed from the
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		<p>street and adjacent properties.</p> <p>e. Amenity and character of the streetscape.</p> <p>f. Access to sunlight, shading and privacy of adjoining properties.</p> <p>g. Views to and from Outstanding Natural Features and Landscapes.</p>
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1723. As discussed above for building setbacks, we questioned the list of matters for consideration at the hearing and whether they were appropriate. We highlighted to Ms Holden that they did not include the effects on adjoining neighbours.

1724. Ms Holden considered the matters of discretion and recommended additional matters, consistent with the considerations she recommended for building setbacks, in Rule 17.5.2. Ms Holden told us that as they were notified, she did not consider the matters of discretion were appropriate given the potential adverse effects that could result from buildings that do not comply with the permitted standards.¹¹⁷¹ She used the example of a 15m high building located 3m from the boundary.¹¹⁷²

1725. We agree with these additions and consider that including these addresses the concerns we raised at the hearing.

1726. In our view, these matters will be effective in achieving Reply Objective 17.2.3 and Policy 17.2.3.2 as they seek to ensure that consideration is given to the amenity outcomes. We also think that the matters of consideration provide clarity for both Plan readers and the Council when considering any resource consent applications pursuant to Rule 17.5.3.

1727. As well as some minor grammatical changes that can be made pursuant to Clause 16(2), we recommend inclusion of the additional discretion matters.

1728. The wording we recommend is as follows, with the amendments tracked:

17.5.3	<p>Maximum Building Height</p> <p>The maximum building height of all buildings shall be 15m.</p> <p>The limit specified above shall not apply to control towers, lighting towers, hangars or meteorological, navigation or communication masts and aerials which shall not be subject to a height limit.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effects on urban design outcomes</p> <p>b. Visual effects</p> <p>c. The positive economic, social and/or cultural effects that may be generated from the proposed activity</p> <p>d. The external appearance and visual dominance of the building as viewed from the street and adjacent properties</p>
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¹¹⁷¹ R Holden, Reply at [5.2].

¹¹⁷² Ibid.

		<p>e. Amenity and character of the streetscape</p> <p>f. Access to sunlight, shading and privacy of adjoining properties.</p> <p>g. Views to and from Outstanding Natural Features and Landscapes.</p>
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56.13. 17.5.4 Landscaping

1729. The ODP provisions provide for a minimum of 10% landscaping for sites in the operative Queenstown Airport Zone, and that sites fronting Lucas Place and Hawthorn Drive provide and maintain a landscape strip extending the full length of the road boundary being no less than 1m deep and an average depth of 4m across its entire length.

1730. As notified this landscape strip along sites fronting Lucas Place and Hawthorn Drive is reduced to 3m average depth whilst still retaining the 1m minimum depth. The minimum 10% landscaping requirement, however, is not included in this rule.

1731. RPL¹¹⁷³ sought to retain the existing rules in the ODP with regard to landscaping in the existing AMUZ.

1732. Referring to the Section 32 Evaluation Report, Ms Holden advanced several reasons in her Section 42A Report as to the benefits associated with these landscape rule changes. She said that removing the 10% landscaping requirement would enable greater development opportunities, given the limited land resource at Queenstown Airport.¹¹⁷⁴

1733. The Section 32 Evaluation Report stated that other than well maintained grass, landscaping was often inappropriate at airports for operational and safety reasons.¹¹⁷⁵ The removal of the 10% landscaping requirement recognises this. Ms Holden reiterated this in her Section 42A Report.¹¹⁷⁶

1734. In summary Ms Holden considered that the revised standards provide an appropriate balance between the operational requirements of the Airport and the visual amenity of the zone.¹¹⁷⁷

1735. She said that the amendments ensured an appropriate level of amenity is retained along the interface between the Queenstown AZ and Lucas Place and Hawthorne Drive.¹¹⁷⁸

1736. The NZIA submission¹¹⁷⁹ strongly supported Council advocacy to promote good urban design. The submission went on to say that “*best practice urban design is essential to creating high quality environments*” and that need was heightened with the likely intensification of the urban growth areas.

¹¹⁷³ Submission 807

¹¹⁷⁴ R Holden, Section 42A Report at [7.67].

¹¹⁷⁵ Section 32 Evaluation Report at p24.

¹¹⁷⁶ R Holden, Section 42A Report at [7.66].

¹¹⁷⁷ Ibid at [7.68].

¹¹⁷⁸ Ibid.

¹¹⁷⁹ Submission 238, opposed by FS1314, FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

1737. In response to this, Ms Holden redrafted the wording to provide better certainty and clarification to the matters of discretion.¹¹⁸⁰ Although these are minor changes proposed, the wording demonstrates the relevance of urban design in that the effects of any reduced landscaping are matters of discretion.
1738. We agree with the reasons advanced by Ms Holden and consider that the proposed landscaping requirements encourage an appropriate and effective use of land in the AZ.
1739. We agree with Ms Holden’s minor amendments and additional minor grammatical changes. As such, we recommend the rule be renumbered and worded as follows:

17.5.4	<p>Landscaping</p> <p>At Queenstown Airport, those properties fronting Lucas Place and Hawthorn Drive to the west of Copper Beech Ave shall provide and maintain a landscape strip extending the full length of the road boundary, except across vehicle and pedestrian entranceways. The strip shall be not less than 1m deep and shall have an average depth of 3m over its entire length.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effects on urban design outcomes and the visual effects of reduction in landscaping</p> <p>b. The functional and operational requirements of the site.</p>
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56.14. Building Design and Glare

1740. Rule 17.5.5 set out the rules relating to building design and glare at Queenstown Airport.
1741. Submitter 383¹¹⁸¹ requested an additional rule to limit airport lighting when it is not operationally required, so as to mitigate impacts through the landscape and on the night sky. The submission includes a new sub-rule 17.5.5.3 as follows: *“Lighting shall be in use only when necessary in an operational sense, so as to minimise adverse impacts on the night sky.”*
1742. QAC¹¹⁸² submitted in opposition to this amended rule citing that the rule is *“vague, unenforceable and should not be included”*. While Ms Holden saw merit in including an additional rule, she agreed with QAC in that the suggested QLDC rule would be difficult to administer.¹¹⁸³
1743. She looked to the adjoining ODP RPZ and ODP Frankton Flats B Zone, both of which contain rules to ensure lighting and glare is directed away from adjacent sites and roads and does not exceed 3.0 lux light spill. Using that guidance, Ms Holden suggested a similar such standard to respond to the relief sought by QLDC, being:¹¹⁸⁴

Light and Glare

All fixed exterior lighting on buildings associated with Airport Related Activities shall be directed away from adjacent sites and roads

¹¹⁸⁰ R Holden, Section 42A Report at [7.69].

¹¹⁸¹ QLDC, opposed by FS1340

¹¹⁸² FS1340

¹¹⁸³ R Holden, Section 42A Report at [7.72].

¹¹⁸⁴ Ibid at [7.72].

1744. In his evidence, Mr Kyle recommended additional matters of discretion more appropriate to the effects of the standard being breached¹¹⁸⁵. In response to Panel questions regarding consideration of the effects on neighbouring properties, Ms Holden agreed with Mr Kyle’s suggestion and explained that the additional matters she suggested were appropriate in order to assess the effects on the wider environment.¹¹⁸⁶

1745. We agree with the reasoning of Mr Kyle and Ms Holden. We recommend this rule be renumbered and worded as follows:

17.5.6	Building Design and Glare	RD
	17.5.6.1 The exterior of buildings situated within the landside area at Queenstown Airport shall be designed so that roof and wall colours are limited to a maximum reflectivity of 36%, except that trims, highlights and signage totalling up to 10% of the façade area may exceed this level and be of contrasting colour.	Discretion is restricted to:
	17.5.6.2 Any landside activity which requires the lighting of outdoor areas shall ensure that direct or indirect illumination does not exceed 10 lux at the windows of residential buildings in any adjacent Residential Zone	a. The extent of adverse effects from lighting on Residential Activities
	17.5.6.3 All fixed exterior lighting on buildings associated with Airport Related Activities shall be directed away from adjacent sites and roads.	b. The extent to which the lighting is required for operational purposes
		c. The effects on urban design outcomes
		d. Visual effects
		e. The purpose of the building and the operational requirements of the activity it contains.

56.15. 17.5.6 Maximum Noise – Land Based Activities

1746. This rule as notified related to maximum noise for land based activities. Notified Rule 36.5.2 provided standards for sound from the Queenstown Airport Mixed Use Zone received in the Residential Zones and Rural Zone. As notified, QAC¹¹⁸⁷ sought its deletion and replacement with Notified Rule 17.5.6, meaning all noise provisions would be located in one place, being Chapter 36 Noise.

1747. The Stream 5 Hearing Panel heard this submission and recommended that we delete this rule. For the reasons given in that report¹¹⁸⁸ we recommend this rule be deleted.

¹¹⁸⁵ J Kyle, EiC, at [5.68]

¹¹⁸⁶ R Holden, Reply Statement at [5.5].

¹¹⁸⁷ Submission 433.

¹¹⁸⁸ Report 8: Section 18.2

56.16. 17.5.7 Hazardous Substances

1748. As notified Rule 17.5.7 requires hazardous substances to be used, stored and transported in accordance with HSNO, and any CAA requirements, noting that Chapter 16 of the ODP (Hazardous Substances) does not apply.
1749. The Oil Companies¹¹⁸⁹ submission states support for relying on HSNO rather than the Hazardous Substance rules of the ODP. They also question whether storage and use of hazardous substances can lawfully occur if there is a non-compliance with HSNO, and further that the rule is actually unnecessary and should be deleted.
1750. Ms Holden agreed with this submission¹¹⁹⁰, and we concur. In addition, since the hearing the Act has been amended such that the control of hazardous substances is no longer within the functions of the Council.
1751. In summary we recommend notified Rule 17.5.7 be deleted.

56.17. 17.5.8 Visitor Accommodation– Queenstown Airport

1752. As notified, Chapter 17 included visitor accommodation as a permitted activity. This was by virtue of its inclusion in the description of “Airport Related Activity” which as per Rule 17.4.1 was listed as a permitted activity. This was a significant change from the ODP, where visitor accommodation was a prohibited activity (Rule 6.2.3.5).
1753. Notified Rule 17.5.8 provided the standards and required that new buildings and alterations and additions to existing buildings that contain visitor accommodation activities, and that are located within the ANB or between the ANB and OCB, be designed to achieve an appropriate indoor design sound level within any ‘Critical Listening Environment’. Any non-compliance with this standard would be non-complying.
1754. QLDC¹¹⁹¹ requested updating the references from Appendix 13 of the ODP to Table 4 and 5 of the Noise Chapter of the PDP. Acoustic experts Mr Hunt¹¹⁹² and Mr Day¹¹⁹³ also considered that the requirements of Appendix 13 were inadequate to provide appropriate acoustic insulation for visitor accommodation in the ANB.¹¹⁹⁴ Mr Day recommended removing the Appendix 13 option from the notified rule.¹¹⁹⁵
1755. On behalf of QAC, Mr Day highlighted the fact that most significant airports around the world have hotels in close proximity and that the stays are usually of one or two nights.¹¹⁹⁶ He referred us to the Novotel and Ibis hotels in Auckland which are both located very close to the Auckland Airport.¹¹⁹⁷ He distinguished long term stays to enjoy local activities from short stays and in his view longer term visitor accommodation should be ASAN.¹¹⁹⁸ Longer term visitor

¹¹⁸⁹ Submission 768

¹¹⁹⁰ R Holden, Section 42A Report at [7.82].

¹¹⁹¹ Submission Point 383.35

¹¹⁹² On behalf of RPL and QPL

¹¹⁹³ On behalf of QAC

¹¹⁹⁴ M Hunt, EIC at [10(b), 15-17]; C Day, Summary Evidence at [3-5]

¹¹⁹⁵ C Day, Summary of Evidence at [6].

¹¹⁹⁶ C Day, EIC at [13].

¹¹⁹⁷ Ibid at [12]

¹¹⁹⁸ Ibid at [17].

accommodation often provides outdoor areas for guests to enjoy the outdoor amenity of the area.¹¹⁹⁹

1756. In contrast, he pointed out that users of hotel airports do so for convenience, rather than holidaying and as such they expect aircraft noise and their sensitivity therefore to be reduced. Mr Day did not think that airport hotels should provide outdoor amenity areas where guests would be directly exposed to aircraft noise.¹²⁰⁰
1757. In summary, for the reasons described, Mr Day did not consider that airport hotels should be regarded as ASAN and could be allowed in the AZ under the following conditions:¹²⁰¹
- a. The length of stay should be limited to two nights;
 - b. No outdoor amenity areas to be allowed;
 - c. Indoor design sound level of 40 dB Ldn to be achieved in all critical listening environments.
1758. Mr Hunt, on behalf of RPL and QPL strongly disagreed with Mr Day's evidence. He fully supported the inclusion of visitor accommodation as an ASAN and did not agree with the recommendation to somehow disregard the effects on people occupying these accommodation buildings because of the few nights spent within such facilities.¹²⁰²
1759. He criticised the Section 32 Evaluation Report and the MDA Report¹²⁰³ for failing to adequately consider indoor noise effects or the ability of the proposed acoustic insulation standard to address this effect; and failing to address the recommendations of NZS 6805:1992 Airport Noise Management & Land Use Planning, which prohibits noise sensitive development such as visitor accommodation on sites located within the ANB.¹²⁰⁴
1760. Mr Hunt also pointed out to us that the two Auckland Airports referred to by Mr Day are not located within the ANB for that Airport.¹²⁰⁵ Important spatial differences between Auckland and Queenstown were further highlighted in Mr Serjeant's evidence on behalf of RPL and QPL.¹²⁰⁶
1761. Mr Serjeant told us that the Auckland Airport designation covers more than 1000ha of land, a great deal larger than the proposed 125ha at Queenstown.¹²⁰⁷ He explains that the Auckland Airport designation (landside only) spans both the existing runway and the proposed second runway and all that land in between.¹²⁰⁸ There was a large amount of land located outside the ANB (65dB Ldn) for the airport which was illustrated by an attachment to his evidence.¹²⁰⁹ By contrast, he highlighted that in Queenstown, the whole of the AZ was located within the ANB.¹²¹⁰

1199 Ibid at [18]

1200 Ibid at [22]

1201 Ibid at [25].

1202 M Hunt, EIC at [12].

1203 Appendix 4 to the s32 Report 'Queenstown Airport Mixed Use Zone, Acoustical review of proposed District Plan provisions, Rp 100 R01 2014513A' dated 19 November 2014 and prepared by Mr Steve Peakall of Marshall Day Acoustics

1204 M Hunt, EIC at [14-15].

1205 Ibid at [20].

1206 Submission 807.

1207 D Serjeant, EIC at [4.17].

1208 Ibid.

1209 Ibid, Attachment 2.

1210 Ibid at [4.19]

1762. Mr Hunt disagreed with the recommendations of Mr Day with regard to restricting the length of stay on two counts. He did not consider that restricting the number of days on which adverse effects occur in short stay accommodation facilities, on average, achieves any reduction or mitigation of effects. In his view, the assessment should only consider the effects of that short stay facility on the health and well-being of that visitor, whilst staying on-site, not the cumulative effects.¹²¹¹ Secondly, he questioned how a maximum length of stay would be imposed, where Mr Day considered this would be a simple exercise of using a booking system to enforce the rule.
1763. Mr Hunt also considered that providing for visitor accommodation would not be consistent with notified Objective 17.2.2.3, which sought to “*avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport.*”¹²¹²
1764. In his pre-circulated evidence, Mr Kyle agreed with Mr Day’s suggestions limiting the length of stay for visitors and no outdoor amenity space for visitor accommodation.¹²¹³ Mr Kyle summarised that he considered those amendments were required to ensure that visitor accommodation was constructed to an appropriate standard to mitigate the effects of aircraft noise.¹²¹⁴
1765. In his evidence summary, Mr Serjeant for RPL and QPL also considered such restrictions through maximum length of stay or no outdoor enjoyment areas to be impractical and that they would fail to achieve an appropriate level of amenity for visitors.¹²¹⁵
1766. He further noted the discrepancies between the QAC experts and what this length of maximum stay should be.¹²¹⁶ Where Mr Day recommended two nights, Ms Tregidga considered that “*a three night maximum stay is also necessary and appropriate to accommodate weekend visitors from Australia, who typically arrive and depart on late/early flights*”.¹²¹⁷
1767. Dr Chiles for the Council reviewed the expert evidence and in his view, short term visitor accommodation should be considered an ASAN.¹²¹⁸ He said that there is no need to control the length of stay and further that it would be appropriate for any visitor accommodation in the AZ at Queenstown to be required to have individual certification that the Indoor Design Sound Level would be achieved, given the sound insulation standards set out in Chapter 36 may not be sufficient for some locations within the zone.¹²¹⁹
1768. Ms Holden considered the conditions suggested by QAC. Whilst she agreed that there may be some merit in restricting the outdoor area, she told us at the hearing that she did not agree with imposing a maximum length of stay.¹²²⁰ This restriction, she said, would be impractical to administer.¹²²¹

¹²¹¹ M Hunt, EiC at [19]

¹²¹² Ibid at [32].

¹²¹³ J Kyle, EiC at [5.61].

¹²¹⁴ Ibid.

¹²¹⁵ D Serjeant, Summary of Evidence at [11].

¹²¹⁶ Ibid.

¹²¹⁷ R Tregidga, EiC at [47]

¹²¹⁸ Dr S Chiles, Summary of Evidence at [9a].

¹²¹⁹ Ibid at [9b and c].

¹²²⁰ R Holden, Summary of Evidence, Appendix A at 11.

¹²²¹ Ibid.

1769. Mr Kyle¹²²² considered that in spite of the fact that the Queenstown AZ is located in the ANB, provision of visitor accommodation would provide a level of convenience for airport users.
1770. At the hearing, we questioned whether allowing visitor accommodation within the Airport Zone was inconsistent with some of the objectives and policies contained elsewhere within the PDP, which explicitly seek to exclude noise sensitive activities, such as Visitor Accommodation, from being located within the OCB and ANB.
1771. In response to our questioning, Ms Holden identified objectives and policies in the ODP that were relevant in Parts 12 – Remarkables Park Zone; Frankton Flats B Zone; and in the PDP, the Rural Zone.¹²²³ In all of these zones, visitor accommodation within the OCB has a prohibited status, and therefore, in her reply, Ms Holden noted her agreement with our concerns:
- “I agree with the Panel that there will be an inconsistency created within the District Plan to allow Visitor Accommodation inside the Queenstown Airport Zone, despite the acoustic mitigation measures proposed.”¹²²⁴*
1772. In her Reply on behalf of the Council, Ms Scott submitted that inconsistencies between district plan provisions were not precluded, provided that there were clearly distinguishable facts or circumstances and/or a different approach to the same issue is justified under section 32 of the RMA.¹²²⁵ Ms Scott went on to say that in this instance, the issue is that there is no *“sufficiently strong RMA justification for taking a materially different approach to OCB within the Airport Zone to that outside the zone (but still within the OCB).”¹²²⁶*
1773. In response to QAC’s evidence that visitor accommodation in the Queenstown AZ would provide convenience to visitors, Ms Holden identified that visitor accommodation is already provided for outside the OCB within the adjoining zones. Agreeing with Mr Serjeant, she said the visitor accommodation in the adjoining zones is easily accessible from the airport for visitors to the region.¹²²⁷
1774. Taking all of this into consideration, Ms Holden considered that providing for visitor accommodation as a permitted activity within the AZ at Queenstown could give rise to adverse effects that had not been appropriately assessed and would be inconsistent with Objectives, Policies and rules contained within both the Airport Zone Chapter and other chapters of the PDP.¹²²⁸
1775. Accordingly, she recommended that visitor accommodation retain its prohibited status as per the ODP.¹²²⁹ As a prohibited activity there would be no need for any standards, therefore she recommended the deletion of Notified Rule 17.5.8.
1776. We have read and considered all of the evidence presented regarding visitor accommodation in the AZ. We agree with Dr Chiles that short term visitor accommodation is an ASAN.

¹²²² J Kyle, EiC at [5.57-5.62].

¹²²³ R Holden, Reply Statement at [11.3].

¹²²⁴ Ibid.

¹²²⁵ Legal Submissions in Reply of Mr Winchester at [8.12].

¹²²⁶ Ibid.

¹²²⁷ Ibid [11.6].

¹²²⁸ R Holden, Reply Statement at [11.7].

¹²²⁹ Ibid.

1777. We were not convinced by the additional conditions proposed by QAC, in particular the restriction proposed regarding the length of stay. In our view this is unworkable and we also question how this would be policed and by whom. We also consider that the need for visitor accommodation is met in other zones which are easily accessible to the airport. To quote Mr Serjeant – as the Queenstown Airport is centrally located *“in short the convenience is already provided”*.¹²³⁰
1778. We were cautious as to whether allowing visitor accommodation was consistent with other objectives and policies that explicitly seek to exclude noise sensitive activities from within the OCB. Ms Holden responded to our query setting out relevant provisions for comparison. We also note and agree with Ms Scott’s comments regarding consistency of provisions.
1779. Taking into account the provisions identified by Ms Holden, allowing visitor accommodation in the AZ would be inconsistent with other PDP provisions. We also agree with Ms Scott that, on occasion, some inconsistency is justified. However, we do not consider that there is a sufficient resource management justification for a different approach to be taken in the AZ.
1780. We think that removing visitor accommodation as a permitted activity ensures consistency with other ASAN activities which are prohibited and other objectives and policies throughout the plan that prohibit visitor accommodation outside the OCB.
1781. Taking all of this into consideration, we recommend deletion of notified Rule 17.5.8 and recommend that visitor accommodation is a prohibited activity in the Queenstown AZ.

56.18. 17.5.9 Transportation

1782. As notified there were two parts to this rule:

17.5.9.1 Loading and Access

Loading and Access shall comply with the requirements specified in Section 14 Transport of the Operative District Plan.

17.5.9.2 Minimum Car Parking

Except for those activities undertaken within or in association with the airport terminal facility, on-site car parking shall comply with the car parking requirements specified in Section 14 of the Operative District Plan.

1783. QLDC¹²³¹ requested that 17.5.9.1 which relates to parking, loading and access be deleted. Ms Holden considered this rule to be a duplication of the district-wide chapter note at 17.3.1 and therefore recommended its removal.
1784. QAC¹²³² submitted opposing the QLDC submission, instead seeking to retain Notified Rule 17.5.9.1 as it related to the minimum car parking exemption for activities undertaken within or in association with the terminal building. However, Ms Helen McPhail¹²³³ considered that the car parking provided at the airport is presently inadequate, and considered future expansion of the airport as being incompatible with Notified Policy 17.2.2.1 unless parking buildings and underground parking are developed.

¹²³⁰ D Serjeant, EiC at [4.21].

¹²³¹ Submission 383, opposed by FS1340

¹²³² FS1340

¹²³³ Submission 834

1785. Ms McPhail's submission stated that inadequate provision is resulting in flow on effects to the wider Frankton Area, and therefore more parking is required. She further submitted that land is a finite resource at the airport which must be carefully managed.
1786. Mr Harris¹²³⁴ raised concerns in relation to improving parking at the airport to alleviate the effects on the wider environment associated with traffic congestion and parking.
1787. Ms Holden explained that a part of the Section 32 evaluation included a traffic report, however it did not address whether the current provision for car parking for activities within or in association with the terminal facility were adequate or sufficient to meet parking demand at the Airport.
1788. With regard to the submissions requesting more parking at the airport, Ms Holden identified that users of the airport have the option of paying to park within the long term car park provided by QAC, or parking within the surrounding streets. Mr Serjeant on behalf of RPL and QPL has also suggested that activities outside of the immediate environs of the airport terminal should have the same minimum parking requirement as that applied to Frankton Flats B Zone.
1789. However, with regard to these suggestions, Ms Holden noted Council intended to undertake a comprehensive review of minimum car parking requirements through Stage 2 of the District Plan review forming part of the Transport Chapter. Because of this, she did not recommend that the exemption be removed at this stage.¹²³⁵
1790. Mr Serjeant provided some suggested amendments to Standard 17.5.9 to clarify that only those activities within, or within the immediate environs of the airport terminal are exempt from any minimum parking requirement, rather than the notified wording which provided an exemption.¹²³⁶
1791. Ms Holden recommended adopting Mr Serjeant's suggested wording.
1792. Since the hearing the Council has notified Chapter 29: Transport. No specific provision is included in that Chapter relating to airports. It is unclear whether any parking is required in that chapter for the airport terminal activity of providing passenger air transport. However, there would be a parking requirement for the retail and restaurant facilities in the terminal. If the Council proposed any different approach from that recommended by Ms Holden, we would have expected to see it in Chapter 29.
1793. Consequently, we also agree with Ms Holden's recommendation and reasoning. However, we do not consider that provision is a standard. Rather, it is an exemption from the standards. We consider it would be better located under the Interpreting and Applying the Rules as 17.3.2.6. We recommend the following wording be inserted as provision 17.3.2.6:

Activities undertaken within, or within the immediate environs of, the airport terminal facility are exempt from complying with any minimum parking requirement in Chapter 29.

56.19. 17.5.10 Signs

1794. As discussed above, we recommend this rule be incorporated into Rules 17.4.2 and 17.4.5.

¹²³⁴ Submission 116

¹²³⁵ R Holden, Reply Statement at [8.2].

¹²³⁶ *ibid* at [8.1].

57. WANAKA AIRPORT ZONE – NEW PROVISIONS

1795. We have considered the changes required to the objectives and policies above. In this section we will consider the rules recommended by Ms Holden in her Section 42A Report, using the rule numbers used in that report for reference. We refer to them as proposed rules.
1796. While we would have preferred the same zone be applied to both airports, it was apparent from the evidence provided that the different circumstances of the two airports meant that AZ has to be considered as having two parts: a Queenstown part; and a Wanaka part. To make that clearer we recommend that the rules for the Wanaka part be in their own two tables (one for activities and one for standards) following Table 2 (Rule 17.5). Thus, we recommend the activities for Wanaka Airport be listed in Rule 17.6 – Table 3 and the standards in Rule 17.7 - Table 4.
1797. We note at this point that there was general agreement between Mr Kyle and Ms Holden that the land use management regime notified for Wanaka Airport was inappropriate, and that providing for Wanaka Airport within the Airport Zone was accepted¹²³⁷. The matters of disagreement were as to detail. We note also that Mr Page tabled submissions on behalf of Jeremy Bell Investments Limited¹²³⁸ supportive of the zoning approach, but with some comments on how the rules could be amended.

57.1. Activities located in the Airport Zone – Wanaka Airport Scope Provided by QAC Submission

1798. In discussing proposed Rule 17.4.11 (Section 42A Report version), Mr Kyle noted that the QAC submission only sought that airport activities and airport related activities be controlled activities, but that if there were scope for them to be permitted he would support that¹²³⁹.
1799. We consider Mr Kyle raises an important point which needs to underpin the provisions we recommend apply to the Wanaka Airport. The only relevant permitted activities which applied to this land in the notified PDP were farming, commercial recreation, limited mining activities and non-commercial recreation, subject to relevant standards. In addition, the only relevant activities proposed to be prohibited in the notified PDP were activities sensitive to aircraft noise within the OCB of Wanaka Airport.
1800. The only activities which Submission 433 sought have the activity status changed were airport activities and airport related activities. While Submission 782 sought that a Wanaka Airport Mixed Use zone be created with similar provisions to that in the notified Queenstown Airport Mixed Use Zone, that submission only sought that the new zone be applied to land west of State Highway 6, not on Wanaka Airport itself.
1801. Our conclusion is that there is no scope to alter the activity status of any activities other than the two sought to be amended by QAC's submission. We approach our consideration of the activity list proposed by Ms Holden on that basis.

¹²³⁷ J Kyle, EiC at [6.7]

¹²³⁸ Submission 782, FS1030

¹²³⁹ J Kyle, EiC at [6.26]

57.2. Proposed Rule 17.4.10 - Any activity not listed in Rules 17.4.11 to 17.4.23

1802. As drafted in the Section 42A Report this Rule 17.4.10 provided that any activity not listed in the following rules for Wanaka Airport was a non-complying activity. This is consistent with the notified Rule 21.4.1 applying to the airport land.

1803. The only changes to this rule we recommend are consequential as a result of moving the rule to being immediately before the recommended prohibited activity rules and the Wanaka Airport provisions being in their own table.

1804. We recommend this rule read as follows:

17.6.6	Any activity not otherwise listed in Table 3	NC
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57.3. Proposed Rule 17.4.11 Airport Activity, Proposed Rule 17.4.12 Airport Related Activity and Proposed Rule 17.4.13 Buildings

1805. Ms Holden proposed that this be a permitted activity. Mr Kyle suggested consolidating this rule with proposed Rule 17.4.12. Grouping Airport and Airport Related Activities in the same rule would be consistent with Rule 17.4.1 applying to Queenstown Airport.¹²⁴⁰

1806. Ms Holden supported this approach and recommended further changes consequential to recommended definition changes, and the removal of “Wanaka Airport” specific definitions.¹²⁴¹ We discuss our recommendations relating to definitions later in the decision. To summarise we recommend consolidation of definitions where the substance is common to both Queenstown and Wanaka Airports.

1807. While we accept that consolidating the two rules is appropriate and more efficient, we consider there is no scope to make them permitted. We note that Submission 433, seeking that these activities be controlled activities sought to include control over building design and external appearance. Thus, we consider that Ms Holden’s proposed Rule 17.4.13 should also be included within this rule.

1808. As we are recommending the entire designated area be zoned AZ, we also agree with Ms Holden that aircraft operations should be excluded from airport activities at Wanaka to exclude the possibility that any conditions on the designation are avoided through reliance on the zone provisions.

1809. Mr Kyle and Ms Holden had proposed that security fencing be excluded from the controlled activity rule applying to buildings. That would have made such fencing a permitted activity. We do not consider there is scope for such an exclusion.

1810. Consequently, we recommend this rule be numbered 17.6.3 and worded as follows:

¹²⁴⁰ J Kyle, EiC, Appendix B at p7.

¹²⁴¹ R Holden, Reply at [3.15].

17.6.3	<p>Any Airport Activity (excluding Aircraft Operations) and Airport Related Activity that complies with the relevant standards in Table 4.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. Design, appearance and siting of buildings and structures b. The effects on visual amenity when viewed from beyond the Airport Zone c. The purpose of the building and the operational requirements of the activity it contains d. Traffic generation, vehicle parking and site access e. Provision for firefighting f. Wastewater g. Stormwater h. Water Supply. 	C
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57.4. Other Proposed Permitted Activities

1811. Originally Ms Holden recommended in her Section 42A Report, definitions that were site specific for Airport Activity and Airport Related Activity, specifying separate activities for Queenstown and Wanaka.¹²⁴² There were also some activities that were common to both locations which resulted in duplication in the definitions.

1812. As a result, Ms Holden consolidated the definitions to be Airport Activity and Airport Related Activity that apply to both Queenstown and Wanaka Airports.¹²⁴³ As was evident in the Queenstown Airport section, this resulted in some additional permitted activities being included in the Queenstown specific section of Table 1. This also resulted in Ms Holden recommending some additional permitted activities being located in the Wanaka section of Table 1, rather than having those included in the definition of either Airport Activity or Airport Related Activity, which she had recommended become permitted in both parts of the airport zone.

1813. The activities Ms Holden recommended be listed as permitted activities were:

- a. Scientific Aviation and Space Research Activities
- b. Aviation Schools
- c. Facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation
- d. Air shows and
- e. Military Training Operations.

1814. We discuss later in relation to the standards requested to be inserted, that QAC's submission on Chapter 35 (Temporary Activities) sought the inclusion of Air Shows as a permitted activity. Consequently, we recommend below that Temporary Air shows be listed in Rule 17.6.2 as a permitted activity.

1815. Military Training Operations are provided for in Chapter 35 as recommended by the Hearing Panel for Stream 5. Recommended Rule 35.4.10 provides that Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990 is a permitted activity, provided any such activity or building does not remain

¹²⁴² R Holden, Section 42A Report, Appendix 1 at pages 17-14 – 17-15.

¹²⁴³ R Holden, Reply Statement at [3.15].

on the site for longer than the duration of the project.. We consider that Rule 35.4.10 makes any special provision for military training operations in this zone. We note also that the scope provided by the QAC submission in relation to Wanaka Airport would only enable us to recommend that military training operations at Wanaka Airport be a controlled activity.

1816. Unless the remaining activities fall within the definition of airport activity or airport related activity, there is no scope to classify them anything other than non-complying. It appears that several of them do fall into one or other category.

1817. We consider the best approach at present is to not list those activities in Table 3.

57.5. Farming Activities

1818. Mr Kyle considered that provision should be made for farming activities at Wanaka Airport for the same reasons we discussed above in respect of Queenstown Airport. As farming activities were a permitted activity under the notified provisions applying to Wanaka Airport, we consider it appropriate to retain that provision for the reasons provided by Mr Kyle, as Rule 17.6.1.

57.6. Redraft Rule 17.4.14

1819. Part 18 of the ODP includes rules that are applicable to signage in the Queenstown AMUZ, but not Wanaka Airport. As such, Ms Holden recommended in her redraft of the zone that a new rule be included for instructional and directional signage. We consider these to be an ancillary aspect of airport activities or airport related activities and able to be included as a controlled activity.

1820. There are small grammatical amendments recommended for clarification and consistency with the rule applying to Queenstown Airport.

1821. We recommend this rule be included as Rule 17.6.4, with the following wording:

17.6.4	Instructional or directional signage or signage directed at persons within the zone. Control is reserved to: a. Dimensions of signage b. Location of signage Note: for all other signs, Chapter 31 applies	C
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57.7. Proposed Rule 17.4.15 Community Activities

1822. In her Section 42A Report, Ms Holden recommended that policies stations, fire stations, medical facilities and aviation schools be listed as discretionary activities provided they served an aviation related purpose. These activities are considered to be activities sensitive to aircraft noise (“ASAN”) which were proposed to be prohibited in the zone.

1823. However, police stations, fire stations, medical facilities and education facilities (provided they serve an aviation related purpose) are identified within the definition of ‘Airport Related Activity’. Therefore retaining this rule is unnecessary. Ms Holden also recommended an exemption in similar terms in Reply Rule 17.4.26 (the prohibited activity rule).

1824. In our view, given the definitions we are recommending to the Stream 10 Hearing Panel, there is no need for this rule or the exemption in Reply Rule 17.4.26, and we do not recommend its adoption.
- 57.8. Redraft Rule 17.14.16 Wholesaling or Commercial Storage Activity**
1825. Ms Holden included this rule in her Section 42A Report identifying '*Wholesaling or Commercial Storage Activity*' as a non-complying activity.
1826. Mr Kyle for QAC questioned why Ms Holden has singled out "*wholesaling or commercial storage activities*" as a non-complying activity.¹²⁴⁴ His evidence recorded that in his view freight facilities would be an appropriate activity at Wanaka Airport provided the goods were being conveyed by air. Furthermore, he argued "*airports by their very nature are a form of transportation hub which facilitate the movement of people and goods.*"¹²⁴⁵
1827. Ms Holden was very clear in her disagreement with this.¹²⁴⁶ She was concerned that provision of freight as a permitted activity at Wanaka Airport would have adverse effects in terms of limiting the land available for airport activities and on transport routes.¹²⁴⁷
1828. Ms Holden discussed this matter in her Section 42A Report for Hearing Stream 07 – Designations. She expressed her concern that provision of freight as a permitted activity at Wanaka Airport would have adverse effects in terms of limiting the land available for airport activities and on transport routes.
1829. Ms Holden considered that listing "freight facilities" as a permitted activity within the designated area would imply that this site is a transport hub whereby different modes of transport and transport networks join including aviation, rail and road."¹²⁴⁸
1830. Ms Holden considered if freight facilities were permitted, Council would want to have the ability to manage the scale and intensity of the activity, for example limiting freight facilities to transportation of goods via air, as opposed to land based freight activities.¹²⁴⁹ A standard such as this would ensure that freight facilities were ancillary to the airport and not part of servicing State Highway 6.¹²⁵⁰
1831. At the hearing we questioned Ms Holden as to whether such a rule was required given that what is now our recommended Rule 17.6.5 would provide for a default non-complying activity status for any activity not listed in Table 3 for Wanaka Airport.
1832. We asked Ms Holden to consider this prior to her Reply. As referred in her Reply Report, after reflecting she still considered this to be required, explaining that Reply Rule 17.4.24 would

¹²⁴⁴ J Kyle, EiC at [6.32]

¹²⁴⁵ *ibid* at [6.34].

¹²⁴⁶ R Holden, Summary of Evidence, Appendix 1 at p17.

¹²⁴⁷ Twenty24 Limited (Submission 5 opposed by FS1210) submitted in the Designations Chapter, opposing 'freight facilities' being a permitted activity on the airport, unless they were related to aerodrome purposes to clarify that only freight facilities associated with aircraft businesses be permitted on the airfield.

¹²⁴⁸ R Holden, Chapter 7 Section 42A Report, at [6.65].

¹²⁴⁹ R Holden, Summary of Evidence, Appendix 1 at p17.

¹²⁵⁰ *Ibid*.

remove any debate or argument as to whether wholesaling activity is anticipated at Wanaka Airport.¹²⁵¹

1833. We consider the argument advanced by Ms Holden to have merit and we agree that inclusion of this rule is necessary to maintain clarity for the reader and enables certainty for future management of the Wanaka Airport. We agree with the potential effects that enabling freight facilities would generate as identified and discussed by Ms Holden.

1834. As such, we support inclusion of an appropriate rule to respond to these potential effects. We recommend inclusion of this rule as Rule 17.6.5 with wording as follows:

17.6.5	Wholesaling or Commercial Storage Activity	NC
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57.9. Reply Rule 17.14.25 -New Activity Sensitive to Aircraft Noise and Building Platforms for Activity Sensitive to Aircraft Noise within the Outer Control Boundary -Wanaka Airport.

1835. This was a rule proposed in the Reply by Ms Holden. Mr Kyle, in his evidence on behalf of QAC, made the point that notified Chapter 21 Rural contained Rule 21.4.28, which made any new ASAN or new building platform to be used for an ASAN, within the OCB of Wanaka Airport, a prohibited activity.¹²⁵²

1836. He further recommended that proposed Section 42A Report Rules 17.4.21-17.4.23 be redrafted in a manner similar to notified Rule 21.4.28.¹²⁵³

1837. Ms Holden recommended a rule with similar wording to notified Rule 21.4.28.

1838. We consider this rule would appropriately limit the establishment of ASAN within the Airport Zone - Wanaka, whilst ensuring that emergency services and flight schools can establish/continue to operate at Wanaka Airport provided they serve an aviation related purpose. This rule can replace the earlier suggested Rules 17.4.21 – 17.4.23 which provided a Prohibited Activity status for residential activities, community activities and day care facilities, which are all classified as ASAN. We agree with, and adopt the reasoning advanced by, Ms Holden¹²⁵⁴ to support our recommendation the rule as presented be adopted.

1839. We recommend this rule be included in Table 3 as Rule 17.6.7. We have amended the wording recommended by Ms Holden to remove repetition and reference to building platforms. Building platforms are a mechanism used in the Rural and Rural Lifestyle Zones to enable residential dwellings. We recommend the ability to use this technique be removed from the Airport Zone Wanaka. The wording we recommend be adopted is as follows:

17.6.7	Any new Activity Sensitive to Aircraft Noise (ASAN) within the Outer Control Boundary - Wanaka Airport (except for police stations, fire stations and medical facilities provided they serve an airport related purpose).	PR
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¹²⁵¹ R Holden, Reply Statement at [14.20].

¹²⁵² J Kyle, EiC at [6.36].

¹²⁵³ ibid at [6.36].

¹²⁵⁴ R Holden, Reply at [14.23-14.25] and Appendix 2 at p5.

57.10. Proposed Rules 17.14.17, 17.14.18, 17.14.19,17.14.20

1840. These proposed rules provided for a number of prohibited activities in Ms Holden’s Section 42A Report:

- a. Forestry
- b. Factory Farming
- c. Mining
- d. Any activity requiring an Offensive Trade Licence under the Health Act 1956.

1841. In Ms Holden’s view, these activities were fundamentally at odds with the function of an airport. She considered scope for the inclusion of these rules was therefore provided for by the QAC submission¹²⁵⁵.

1842. As notified for this land, forestry was a discretionary activity, factory farming was effectively a discretionary or non-complying activity (due to the standards imposed), mining was a discretionary activity, and the Offensive Trade Licence activity was a non-complying activity.

1843. While we agree these activities are fundamentally at odds with the operation of an airport, we do not agree that the QAC submission provides scope to make those activities prohibited. The submission is aimed at enabling airport and airport related activities that could not establish under the designation applying to the airport. We do consider, however, that as the requiring authority, the Council has control over whether any of those activities establish within the bounds of the designation.

1844. We consider the best approach is to not include any specific provision for these activities and leave them to fall within the ambit of our recommended Rule 17.6.6.

57.11. Activities not Enabled or Restricted due to Scope Issues

1845. We have recommended above that the Council review the extent the AZ apply at the Wanaka Airport. We consider it would also be appropriate for the Council to consider whether activity classifications could be handled differently from those we have recommended. In our view, there is little reason for most activities at Wanaka to not have a similar activity classification as they would have at Queenstown, except for those activities which could affect the integrity of the commercial areas in Wanaka, and wholesaling and commercial storage facilities.

1846. We also note at this point that the range of activities allowed effectively makes this an urban zone, rather than a rural zone. That being the case, to ensure consistency with the strategic objectives and policies the AZ – Wanaka should be encompassed by an UGB.

1847. We recommend the Council initiate a variation to enclose the AZ – Wanaka within an Urban Growth Boundary.

58. 17.5 RULES – STANDARDS AT WANAKA AIRPORT

58.1. Proposed Rule 17.5.10

1848. Via this rule Ms Holden proposed minimum building setbacks in the Wanaka Airport Zone with any activity that did not meet the standards being a restricted discretionary activity.

¹²⁵⁵ R Holden, Reply Statement, at [14.25]

1849. In his evidence on behalf of QAC, Mr Kyle suggested inserting an additional matter of discretion as *“The positive economic, social and/or cultural effects that may be generated from the proposed activity.”*¹²⁵⁶
1850. In her summary, Ms Holden responded to this stating it was superfluous due to the meaning of *“effect”* in the RMA which includes any positive effect¹²⁵⁷. We agree with that assessment.
1851. In order to maintain consistency with the rule equivalent for Queenstown Airport (Rule 17.5.2) Ms Holden proposed additional matters of discretion be included for Redraft Rule 17.5.10 [Reply Rule 17.5.7] in relation to minimum building setback.
1852. These additional matters of discretion related to dominance and effects on adjacent properties, amenity of the surrounding area, access to sunlight and views of Outstanding Natural Features and Landscapes.
1853. Ms Holden’s Section 32AA analysis considered that the new matters of discretion have been included to ensure that the wider benefits of a proposal can be weighed up against the effects of breaching the setback rules.¹²⁵⁸ Consideration of Outstanding Natural Features and Landscapes would address Chapter 6 consideration matters.
1854. While we consider that consistency with the equivalent rules applying in the AZ at Queenstown is important, we must consider the scope of the submissions which would allow the Council to reduce the setbacks from those applying to the land when the PDP was notified. Submission 433 sought the inclusion of a new standards table in Chapter 21 to apply to Wanaka Airport. That included a building setback from all boundaries of 5m, with non-compliance requiring consent as a restricted discretionary activity. The submission also sought setbacks from the main runway.
1855. We are satisfied that there is scope to include the rule proposed by Ms Holden and we agree with her reasoning as to the inclusion of the additional matters of discretion. We also consider this rule will assist in achieving Objective 17.2.3.
1856. As such, we recommend adopting the following wording for Reply Rule 17.5.7:

¹²⁵⁶ J Kyle, EiC at [6.46].

¹²⁵⁷ R Holden, Summary of Evidence, Appendix 1 at p12.

¹²⁵⁸ R Holden, Reply, Appendix 2 at p10.

<p>17.7.1</p>	<p>Minimum Building Setback</p> <p>17.7.1.1 The setback from all zone boundaries shall be 5m.</p> <p>17.7.1.2 The setback from the eastern side of the centreline of the main runway (as at 2013) shall be 217 metres.</p> <p>17.7.1.3 The setback from the western side of the centre line of the main runway (as at 2013) shall be 124 metres.</p> <p>17.7.1.4 The setback from any public road shall be 5m.</p> <p>Except no setbacks shall apply to security fencing greater than 2m in height.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. For all non-compliances-</p> <ul style="list-style-type: none"> i. the purpose of the building and the operational requirements of the activity it contains. <p>b. For non-compliances with 17.7.1.1 or 17.7.1.4 only-</p> <ul style="list-style-type: none"> i. the external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties. ii. Amenity and character of the surrounding Rural Zone. iii. Access to sunlight, shading and privacy of adjoining properties. iv. Views to and from Outstanding Natural Features and Landscapes. <p>c. For non-compliances with 17.7.1.2 or 17.7.1.3 only-</p> <ul style="list-style-type: none"> i. the effects on the current and future operation of the Airport.
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58.2. Proposed Rule 17.5.11 Maximum Building Height

1857. This rule provided a maximum building height of 10m in the Wanaka Airport, with any buildings above this height classified as a restricted discretionary activity. This was consistent with the height limit sought in Submission 433.

1858. To some extent the reasons for the drafting are explained above in the discussion regarding building setbacks, and we do not propose to repeat them here. We do, however, agree with the reasons advanced by Ms Holden in the Section 32AA evaluation¹²⁵⁹ and accordingly recommend adopting the wording as set out in her Reply.

1859. We consider that the additional matters for consideration adequately deal with effects generated from potential buildings above the permitted height of 10m.

¹²⁵⁹ R Holden, Reply Statement, Appendix 2 at p10.

1860. We recommend Reply Rule 17.5.8, re-numbered due to previously discussed amendments read as follows:

<p>17.7.2</p>	<p>Maximum Building Height The maximum height of all buildings shall be 10m.</p> <p>Except this limit shall not apply to control towers, lighting towers or navigation and communication masts and aerials which are not subject to a height limit.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Visual effects of the bulk and location non-compliance when viewed from the boundary of the zone b. The purpose of the building and the operational requirements of the activity it contains c. The external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties d. Amenity and character of the surrounding Rural Zone e. Access to sunlight, shading and privacy of adjoining properties f. Views to and from Outstanding Natural Features and Landscapes.
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58.3. Proposed Rule 17.5.12 Glare

1861. This standard proposes to manage adverse glare and lighting effects that may arise in the context of an airport setting. Any activity that exceeds the standards is classified as non-complying. Scope for including this rule is provided by Submission 568 which sought the general imposition of lighting and glare controls throughout the Rural Zone, rather than just in the Rural Industrial Sub-Zone.

1862. Mr Kyle was of the opinion that it would be inappropriate to impose this rule on airside facilities.¹²⁶⁰ This was despite the fact that he considered the Requiring Authority would likely undertake any airside lighting work under its designation, rather than the Airport Zone provisions. Ms Holden agreed with this proposition¹²⁶¹. We think that the additional wording helps to control the light spill onto adjacent sites, without any unnecessary over-prescriptive lighting requirements.

¹²⁶⁰ J Kyle, EiC, Appendix A at p13.

¹²⁶¹ R Holden, Reply Statement at [2.1f].

1863. In relation to the standard applying to glare, Ms Holden proposed amendments to proposed Rule 17.5.12 to align better with the drafting approach used at Queenstown Airport and to provide clarification.¹²⁶²
1864. Based on the evidence of Mr Kyle we agree with Ms Holden and Mr Kyle’s recommendations. We consider the insertion of “*within all landside areas*” provides clarification and recommend adopting the rule largely as per Ms Holden’s reply with renumbering, as follows:

17.7.3	<p>Lighting and Glare Within all landside areas, all lighting shall:</p> <p>17.7.3.1 ensure that direct or indirect illumination does not exceed 3 lux spill of light at any adjacent site.</p> <p>17.7.3.2 be directed away from adjoining sites and roads.</p> <p>17.7.3.3 not be directed upwards.</p>	<u>NC</u>
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58.4. Proposed Rule 17.5.13 Identified Airport Related Activities - Maximum Gross Floor Area

1865. Ms Holden recommended this rule as a way to regulate the nature, scale and intensity of identified commercial activities by placing a restriction on gross floor area.
1866. This rule specifically seeks to restrict the maximum GFA for cafes, other food and beverage facilities, retail activities and office activities to 100m² per tenancy. Rule 17.5.14 proposes to set a cap with a maximum GFA across the entire zone of 1000m².
1867. The reasons arose from Mr Heath’s analysis of the potential effects on the Wanaka commercial areas. We note that his was the only economic evidence we heard on this point.
1868. Mr Heath explained that, development potential and opportunities need to be carefully managed due to the scale of land typically involved (i.e. large land holdings giving rise to large scale development potential). He said airport zones have the potential to “*undermine the commercial network of the cities or towns in which they are located by potentially diverting retail and office activity growth from centres.*”¹²⁶³ Wanaka Airport, he said, was no different.
1869. Mr Heath’s evidence demonstrated that he had significant experience assessing the potential for non-aviation commercial activity in Airport zones, including Auckland International Airport, Christchurch International Airport, Wellington International Airport, Palmerston North Airport and Hamilton Airport. We equate Mr Heath’s phrase “*non-aviation commercial activity*” with the “*identified airport related activities*” to which this rule refers.¹²⁶⁴
1870. Mr Heath explained to us that the purpose of the AZ in his view is twofold. First, is the focus on airport related activity to support the successful functional and operational requirements of the airports themselves and, secondly, the role of airports to provide for the social and

¹²⁶² Ibid.

¹²⁶³ T Heath, EIC, at [4.7]

¹²⁶⁴ Noting that in his evidence statement, Mr Heath refers to non-aviation (retail and office) activity at [4.12].

economic wellbeing of the community.¹²⁶⁵ He said that the purpose provided no definitive link between airports and non-aviation related commercial activity to achieving the AMUZ's purpose. He said in this regard, *"they are a 'nice to have' rather than a fundamental driver of the airport's existence."*¹²⁶⁶

1871. He was cognisant of the differences between Queenstown and Wanaka, noting that Queenstown airport is a fast growing international airport and the primary gateway into the district.¹²⁶⁷ By comparison, Wanaka is a small scale airport zone for small local and tourist aircraft; and that it is somewhat isolated from the urban area of Wanaka itself.¹²⁶⁸
1872. As such, Mr Heath concluded that demand for non-aviation commercial activity at Wanaka Airport is likely to be very low, and simply reflect the generated demand predominantly from localised airport business activity.¹²⁶⁹ He said that when considering these high level differences, the level of non-aviation related commercial activity enabled at Wanaka Airport should be kept to a minimum.¹²⁷⁰
1873. That was because, in his view, with the demand source derived from Wanaka's urban areas, the supply would be more efficiently provided closer to that demand source in Wanaka itself.¹²⁷¹ It would be inefficient to satisfy such demand at Wanaka Airport.¹²⁷²
1874. Mr Heath considered that a provision such as he recommended would "feed and water" employees and visitors to the Wanaka Airport, which would be truly ancillary to aviation related activity.¹²⁷³
1875. In his view, Mr Heath concluded that the provision for non-aviation and non-ancillary commercial activity should be limited to a maximum of 1000m² gross floor area across the entire zone, with any individual tenancy capped at 100m² and be predominantly food and beverage.¹²⁷⁴
1876. Both Ms Rachel Tregidga and Mr Kyle on behalf of QAC¹²⁷⁵ presented evidence which sought to remove the standards proposed by Ms Holden. Mr Kyle questioned whether there was an evidential basis for the limits. In his view due to the fact that Wanaka Airport was land constrained and located some distance from the town itself, there was no need for the limit setting proposed within the report.¹²⁷⁶
1877. Ms Tregidga's evidence was that QAC considered the proposed limits on tenancy size to be inadequate and would *"unduly and unnecessarily constrain the potential growth and development of Wanaka Airport."*¹²⁷⁷

¹²⁶⁵ T Heath, EiC at [4.5].

¹²⁶⁶ *ibid* at [4.6]

¹²⁶⁷ *ibid* at [4.8].

¹²⁶⁸ *ibid* at [4.9].

¹²⁶⁹ *ibid* at [4.7] – [4.13]

¹²⁷⁰ *ibid* at [4.11].

¹²⁷¹ *ibid*.

¹²⁷² *ibid*.

¹²⁷³ *ibid* at [4.12].

¹²⁷⁴ *ibid*.

¹²⁷⁵ Submission 433

¹²⁷⁶ J Kyle, EiC at [6.41] – [6.43]

¹²⁷⁷ *ibid* at [65]

1878. Ms Holden had relied upon Mr Heath’s evidence in her Section 42A Report to support Rules 17.5.13 and 17.5.14. Although in her Section 42A Report, Ms Holden had misunderstood the evidence of Mr Heath, she acknowledged this error in her summary presented at the hearing¹²⁷⁸.
1879. Ms Holden relied on the evidence of Mr Heath in order to make her recommendation.¹²⁷⁹ Mr Heath considered that not including any provisions within the policy framework to limit the nature and scale of activities at Wanaka Airport to be *“a high risk strategy for Council”* in relation to non-aviation, non-ancillary activities.¹²⁸⁰
1880. Mr Heath described this as *“basically a “trust us” approach and is akin to thinking the market left to its own devices would not establish anything untoward.”*¹²⁸¹
1881. Ms Holden adopted Mr Heath’s reasoning in her Reply. She referred to the evidence of Mr Heath and discussions in Ms Tregidga’s evidence regarding diversifying the range of income sources.¹²⁸²
1882. Mr Heath stated that *“retail and commercial office activity is a proven way of delivering increased commercial and shareholder returns”*.¹²⁸³ This was echoed by Ms Tregidga who pointed out that QAC were seeking alternative means to make profit.¹²⁸⁴
1883. Taking this into consideration, we agree with Ms Holden’s recommendation. We understand and appreciate the concerns of Ms Holden and agree that when considering all of the relevant factors and possibility of expanded facilities a restriction on GFA of airport related activities is appropriate.
1884. In our view, it is appropriate to regulate because we cannot be certain that the market will provide an acceptable outcome with regard to GFA.
1885. We agree with the reasons advanced by Mr Heath. Further, we agree with his concluding statement that the proposed tenancy cap would have *“no consequential retail economic or commercial effects on Wanaka’s commercial centres, whilst at the same time providing some flexibility for Wanaka Airport to provide some small scale retail, commercial service or office activity to support Wanaka Airport’s operations and employment base.”*¹²⁸⁵
1886. It must also be noted that the rule proposes that it be a discretionary activity to exceed the cap. Therefore, in some circumstances, it may be appropriate that resource consent is granted for an individual tenancy above 100m² where there would be no retail, economic or commercial effects on Wanaka’s commercial centres.
1887. For these reasons, we recommend inclusion of an individual tenancy cap for identified airport related activities as follows:

¹²⁷⁸ R Holden, Summary of Evidence at [12]
¹²⁷⁹ R Holden, Reply Statement at [14.11].
¹²⁸⁰ T Heath, Summary of Evidence at [23].
¹²⁸¹ Ibid at [21].
¹²⁸² R Holden, Reply Statement at [14.7].
¹²⁸³ T Heath, Summary of Evidence at [24].
¹²⁸⁴ R Tregidga, EiC at [35].
¹²⁸⁵ T Heath, EiC at [4.13].

17.7.4	<p>Identified Airport Related Activities - Maximum Gross Floor Area</p> <p>The following activities shall not exceed 100m² in Gross Floor Area as part of any single activity:</p> <p>17.7.4.1 cafes and other food and beverage facilities.</p> <p>17.7.4.2 retail activities.</p> <p>17.7.4.3 offices.</p>	D
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58.5. 17.5.14 Identified Airport Related Activities -Maximum Gross Floor Area

1888. This rule sought to cap the maximum GFA for airport related activities, and classify activity above 1000m² as non-complying.

1889. In her evidence, Ms Tregidga's explained there were a number of the existing tenancies at Wanaka Airport had an office or retail component.¹²⁸⁶ The proposed 1000m² GFA limit, she says would already be well exceeded and did not provide for any growth.¹²⁸⁷

1890. After reviewing Council records, Ms Holden identified that existing activities which meet the definition of 'Airport Related' total approximately 1505m² of gross floor area within the Wanaka Airport Zone.¹²⁸⁸ These activities include the Wanaka Transport and Toy Museum, ancillary retail activities, a café servicing employees and visitors within the proposed zone and the Warbirds and Wheels War museum exhibit area. We questioned Ms Holden on her including such activities as the museums as airport related activities. She advised that was based on the definition specific for Wanaka Airport in the Section 42A Report.

1891. In her Reply Statement, Ms Holden recommended that proposed Rule 17.5.14 be removed.¹²⁸⁹

1892. We consider that there must be some level of control over the GFA of the food and beverage, retail and office activities at Wanaka Airport. Under the heading, Reply Rule 17.5.10 Identified Airport Related Activities - Maximum Gross Floor Area, we discuss our reasons for imposing a restriction of 100m² for individual tenancies for these activities and we consider that imposing this restriction will adequately protect Wanaka's commercial centres.

1893. We note the fact that the existing area for airport related activity exceeds the proposed 1000m² cap. We do not propose suggesting another figure for a maximum GFA as we consider this would be an arbitrary exercise. Rather, we prefer to rely on the individual tenancy cap proposed in Rule 17.5.10 discussed earlier.

1894. We therefore accept and adopt Ms Holden's recommendation that this rule not be included in the PDP.

58.6. Proposed Rule 17.5.15 Hours of Operation for Airport Related Activities

1895. Proposed Rule 17.5.15 restricts the hours of operation for certain activities at Wanaka Airport to between the hours of 0600 and 2200.

¹²⁸⁶ R Tregidga, EIC at [62].

¹²⁸⁷ Ibid at [64].

¹²⁸⁸ R Holden, Summary of Evidence at [14].

¹²⁸⁹ R Holden, Reply Statement at [14.11].

1896. Mr Kyle considered this to be inappropriate as it did not take into consideration those activities that may need to occur overnight in order to allow airport or airport related activities to recommence in the morning.¹²⁹⁰ He went on to describe activities, such as, aircraft repair and servicing and in his view, the effects of activities occurring overnight are appropriately managed by the other various zone standards proposed at Wanaka Airport (for example, lighting).¹²⁹¹
1897. We note that Ms Holden’s proposed rule only applied to specific activities, being cafes and other food and beverage facilities and retail activities; and this rule would not apply in the situation described by Mr Kyle above for aircraft repair and servicing. Mr Kyle also acknowledged this at the hearing, however he still maintained that perhaps these activities may also require overnight access to the airport, for example for food preparation purposes.¹²⁹²
1898. We consider that this rule as recommended by Ms Holden helps to ensure that airport activities are the paramount activity at Wanaka Airport and are not displaced by airport related activities. We consider that the hours proposed by Ms Holden are appropriate for the activities listed and that the proposed hours would not impact on the airport activities within this zone.
1899. We therefore recommend adopting this rule as per Ms Holden’s reply:

17.5.11	<p>Hours of Operation for Airport Related Activities</p> <p>The hours of operation for the following Airport Related Activities may only fall between 6.00 am and 10.00 pm:</p> <p>17.7.5.1 cafes and other food and beverage facilities;</p> <p>17.7.5.2 retail activities.</p>	NC
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58.7. Reply Rule 17.5.12 Air Shows

1900. QAC¹²⁹³ requested a specific rule providing for temporary air shows at Wanaka Airport. This submission point (433.107) was made against Chapter 35 and considered briefly in Hearing Stream 5, where the reporting planner recommended it be dealt with in the relevant zone. Consequently this had been missed out of Appendix 2 to Ms Holden’s Section 42A Report and no rule recommended in that report.
1901. The QAC submission sought that temporary air shows at Wanaka Airport be a permitted activity subject to three standards, and with an exemption from the noise limits of the zone.
1902. Mr Kyle presented a set of provisions that in his view would appropriately manage the temporary effects associated with air shows.¹²⁹⁴ He noted that he took into account the operational requirements of Warbirds over Wanaka and also how air shows are managed at other airports, such as Ardmore Airport in Auckland.¹²⁹⁵ Mr Kyle’s approach was to include air show within the definition of airport related activity for Wanaka Airport.

¹²⁹⁰ J Kyle, EiC at [6.45].

¹²⁹¹ Ibid.

¹²⁹² J Kyle, Summary of Evidence at [9.1-9.2].

¹²⁹³ Submission 433

¹²⁹⁴ J Kyle, EiC at [6.47], Appendix B.

¹²⁹⁵ Ibid at [6.47].

1903. Ms Holden agreed with Mr Kyle's suggestion to impose parameters around the nature and scale of air shows.¹²⁹⁶ The standards included within Ms Holden's recommended Reply Rule 17.5.12 relate to the duration of the air show, hours of operation and reporting requirements. In addition to the standards offered by Mr Kyle, Ms Holden included the requirement for a Traffic Management Plan.
1904. Mr Kyle suggested the hours of 0600 to 2000 for the hours of operation, however that is inconsistent with Rule 35.4.4, recommended by the Stream 5 Hearing Panel, for temporary events elsewhere in the District. Rule 35.4.4 limits the hours of operation to between 0800 and 2000. Ms Holden recommended the approach with air shows should be consistent.¹²⁹⁷
1905. Ms Holden also agreed with Mr Kyle's recommendation that Air Shows should be exempt from the Noise Standards contained within Chapter 36 given such matters as their "*limited duration and contribution to the economic wellbeing of the District.*"¹²⁹⁸ We do note, however, that the noise conditions imposed on Designation 64 would still apply.
1906. We recognise the economic benefits that air shows provide to the District and the need for these to be able to operate without requiring resource consent. However, at the same time there must be certainty for surrounding neighbours and amenity and transportation effects must be appropriately managed.
1907. With this in mind, we consider that the standards proposed by Ms Holden would help manage the scale, intensity of the event and any impacts of the event off site.
1908. We largely accept the standard as recommended by Ms Holden in her Reply Statement. We have amended the noise exemption to make it specific in relation to the relevant rule in Chapter 36. We also recommend that Air Shows be listed as a permitted activity for Wanaka Airport (Rule 17.6.2) and that the activity not be provided for as an airport related activity. That is more in keeping with the approach taken in the QAC submission.
1909. Thus, we recommend the following two rules be included:

¹²⁹⁶ Reply of Ms Holden at [14.13].

¹²⁹⁷ Ibid at [14.15].

¹²⁹⁸ Ibid at [14.16].

17.6.2	Temporary Air shows	P
17.7.6	<p>Air shows</p> <p>17.7.6.1 The air show (including set up, flying programmed and pack down) shall be limited to 12 days inclusive.</p> <p>17.7.6.2 The flying programme for the air show shall be limited to a period of not more than five days.</p> <p>17.7.6.3 The air show event does not operate outside of the hours of 0800 and 2000. Set up and pack down outside of these hours is permitted.</p> <p>17.7.6.4 The air show operator shall hold a Council approved plan detailing the noise, environmental management and traffic (vehicle and pedestrian movements, public transport, parking and management of adverse effects on operation of the State Highway) aspects of the air show. A report containing the draft plan shall be submitted to the Council for approval, no later than 30 working days prior to the air show taking place.</p> <p>The noise standards in Rule 36.5.14 shall not apply to Air Shows complying with the above standards.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Adverse amenity effects for surrounding landowners</p> <p>b. Measures to avoid, remedy or mitigate the adverse amenity effects</p> <p>c. Adverse traffic and transport effects including effects from parking.</p>

59. 17.6 RULES – NON-NOTIFICATION OF APPLICATIONS

1910. Notified Rule 17.6.1 exempted applications for controlled, restricted discretionary or discretionary activities from being publicly notified or needing to obtain the written consent of other persons.

1911. QLDC¹²⁹⁹ requested that amendments be made to the wording of this provision to make it consistent with that contained within other chapters of the PDP. Ms Holden confirmed for us that the amendments included in the relief were consistent with wording contained within other chapters of the PDP.¹³⁰⁰

¹²⁹⁹ Submission 383, opposed by FS1097

¹³⁰⁰ R Holden, Section 42A Report at [7.96].

1912. The QAC submission requested deleting reference to “discretionary activities” in Notified provision 17.6.1.¹³⁰¹ As notified, provision 17.6.1 stated that applications for discretionary activities shall not require the written consent of other persons and shall not be notified or limited notified.
1913. Ms Holden explained in her Section 42A Report that in respect of Queenstown AZ there were no activities or non-compliance with standards that would have a discretionary activity status.¹³⁰² As such, there is no real impact removing this provision. We recommend accepting the QAC submission and deleting the reference to 'discretionary activities'.
1914. With regard to Wanaka Airport, in her Section 42A Report, Ms Holden considered it was appropriate to ask for written approval in respect of those activities.
1915. In her Reply, Ms Holden had reconsidered restricted discretionary activities. In Wanaka, restricted discretionary status would be triggered when activities do not meet standards relating to minimum building setback, maximum building height, and the standards applying to air shows.
1916. She said that she did not consider non-notification of restricted discretionary activities within the AZ to be an appropriate resource management approach given the scale of potential adverse effects that could result when experienced from roads or properties adjoining the Airport Zone.¹³⁰³
1917. The reason for this, she explained, was that, due to the potential scale of adverse effects on surrounding land, including adjoining properties and roads, resulting from non-compliance with these standards, it would be appropriate to request written approval of affected persons, or justify notification if adverse effects on the surrounding environment were more than minor.¹³⁰⁴
1918. Ms Holden recommended that exemption for written consent of other persons or notification or limited notification apply only to controlled activities.¹³⁰⁵
1919. We consider that this is appropriate, as it would ensure that actual and potential adverse effects will be taken into account when processing resource consent applications. As such, we recommend the following wording for what is renumbered Rule 17.8.1:

All applications for controlled activities shall not require the written consent of other persons and shall not be notified or limited notified.

60. 17.7 NON REGULATORY METHODS

1920. NZIA¹³⁰⁶ and QAC¹³⁰⁷ supported non-regulatory methods at Notified Section 17.7 of the Notified Chapter, with QAC requesting that the provisions be retained as notified.

¹³⁰¹ Submission 433.

¹³⁰² R Holden, Section 42A Report at [7.98].

¹³⁰³ R Holden, Reply Statement at [6.3].

¹³⁰⁴ Ibid.

¹³⁰⁵ ibid at [6.4].

¹³⁰⁶ Submission 238 opposed by FS1107, FS1226, FS1234, FS1239, FS1241, FS1248, FS1249

¹³⁰⁷ Submission 433, opposed by FS1097, FS1117

1921. Ms Holden recommended that these submissions were accepted and all further submissions are rejected, as they do not relate to the clauses in Notified Rule 17.7.
1922. The only changes recommended to this section are minor and necessary to reflect the fact that the zone name has changed. We consider these amendments can be made utilising Clause 16(2).
1923. We recommend adopting these amendments as included in Ms Holden’s Reply.

61. CONSEQUENTIAL AMENDMENTS TO OTHER CHAPTERS

61.1. Chapter 27 – Subdivision

1924. No submissions sought to change the provisions applying to subdivision in the land we are recommending be included in the Airport Zone – Wanaka. Therefore, we recommend a non-substantive consequential change to the Stream 4 Hearing Panel to list “Airport Zone – Wanaka” in Rule 27.5.11 with the effect that all subdivision in the AZ – Wanaka remains a discretionary activity.
1925. We also recommend to the Stream 4 Hearing Panel that references in Chapter 27 to Queenstown Airport Mixed Use Zone be amended to read “Airport Zone – Queenstown”.

61.2. Chapter 36

1926. Other than a submission which sought that notified Rule 36.3.2.8 be amended to exempt aircraft operations at Wanaka Airport from the noise limits in Chapter 36¹³⁰⁸, no submissions sought to apply different noise provisions to Wanaka Airport from those applying to the Rural Zone.
1927. Thus, we recommend to the Stream 5 Hearing Panel that all references in Chapter 36 to Queenstown Airport Mixed Use Zone be consequently changed to “Airport Zone – Queenstown” and that in all rules applying to the Rural Zone, reference be included to “Airport Zone – Wanaka”. We consider these to be non-substantive consequential changes under clause 16(2).

62. DEFINITIONS

1928. We make it clear that all our recommendations in this section of our report are to the Stream 10 Hearing Panel unless we state otherwise.
1929. There were a number of submissions received with regard to definitions relevant to the Airport zone provisions.
1930. QAC¹³⁰⁹ requested that all definitions be consistent with and give effect to recent Environment Court decisions on PC19 (Frankton Flats B Zone), PC26 (Wanaka Airport) and PC35 (Queenstown Airport). The submission went on to say that definitions that were in place at the time the above plan changes were promulgated should also be included in the Proposed Plan to ensure the accurate interpretation and application of the provisions introduced by these plan changes.

¹³⁰⁸ Submission 433

¹³⁰⁹ Submission 433, supported by FS1030, FS1077, opposed by FS1117, FS1097

1931. RPL¹³¹⁰ also submitted in support of the definitions that have arisen out of PC35 in the PDP.

62.1. Submissions to Retain Definitions

1932. QAC¹³¹¹ submitted on a number of notified submissions, requesting they be retained as the definitions are consistent with that contained in the ODP

1933. We adopt the same approach as Ms Holden in her Section 42A Report, and rather than comment on these individually, we list these below. There were no changes sought and the only further submissions were from QPL¹³¹² and RPL¹³¹³ opposing the submission from QAC. However, those further submissions did not specifically relate to these definitions.

1934. The definitions that QAC sought to retain are as follows:

- a. Community Activity
- b. Commercial Activity
- c. Day Care Facility
- d. Design Sound Level
- e. Educational Facility
- f. Visitor Accommodation
- g. Hangar (with the exception of a minor amendment to include the word 'means' which provides clarity)
- h. Indoor sound level
- i. Landside
- j. Non Critical Listening Environment
- k. 2037 Noise Contours and
- l. 2037 60 dB Noise Contours.

1935. We recommend to the Stream 10 Hearing Panel that, with the exception of the definition of landside and hangar, these submissions be accepted.

1936. With respect to 'landside', Ms Holden recommended replacement of 'that' with 'an' so that it reads:

Landside

Means an area of airport and buildings to which the public has unrestricted access.

1937. We agree this is a non-substantive grammatical change and recommend it be adopted.

1938. QAC¹³¹⁴ requested the addition of the word "means" to precede the notified definition of hangar. We consider this to be a minor non-substance change that improves consistency and clarification. We recommend to the Stream 10 Hearing Panel that hangar be amended to read as follows:

Hangar

Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.

¹³¹⁰ Submission 807

¹³¹¹ Submission 433.

¹³¹² FS1097.

¹³¹³ FS1117.

¹³¹⁴ Submission 433.

62.2. Activity Sensitive to Aircraft Noise (ASAN)/ Activities sensitive to road noise

1939. As notified this definition read:

Means any residential activity, visitor accommodation activity, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

1940. Ms Byrch¹³¹⁵ requested that the definition of ASAN be amended to include outdoor spaces associated with residential, visitor accommodation, community and day care activities, given people of Queenstown enjoy the outdoor areas of their properties in addition to inside spaces.

1941. Ms Holden explained in her Section 42A Report that there would be a minimum expectation of any outdoor space for short term visitor accommodation in this zone.¹³¹⁶ Therefore she did not consider it was necessary to include a reference to outdoor spaces in the definition.¹³¹⁷ As we are recommending that residential, visitor accommodation, community and day care activities be prohibited in this zone, we agree with this assessment, and as such recommend that this relief be rejected.

1942. QAC¹³¹⁸ requested that the definition of ASAN be retained as notified. The further submitters requested that all definitions within the PDP be consistent with PC35. The definition of ASAN promoted by PC35 was included in the PDP when notified.

1943. As such, this definition is consistent with PC35 and accordingly, we recommend that FS1117 and FS1097 be rejected and that the QAC submission be accepted.

1944. Air New Zealand Limited¹³¹⁹ requested that the definition of ASAN be amended to be consistent with QLDC's decision with respect to PC19, which related to the Frankton Flats B Special Zone. This definition is consistent with the latest definition confirmed by the Environment Court, and therefore Ms Holden recommended rejection of this request.

1945. We agree with this recommendation, and consider that the definition as notified is efficient as is.

62.3. Activity Sensitive to Aircraft Noise (ASAN) Wanaka

1946. As notified, this definition read:

Means any residential activity, visitor accommodation activity, community activity and day care facility activity, but excludes activity in police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

1947. QAC¹³²⁰ submitted that this definition was a near duplication of the notified definition for ASAN described above. QAC went on to say they would support the deletion of this definition and its replacement with the previously discussed definition, so the same definition of ASAN would apply to both Queenstown and Wanaka Airports.

¹³¹⁵ Submission 243

¹³¹⁶ R Holden, Section 42A Report at [9.2.2].

¹³¹⁷ Ibid.

¹³¹⁸ Submission 433, opposed by FS1117, FS1097

¹³¹⁹ Submission 584, supported by FS1077, FS1117

¹³²⁰ Submission 433, opposed by FS1117, FS1097

1948. The only difference in the two definitions is that the definition of 'Activity Sensitive to Aircraft Noise (ASAN) Wanaka' includes the following statement: "*including all outdoor spaces associated with any educational facility.*"
1949. Ms Holden did concede that it could be argued that aviation schools are classified for "*educational facilities.*"¹³²¹ However given such schools would be directly associated with aviation and airport operations, a degree of acceptance would be afforded toward airport noise.
1950. Arcadian Triangle Limited¹³²² submitted in support of the removal of this definition noting its similarity to the definition of 'ASAN'.
1951. On this basis, Ms Holden recommended that these submissions be accepted and this definition be deleted.
1952. We agree that removing this definition avoids duplication and provides more clarity for the reader. We therefore recommend accepting the QAC and Arcadian submissions and deleting this definition. This results in one single definition for ASAN activities in the PDP.

62.4. Aircraft

1953. As notified the definition for Aircraft read:

Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.

1954. Royal New Zealand Aero Club Inc/Flying NZ¹³²³ requested that the definition of 'Aircraft' be amended to reference 'motorised aircraft' so that the rules are targeted to the primary issue of noise.
1955. Ms Holden did not support this relief and we agree. She advised that this definition would also apply to informal airports, which were a matter for the Rural Stream hearing.¹³²⁴ Aircraft and the related informal airports rules also intentionally include non-motorised use of land for informal airports such as hot air balloons and parasailing. With this in mind the definition should include such activities. Therefore, we recommend the relief to restrict the definition to refer to "*motorised aircraft*" be rejected.
1956. QAC¹³²⁵ requested to retain this definition as notified. Due to the change recommended by Ms Holden (which we will discuss later) altering the definition wording, we recommend accepting this in part.
1957. QLDC¹³²⁶ sought this definition be amended to exclude remotely piloted aircraft of a small scale and unlikely to have noise effects comparable to helicopters and fixed wing aircraft.

¹³²¹ R Holden, Section 42A Report at [9.3.1].

¹³²² Submission 836

¹³²³ Submission 296

¹³²⁴ R Holden, Section 42A Report at [9.5.1].

¹³²⁵ Submission 433, opposed by FS1117, FS1097

¹³²⁶ Submission 383, supported by FS1340

1958. The submission explained that *“The definition of aircraft, and its association with aerodromes and informal airports as defined in the Proposed District Plan, and airports as defined in the operative District Plan has the potential to include a variety of activities that are not intended to be managed by the District Plan provisions.”*
1959. This would include small remotely piloted aircraft such as model aircraft and drones. The submission goes on to point out Civil Aviation Authority rules are tailored to control remotely piloted aircraft and the District Plan should not duplicate these functions.
1960. QLDC submitted that retaining the potential for small scale remotely piloted aircraft to be subject to the District Plan provisions could create a large number of resource consents.
1961. Further, the QLDC submission requested adding a definition for remotely piloted aircraft.
1962. Ms Holden considered the relief sought by QLDC to be effective in so far that it would exclude a range of activities such as the use of drones, even kite flying that could otherwise be unintentionally captured by the informal airports rules and the reliance on the definition of Aircraft as notified.¹³²⁷
1963. We think that clarifying this definition through this additional wording will remove the potential requirement of a large number of resource consents for remotely piloted aircraft, and as such we recommend accepting the QLDC submission and that the definition be reworded as follows:

Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.

62.5. Aircraft Operations

1964. As notified, this definition is:

Includes the operation of aircraft during landing, takeoff and taxiing but excludes:

- a. Aircraft operating in an emergency*
- b. Aircraft using the Airport as an alternative to landing at a scheduled airport;*
- c. Military aircraft movements; and*
- d. Engine testing.*

1965. QAC¹³²⁸ requested this definition be retained as notified. For reasons explained below, this definition is consistent with PC35, and therefore we recommend accepting the QAC submission. Ms Christine Byrch¹³²⁹ submitted, asking why "aircraft using the Airport as an alternative to landing at a scheduled airport" is excluded from the definition of 'Aircraft Operations'?
1966. Ms Byrch considered this to be a mistake. However, Ms Holden explained that as part of the proceedings for PC35, the definition of 'Aircraft Operations' was confirmed and was included in the PDP when notified.¹³³⁰ These revised definitions were included in the PDP to reflect

¹³²⁷ R Holden, Reply Statement at [9.5.8].

¹³²⁸ Submission 433, opposed by FS1117, FS1097

¹³²⁹ Submission 243, opposed by FS1224

¹³³⁰ R Holden, Section 42A Report at [9.6.4].

PC35 decisions. As such, it is recommended to reject this relief and retain the definition as notified.

62.6. Air Noise Boundary

1967. As notified, this definition read:

Means a boundary, the location of which is based on predicted day/night sound levels of Ldn 65 dBA from future airport operations. The location of the boundary is shown on the District Plan Maps.

1968. QAC¹³³¹ requested that the definition of Air Noise Boundary (ANB) be removed, explaining that the ANB for Wanaka Airport was removed during PC26, and therefore inclusion of this definition is redundant.

1969. There is another definition provided in the PDP which provides for Air Noise Boundary Queenstown (ANB).

1970. Ms Holden advised us that she consulted the Planning Maps notified as part of the PDP and confirmed that within Map 18a relating to Wanaka Airport, there is no Air Noise Boundary identified.¹³³² Furthermore, there are no rules contained within Chapter 21 (Rural) which refer to an ANB restricting activities within such an area in Wanaka.

1971. Arcadian Triangle Limited¹³³³ also questioned why there was a need for two definitions for the ANB, and requested deleting one of the two ANB definitions.

1972. Ms Holden agreed with QAC and Arcadian Triangle Limited that the definition of ANB in the PDP was redundant.¹³³⁴ We agree – the duplication serves no purpose, and removing this redundant text will improve the clarity and readability of the Plan. As such we recommend accepting submissions 433 and 836 and removing the definition.

62.7. Air Noise Boundary Queenstown (ANB)

1973. As notified, this definition read:

Means a boundary as shown on the District Plan Maps, the location of which is based on the predicted day/night sound level of 65 dB Ldn from airport operations in 2037.

1974. QAC¹³³⁵ submitted in support of this definition, requesting it be retained as notified. As notified this definition was somewhat of a duplication of the ANB definition discussed above. As the former definition is to be deleted, we recommend accepting the QAC submission and that this definition is retained as notified.

62.8. Airport Activity

1975. As notified this definition read:

Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:

¹³³¹ Submission 433, opposed by FS1117 and FS1097

¹³³² R Holden, Section 42A Report at [9.7.3].

¹³³³ Submission 836

¹³³⁴ R Holden, Section 42A Report at [9.7.5].

¹³³⁵ Submission 433, opposed by FS1117 and FS1097

- a. *aircraft operations, private aircraft traffic, domestic and international aircraft traffic, rotary wing operations, aircraft servicing, general aviation, airport or aircraft training facilities and associated offices*
 - b. *Runways, taxiways, aprons, and other aircraft movement areas*
 - c. *Terminal buildings, hangars, control towers, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, border control and immigration facilities, medical facilities, fuel storage and fuelling facilities, facilities for the handling and storage of hazardous substances, and associated offices.*
1976. QAC¹³³⁶ supported this definition in part. Its submission confirmed that this definition was largely consistent with the range of activities provided for by Designation #2 (Aerodrome Purposes) which QAC has responsibility for as the requiring authority.
1977. The QAC submission went on to request a minor amendment to differentiate that this definition applies to airport activities at Queenstown Airport only. Ms Holden accepted this submission and recommended adding the additional wording “*Queenstown Airport*”.¹³³⁷
1978. However, during the hearing, we requested additional information from QAC with regard to plans and consolidated provisions. In the Memorandum of Counsel, dated 6 December 2016, suggested consolidation and comment was provided by Mr Kyle.
1979. Ms Holden reviewed these comments and suggested further consolidation, through provision of permitted activities that are specific to Queenstown or Wanaka Airports within Table 1. This means the definition for “*Airport Activity*” (and Airport-related activity) can now apply across both Airports, without the need for separate definitions.
1980. We agree with consolidating these definitions, and incorporating the additional activities as suggested by Airways Corporation of NZ Limited¹³³⁸ (Airways), discussed below under the heading of Airport Activity – Wanaka Airport.¹³³⁹
1981. The wording we recommend be included as the definition of Airport Activity is as follows:

Airport Activity

Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including:

- a. *aircraft operations, which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations*
- b. *aircraft servicing, general aviation, airport or aircraft training facilities and associated offices*
- c. *Runways, taxiways, aprons, and other aircraft movement areas*
- d. *Terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service*

¹³³⁶ Submission 433, opposed by FS1117, FS1097

¹³³⁷ R Holden, Section 42A Report, Appendix 1 at p17-14

¹³³⁸ FS1123

¹³³⁹ Airways sought to include air traffic control facilities, flight information services, and navigational and safety aids in the definition for Airport Activity – Wanaka Airport. With the consolidation of the definitions to apply to both Queenstown and Wanaka, then these additional activities will apply to both airports.

facilities, fuel storage and fuelling facilities, and facilities for the handling and storage of hazardous substances.

62.9. Proposed Definition: Airport Activity – Wanaka Airport

1982. QAC¹³⁴⁰ made a submission on Chapter 21 Rural requesting that an additional definition for 'Airport Activity – Wanaka Airport' at Wanaka Airport be included as follows:

Airport Activity – Wanaka Airport

Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including but not limited to:

- a. aircraft operations, rotary wing aircraft operations, helicopter aprons, and associated touch down and lift off areas, aircraft servicing, general aviation, navigational and safety aids, lighting, aviation schools, space research and associated activities, facilities and activities associated with veteran, vintage and classic aircraft operations, aviation museums and aero recreation*
- b. Runways, taxiways, aprons, and other aircraft movement or safety areas*
- c. Terminal buildings, hangars, rescue facilities, navigation and safety aids, lighting, car parking, maintenance and service facilities, catering facilities, freight facilities, quarantine and incineration facilities, medical facilities, fuel storage and fuelling facilities, and associated offices.*

1983. This was supported by Ross and Judith Young Family Trust¹³⁴¹ as an accurate reflection of the extent of Airport Activities at and around Wanaka Airport. Airways submitted in partial support of the QAC submission, seeking an additional amendment be made to the definition of 'Airport Activities' at Wanaka to also include air traffic control facilities, flight information services, and navigational and safety aids.

1984. Ms Holden agreed with these submissions, recommending inclusion of a new definition for Wanaka Airport, and expanding the activities as per the relief sought by Airways. However, as discussed above (Airport Activity) these two definitions were subsequently consolidated and any Queenstown or Wanaka specific activities included in the Activity Tables as permitted activities for their respective zones, and the common activities to both zones, included in one single definition for "Airport Activity".

1985. In summary, there is only one definition for Airport Activity in the AZ and this is described above under "Airport Activity". This definition applies to both Queenstown and Wanaka Airports.

62.10. Airport Operator

1986. QAC¹³⁴² submitted in support of this definition, seeking its retention as notified. This was opposed by RPL¹³⁴³ and QPL¹³⁴⁴ insofar as it is inconsistent with PC35. This definition is not inconsistent with PC35, and as such we recommend rejecting these further submissions and accepting that of QAC, with the definition remaining as notified, being:

¹³⁴⁰ Opposed by FS1117 and FS1097

¹³⁴¹ FS1088

¹³⁴² Submission 433.

¹³⁴³ FS1117

¹³⁴⁴ FS1097

Means the person or body that has the necessary statutory authority for the establishment, maintenance, operation or management of the airport.

62.11. Airport Related Activity – Queenstown Airport

1987. As notified, this definition read:

Means an ancillary activity or service that provides support to the airport. This includes, but is not limited to, land transport activities, buildings and structures, servicing and infrastructure, police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose, retail and commercial services, industry and visitor accommodation associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses.

1988. This was supported in part by QAC¹³⁴⁵, with an addition requested to add the phrase “*Queenstown Airport*” in order to differentiate between the two airports. QAC also submitted to add an additional definition for Airport Related Activity- Wanaka Airport.¹³⁴⁶

1989. As discussed under the heading of ‘*Airport Activity*’, Ms Holden initially recommended accepting QAC’s suggestion to differentiate between the two locations.

1990. Further discussion at the hearing questioned the need for separate definitions, and within their Memorandum of Counsel (dated 6 December 2016) QAC suggested a consolidated definition for “*Airport Activities*”. Ms Holden further refined this definition and recommended adding ‘*catering facilities*’, ‘*quarantine and incineration facilities*’, and ‘*border control and immigration facilities*’ that were previously included in the definition of ‘*Airport Activity*’.¹³⁴⁷ In our view, it is more appropriate for these activities to be included in this definition.

1991. As discussed earlier in this report, farming activities are undertaken in the Rural Zone and were included as a permitted activity in Rule 17.4.1. While our recommendation to reduce the extent of the AZ at Queenstown means that rule is no longer relevant, we have included farming as a permitted activity in Rule 17.6 so that any existing farming use at Wanaka can continue.

1992. Thus, it is not necessary to include “*farming activities*” in the definition of airport related activity.

1993. Accordingly, we recommend adopting the wording as follows:

Airport Related Activity

Means an ancillary activity or service that provides support to the airport. This includes:

- a. land transport activities*
- b. buildings and structures*
- c. servicing and infrastructure*
- d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose*
- e. retail and commercial services, and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses*
- f. catering facilities*

¹³⁴⁵ Submission 433, opposed by FS1117 and FS1097.

¹³⁴⁶ Submission 433, supported by FS1030, FS1088 and FS1211.

¹³⁴⁷ R Holden, Reply at [3.11].

- g. quarantine and incineration facilities
- h. border control and immigration facilities
- i. administrative offices (provided they are ancillary an Airport or Airport Related Activity).

62.12. Proposed Definition: Airport Activity – Wanaka Airport

1994. QAC¹³⁴⁸ made a submission requesting the additional definition for 'Airport Activity – Wanaka Airport' at Wanaka Airport be included as follows:

Airport Related Activity – Wanaka Airport Means any retail activity, restaurants and other food and beverage facilities, industrial and commercial activities, provided they are connected with and ancillary to the use of the Airport. Also includes Temporary Activities associated with Air Shows, Conferences and Meetings, and rental vehicles, valet activities and public transport facilities. Includes Military Training Operations.

1995. Ms Holden’s original recommendation¹³⁴⁹ was to include this definition, however discussions at the hearing led to consolidation of definitions in order to present definitions that were common to both Queenstown and Wanaka Airports. We have recommended that activities that are specific to either Airport be located in the activity tables to the extent there was scope to do so.
1996. With regard to the further submission¹³⁵⁰ by the New Zealand Defence Force, which supported the definition in Wanaka including Military Training Operations in order to provide clarification that these activities can be carried out in the zone, we feel it is important to note we accept this submission. Military Training Operations are included as a permitted activity under Rule 35.4.10. It is therefore unnecessary to make special provision for this activity at Wanaka Airport either via this definition or the activity table. We note that the QAC submission would only have allowed us to recommend the activity be a controlled activity at Wanaka Airport if specifically provided for in Rule 17.6.
1997. In summary, it is recommended that there not be a separate definition for Airport Related Activity – Wanaka Airport, but rather to include one definition for both airports as previously discussed.

62.13. Boundary

1998. As notified, this definition reads as follows:

Means any boundary of the net area of a site and includes any road boundary or internal boundary. Site boundary shall have the same meaning as boundary.

1999. QAC sought to amend this definition by adding a note stating that this definition excludes the Air Noise or Outer Control Boundary at Queenstown or Wanaka Airport. Ms Holden did not consider this a necessary amendment and we agree.¹³⁵¹ It is clear that this definition relates to a ‘site boundary’ rather than the ANB or OCB. As such, we recommend rejecting this submission and retaining the definition as notified.

62.14. Critical Listening Environment

2000. As notified this read:

¹³⁴⁸ Submission 433, supported by FS1030, FS1088, FS1211 and opposed by FS1117 and FS1097
¹³⁴⁹ R Holden, Section 42A Report at [10.16].
¹³⁵⁰ FS1211.13
¹³⁵¹ R Holden, Section 42A Report at [9.12.3].

Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical living environments.

2001. QAC's submission¹³⁵² drew attention to a typographical error in this definition. QAC submitted that rather than non-critical living environments, it should read non-critical listening environments. Ms Holden checked this with the provisions of PC35 and confirmed it was an error.¹³⁵³

2002. As such, we recommend accepting this submission and that the definition read as follows:

Means any space that is regularly used for high quality listening or communication, for example principal living areas, bedrooms and classrooms, but excludes non critical listening ~~living~~ environments

62.15. Outer Control Boundary (OCB) Queenstown Outer Control Boundary (OCB) Wanaka

2003. As notified these definitions read:

OCB Queenstown

Means a boundary as shown in District Plan Maps, the location of which is based on the predicted day/night sound level of 55 dB Ldn from airport operations in 2037.

OCB Wanaka

Means a boundary, as shown on the District Plan Maps, the location of which is based on the predicted day/night sound levels of 55 dBA Ldn from airport operations in 2036.

2004. QAC¹³⁵⁴ submitted in support of the Queenstown definition and requested an amendment to the Wanaka OCB definition¹³⁵⁵.

2005. QAC requested the definition be amended to refer to the appropriate map within PDP (Map 18a). QAC considered this would provide more clarity and ensure consistency with PC26.

2006. Arcadian Triangle Limited¹³⁵⁶ noted that there are two separate definitions for OCB, one pertaining to Wanaka and one to Queenstown. However according to this submitter, it is unclear why two identical definitions are included, seeking for one to be deleted. Ms Holden did not consider this relief appropriate and she recommended that this submission be rejected.¹³⁵⁷

2007. We questioned the reasoning for two separate definitions of Outer Control Boundary (OCB) to apply to Wanaka and Queenstown.

2008. Ms Holden pointed us to her Section 42A Report, where she explained the difference between the two definitions is based on the modelling approach taken for the predicted airport

¹³⁵² Submission 433, opposed by FS1117, FS1097

¹³⁵³ R Holden, Section 42A Report at [9.13.2].

¹³⁵⁴ Submission 433, opposed by FS1117 and FS1097

¹³⁵⁵ Submission 433, opposed by FS1117 and FS1097

¹³⁵⁶ Submission 836

¹³⁵⁷ R Holden, Section 42A Report at [9.14.2].

operations, being until 2037 for Queenstown and 2036 for Wanaka.¹³⁵⁸ The predicted day/night sound level of 55 dB Ldn applies to both airports (as identified in the definition).

2009. We wondered if an appropriate place to include the basis for the predicted noise measurements was potentially within the standard for compliance with the OCB. However, Ms Holden replied that, given the controls relating to aircraft noise within the designations (Conditions 5 to 9 of Designation #2, and the conditions within E1 for Designation #64 which are not numbered), in her view, the basis of these predicted noise measures is immaterial to the boundary noted on Planning Maps. The conditions of the designation place obligations on the requiring authority for each airport to mitigate adverse noise effects from aircraft if these noise limits are exceeded prior to 2036 or 2037.¹³⁵⁹
2010. Taking these points into consideration, she then recommended that the Arcadian Triangle submission be accepted, and the two definitions for 'Outer Control Boundary' applying to Queenstown and Wanaka Airports are consolidated¹³⁶⁰, as follows:

Outer Control Boundary (OCB)	<u>Means a boundary, as shown on the District Plan Maps, the location of which is based on the future predicted day/night sound levels of 55 dBA Ldn from airport operations.</u>
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2011. We recommend accepting the Arcadian Triangle¹³⁶¹ submission, and consider this is appropriate and improves the effectiveness of the PDP, again reducing any unnecessary duplication with regard to definitions pertaining to the AZ.

62.16. Projected Annual Aircraft Noise Contour (AANC)

2012. As notified this definition read:

Means the Projected Annual Aircraft Noise Contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 14.

2013. QAC¹³⁶² submitted in support of this definition, requesting a small amendment to the condition reference of Designation 2. This is a minor amendment and we recommend accepting this submission point and that the associated further submissions be rejected. The definition is recommended to read as follows:

means the Projected Annual Aircraft Noise Contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 13.14

62.17. Wholesaling (Three Parks and Industrial B Zones)

2014. Ms Holden recommended¹³⁶³ updating this to be renamed 'Wholesaling (Three Parks, Industrial B and Airport Zones).

¹³⁵⁸ Ibid at [9.14.1].

¹³⁵⁹ R Holden, Reply Statement at [3.25].

¹³⁶⁰ Ibid.

¹³⁶¹ Submission 836.

¹³⁶² Submission 433, opposed by FS1117 and FS1097

¹³⁶³ R Holden, Section 42A Report, Appendix 1 at 17-15.

2015. At the hearing it was noted that Three Parks and Industrial B are to be considered in a later stage of the PDP.¹³⁶⁴ Therefore we agree with Ms Holden’s recommendation that this be considered and discussed at the definitions hearing, where it can be addressed in the context of the whole plan.

62.18. Redraft Remotely Piloted Aircraft

2016. QLDC¹³⁶⁵ sought to include a new definition for “*Remotely Piloted Aircraft*”, in addition to amending the definition of “*Aircraft*” to exclude the same.

2017. The addition of this definition and corresponding exemption in the “*Aircraft*” definition results, in our view, in more certainty and clarification around the activities that require a resource consent. Without this exemption, and definition, there was potential for remotely piloted aircraft, such as drones and remote controlled recreation planes to require resource consent.¹³⁶⁶ In addition to linking with the updated “*Aircraft*” definition, this definition is consistent with Civil Aviation Authority definitions.

2018. We therefore recommend accepting this submission and the inclusion of this definition as suggested by QLDC below:

Means an unmanned aircraft that is piloted from a remote station.

62.19. Additional Submissions on Definitions

2019. There were additional submissions made relating to definitions relevant to the AMUZ which have been transferred to the Definitions Hearing for consideration. These include submissions on *Aerodrome*¹³⁶⁷ and *Radio Communication Facility*¹³⁶⁸.

62.20. Recommendation to Stream 10 Hearing Panel

2020. We consider that the amendments to the above definitions will improve the clarity and consistency of the Plan.

2021. Consequently, with regard to the definitions discussed above, we recommend that the Stream 10 Hearings Panel:

- a. Accept the recommended definitions as set out in Appendix 8; and
- b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 9.

63. CONCLUSION

2022. For the reasons advanced through this report, we conclude that the recommended amendments support the zone purpose and enable the objectives of the chapter to be achieved and are more effective and efficient than the notified chapter and further changes sought by submitters that we recommend rejecting.

2023. We consider that the amendments will improve the clarity and consistency of the Plan; contribute towards achieving the objectives of the District Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

¹³⁶⁴ R Holden, Reply at [3.27].

¹³⁶⁵ Submission 383, supported by FS1340

¹³⁶⁶ R Holden, Section 42A Report at [9.5.8].

¹³⁶⁷ Submissions 433 (opposed by FS1117 and FS1097) and 836

¹³⁶⁸ Submission 566, supported by FS1106, FS1208, FS1253, FS1340

2024. Consequently, we recommend that:
- a. Chapter 17 be adopted as set out in Appendix 6 and
 - b. The submissions be accepted, accepted in part, or rejected as set out in Appendix 7.

PART H: OVERALL CONCLUSIONS AND RECOMMENDATIONS

2025. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 12, in the form set out in Appendix 1, be adopted;
 - b. Chapter 13, in the form set out in Appendix 2, be adopted;
 - c. Chapter 14, in the form set out in Appendix 3, be adopted;
 - d. Chapter 15, in the form set out in Appendix 4, be adopted;
 - e. Chapter 16, in the form set out in Appendix 5, be adopted;
 - f. Chapter 17, in the form set out in Appendix 6 be adopted; and
 - g. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 7.
2026. We also recommend:
- a. to the Stream 4 Hearing Panel that the amendments to Chapter 27 listed in Appendix 8 be included in that chapter for the reasons set out above;
 - b. to the Stream 5 Hearing Panel that the amendments to Chapter 36 listed in Appendix 8 be included in that chapter for the reasons set out above; and
 - c. to the Stream 10 Hearing Panel that the definitions listed in Appendix 8 be included in Chapter 2 for the reasons set out above.

For the Hearing Panel



Denis Nugent, Chair
Dated: 29 March 2018

Appendix 1: Chapter 12 - Queenstown Town Centre Zone as Recommended

12 QUEENSTOWN TOWN CENTRE

12.1

Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, they provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Queenstown will increasingly become a dynamic and vibrant centre with high levels of tourism activity that provides essential visitor-related employment. It serves as the principal administrative centre for the District and offers the greatest variety of activities for residents and visitors. It has a range of entertainment options and serves as a base for commercial outdoor recreation activities occurring throughout the Wakatipu Basin. Visitor accommodation is provided within and near to the town centre. Over time, Queenstown town centre will evolve into a higher intensity and high quality urban centre.

Development within the Special Character Area of the Town Centre Zone (shown on Planning Maps) is required to be consistent with the Queenstown Town Centre Design Guidelines 2015, reflecting the specific character and design attributes of development in this part of the Town Centre. The Entertainment Precinct (also shown on Planning Maps) has permitted noise thresholds that are higher than other parts of the Town Centre in order to encourage those noisier operations to locate in the most central part of town, where it will have least effect on residential zones.

The Queenstown Waterfront Sub-Zone makes an important contribution to the amenity, vibrancy, and sense of place of the Queenstown Town Centre as a whole.

12.2

Objectives and Policies

12.2.1 Objective - A Town Centre that remains relevant to residents and visitors alike and continues to be the District's principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.

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| Policies | <p>12.2.1.1 Enable intensification within the Town Centre through:</p> <ul style="list-style-type: none"> a. enabling sites to be entirely covered with built form other than in the Town Centre Transition Sub-Zone and in relation to comprehensive developments provided identified pedestrian links are retained; and b. enabling additional building height in some areas provided such intensification is undertaken in accordance with best practice urban design principles and the effects on key public amenity and character attributes are avoided or satisfactorily mitigated. <p>12.2.1.2 Provide for new commercial development opportunities within the Town Centre Transition Sub-Zone that are affordable relative to those in the core of the Town Centre in order to retain and enhance the diversity of commercial activities within the Town Centre.</p> <p>12.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur subject to appropriate noise controls.</p> |
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- 12.2.1.4** Enable residential activities and visitor accommodation activities while acknowledging that there will be a lower level of residential amenity due to increased noise and activity resulting from the mix of activities and late night nature of the town centre.

12.2.2 Objective - Development that achieves high quality urban design outcomes and contributes to the town's character, heritage values and sense of place.

- Policies
- 12.2.2.1** Require development in the Special Character Area to be consistent with the design outcomes sought by the Queenstown Town Centre Design Guidelines 2015.
- 12.2.2.2** Require development to:
- maintain the existing human scale of the Town Centre as experienced from street level through building articulation and detailing of the façade, which incorporates elements which break down building mass into smaller units which are recognisably connected to the viewer; and
 - contribute to the quality of streets and other public spaces and people's enjoyment of those places; and
 - positively respond to the Town Centre's character and contribute to the town's 'sense of place'.
- 12.2.2.3** Control the height and mass of buildings in order to:
- provide a reasonable degree of certainty in terms of the potential building height and mass; or
 - retain and provide opportunities to frame important view shafts to the surrounding landscape; or
 - maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36); or
 - minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
- 12.2.2.4** Allow buildings to exceed the discretionary height standards in situations where:
- the outcome is of a high-quality design, which is superior to that which would be achievable under the permitted height; and
 - the cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site; and
 - the increase in height will facilitate the provision of residential activity.
- 12.2.2.5** Prevent buildings exceeding the maximum height standards except that it may be appropriate to allow additional height in situations where:
- the proposed design is an example of design excellence; and
 - building height and bulk have been reduced elsewhere on the site in order to:

- i. reduce the impact of the proposed building on a listed heritage item; or
- ii. provide an urban design outcome that has a net benefit to the public environment.

For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:

- a. provision of sunlight to any public space of prominence or space where people regularly congregate;
- b. provision of a new or retention of an existing uncovered pedestrian link or lane;
- c. where applicable, the restoration and opening up of Horne Creek as part of the public open space network;
- d. provision of high quality, safe public open space;
- e. retention of a view shaft to an identified landscape feature;
- f. minimising wind tunnel effects of buildings in order to maintain pleasant pedestrian environments.
- g. the creation of landmark buildings on key block corners and key view terminations.

12.2.2.6 Ensure that development within the Special Character Area reflects the general historic subdivision layout and protects and enhances the historic heritage values that contribute to the scale, proportion, character and image of the Town Centre.

12.2.2.7 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.

12.2.2.8 Acknowledge that parts of the Queenstown Town Centre are susceptible to flood risk and mitigate the effects of this through:

- a. requiring minimum floor heights to be met; and
- b. encouraging higher floor levels (of at least RL 312.8 masl) where amenity, mobility, streetscape, and character values are not adversely affected; and
- c. encouraging building design and construction techniques which limit the impact of flooding or ponding in areas of known risk.

12.2.2.9 Require high quality comprehensive developments within the Town Centre Transition Sub-Zone and on large sites elsewhere in the Town Centre, which provides primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

12.2.3 Objective – An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone.

Policies **12.2.3.1** Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre and controlling the height and design of buildings at the zone boundary.

- 12.2.3.2** Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:
- a. enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre; and
 - b. providing for noisier night time activity within the entertainment precinct in order to minimise effects on residential zones adjacent to the Town Centre; and
 - c. ensuring that the nature and scale of licensed premises located in the Town Centre Transition Sub-Zone result in effects that are compatible with adjoining residential zones; and
 - d. enabling activities within the Town Centre Zone that comply with the noise limits; and
 - e. requiring sensitive uses within the Town Centre to mitigate the adverse effects of noise through insulation.
- 12.2.3.3** Enable residential and visitor accommodation activities within the Town Centre while:
- a. acknowledging that it will be noisier and more active than in residential zones due to the density, mixed use, and late night nature of the Town Centre and requiring that such sensitive uses are insulated for noise; and
 - b. discouraging residential uses at ground level in those areas where active frontages are particularly important to the vibrancy of the Town Centre; and
 - c. avoiding, or, where this is not possible, mitigating adverse traffic effects from visitor accommodation through encouraging operators to provide guests with alternatives to private car travel, discouraging the provision of onsite car parking, and through the careful location and design of any onsite parking and loading areas; and
 - d. only enabling new residential and visitor accommodation uses within the Town Centre Entertainment Precinct where adequate insulation and mechanical ventilation is installed.
- 12.2.3.4** Avoid the establishment of activities that cause noxious effects that are not appropriate for the Town Centre.
- 12.2.3.5** Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.
- 12.2.3.6** Recognise the important contribution that sunny open spaces, footpaths, and pedestrian spaces makes to the vibrancy and economic prosperity of the Town Centre.

12.2.4 Objective - A compact Town Centre that is safe and easily accessible for both visitors and residents.

- Policies **12.2.4.1** Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.

- 12.2.4.2** Ensure that the Town Centre remains compact, accessible and easily walkable by avoiding outward expansion of the Town Centre Zone. Encourage walking to and within the Town Centre by improving the quality of the pedestrian experience by:
- maintaining and enhancing the existing network of pedestrian linkages and ensuring these are of a high quality;
 - requiring new pedestrian linkages in appropriate locations when redevelopment occurs;
 - strictly limiting outward expansion of the Town Centre Zone and commercial activity beyond it;
 - encouraging the provision of verandas along pedestrian-oriented streets, while acknowledging that verandas may not be appropriate or necessary in applications involving a heritage building; or where no verandas exist on adjoining buildings, and may need to be specifically designed so as to not interfere with kerbside movements of high-sided vehicles;
 - promoting and encouraging the maintenance and creation of uncovered pedestrian links and lanes wherever possible, in recognition that these are a key feature of Queenstown character;
 - promoting the opening up of Horne Creek wherever possible, in recognition that it is a key visual and pedestrian feature of Queenstown, which contributes significantly to its character; and
 - ensuring the cumulative effect of buildings does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, while accepting that individual developments may increase the shading of public pedestrian space to a small extent provided this is offset or compensated for by the provision of additional public space or a pedestrian link within the site.
- 12.2.4.3** Minimise opportunities for anti-social behaviour through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of streetscapes, carparking areas, public and semi-public spaces, accessways/ pedestrian links/ lanes, and landscaping.
- 12.2.4.4** Off-street parking is predominantly located at the periphery of the Town Centre in order to limit the impact of vehicles, particularly during periods of peak visitor numbers.
- 12.2.4.5** Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering jetty applications.
- 12.2.4.6** Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety efficiency, and functionality of the roading network, and the safety and amenity of pedestrians and cyclists, particularly in peak periods.

12.2.5 **Objective** - Integrated management of the Queenstown Bay land-water interface, the activities at this interface and the establishment of a dynamic and attractive environment that benefits both residents and visitors.

- Policies
- 12.2.5.1** Encourage the development of an exciting and vibrant waterfront, which maximises the opportunities and attractions inherent in its location and setting as part of the Town Centre.
 - 12.2.5.2** Promote a comprehensive approach to the provision of facilities for water-based activities.
 - 12.2.5.3** Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the Planning Map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.
 - 12.2.5.4** Retain and enhance all the public open space areas adjacent to the waterfront.
 - 12.2.5.5** Maximise pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.
 - 12.2.5.6** Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk location and appearance criteria, provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced.
 - 12.2.5.7** Provide for public water ferry services within the Queenstown Town Centre Waterfront Subzone.

12.3

Other Provisions and Rules

12.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

12.3.2 Interpreting and Applying the Rules

12.3.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables.

12.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.

13.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

12.3.2.4 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

12.4

Rules - Activities

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.1	Activities which are not listed in this table and comply with all standards	P
12.4.2	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking, traffic generation, and travel demand management, with a view to maintaining the safety and efficiency of the roading network, and minimising private vehicle movements to/ from the accommodation; ensuring that where onsite parking is provided it is located or screened such that it does not adversely affect the streetscape or pedestrian amenity; and promoting the provision of safe and efficient loading zones for buses; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; and d. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; ii. hours of operation, in respect of ancillary activities. 	C

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.3	<p>Commercial Activities within the Queenstown Town Centre Waterfront Sub-Zone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. any adverse effects of additional traffic generation from the activity; b. the location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and c. the erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of: <ul style="list-style-type: none"> i. any adverse effect on visual amenity and on pedestrian or vehicle movement; and ii. the extent to which a comprehensive approach has been taken to providing for such areas within the Sub-Zone. 	C
12.4.4	<p>Licensed Premises</p> <p>12.4.4.1 Other than in the Town Centre Transition Sub-Zone premises licensed for the consumption of liquor on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>12.4.4.2 Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 6pm and 11pm provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>In relation to both 12.4.4.1 and 12.4.4.2 above, control is reserved to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. effects on amenity (including that of adjoining residential zones and public reserves); c. the provision of screening and/ or buffer areas between the site and adjoining residential zones; d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and e. noise issues, and hours of operation. 	C

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.5	<p>Licensed Premises within the Town Centre Transition Sub-Zone</p> <p>Premises within the Town Centre Transition Sub-Zone licensed for the consumption of liquor on the premises between the hours of 11 pm and 8 am.</p> <p>This rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12 am. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. effects on amenity (including that of adjoining residential zones and public reserves); c. the provision of screening and/ or buffer areas between the site and adjoining residential zones; d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and e. noise issues, and hours of operation. 	RD
12.4.6	<p>Buildings except temporary ‘pop up’ buildings that are in place for no longer than 6 months and permanent and temporary outdoor art installations</p> <p>Buildings, including verandas, and any pedestrian link provided as part of the building/ development.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. consistency with the Queenstown Town Centre Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area); b. external appearance, including materials and colours; c. signage platforms; d. lighting; e. the impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas; f. the contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; g. the contribution the building makes to pedestrian flows and linkages and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable; h. the provision of active street frontages and, where relevant, outdoor dining/patronage opportunities; and i. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.7	<p>Wharfs and jetties, commercial surface of water activities, and moorings within the Queenstown Town Centre Waterfront Sub-Zone</p> <p>12.4.7.1 Wharfs and Jetties within the ‘active frontage area’ of the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <p>12.4.7.2 Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <p>In respect of 12.4.7.1 and 12.4.7.2 the Council’s discretion is unlimited but it shall consider: The extent to which the proposal will:</p> <ol style="list-style-type: none"> a. create an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore; b. maintain a continuous waterfront walkway from Horne Creek right through to St Omer Park; c. maximise the ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities; d. provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping. e. maintain or enhance public access to the lake and amenity values including character; f. affect water quality, navigation and people’s safety, and adjoining infrastructure; and g. the extent to which any proposed wharfs and jetties structures or buildings will: <ol style="list-style-type: none"> i. enclose views across Queenstown Bay; and ii. result in a loss of the generally open character of the Queenstown Bay and its interface with the land; iii. affect the values of wāhi Tūpuna. <p>12.4.7.3 Moorings within the ‘Queenstown beach and gardens foreshore area’ of the Queenstown Town Centre Waterfront Sub-Zone (as shown on the Planning Maps).</p> <p>In respect of 12.4.7.3 discretion is restricted to:</p> <ol style="list-style-type: none"> a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands; b. whether the structure causes an impediment to craft manoeuvring and using shore waters; c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline; d. the effects associated with congestion and clutter around the shoreline, including whether the structure contributes to an adverse cumulative effect; e. whether the structure will be used by a number and range of people and craft, including the general public; and f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. 	<p>D</p> <p>D</p> <p>RD</p>

	Activities located in the Queenstown Town Centre Zone	Activity status
12.4.8	<p>Wharfs and jetties, buildings on wharfs and jetties, and the use of buildings or boating craft for accommodation within the Queenstown Town Centre Waterfront Sub-Zone</p> <p>12.4.8.1 Wharfs and Jetties within the 'Queenstown beach and gardens foreshore area' of the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</p> <p>12.4.8.2 Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Sub-Zone.</p> <p>12.4.8.3 Buildings or boating craft within the Queenstown Town Centre Waterfront Sub-Zone if used for visitor, residential or overnight accommodation.</p>	NC
12.4.9	<p>Industrial Activities at ground floor level</p> <p>Note: Specific industrial activities are listed separately below as prohibited activities.</p>	NC
12.4.10	Factory Farming	PR
12.4.11	Forestry Activities	PR
12.4.12	Mining Activities	PR
12.4.13	Airports other than the use of land and water for emergency landings, rescues and firefighting.	PR
12.4.14	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
12.4.15	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
12.4.16	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

12.5

Rules - Standards

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.1	<p>Maximum building coverage in the Town Centre Transition Sub-Zone and in relation to and comprehensive developments</p> <p>12.5.1.1 In the Town Centre Transition Sub-Zone or when undertaking a comprehensive development (as defined), the maximum building coverage shall be 75%.</p> <p>Advice Note: While there is no maximum coverage rule elsewhere in the Town Centre, this does not suggest that 100% building coverage is necessarily anticipated on all sites as outdoor storage areas, and pedestrian linkages might be required.</p> <p>12.5.1.2 Any application for building within the Town Centre Transition Sub-Zone or for Comprehensive Development Plan that covers the entire development area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the adequate provision of cycle, vehicle, and pedestrian links and lanes, open spaces, outdoor dining opportunities; the adequate provision of storage and loading/ servicing areas; the provision of open space within the site, for outdoor dining or other purposes; the site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, listed heritage items, and heritage precincts, and the amenity and safety of adjoining public spaces and designated sites, including shading and wind effects.
12.5.2	<p>Waste and Recycling Storage Space</p> <p>12.5.2.1 Offices shall provide a minimum of 2.6m³ of waste and recycling storage (bin capacity) and minimum 8m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.2 Retail activities shall provide a minimum of 5m³ of waste and recycling storage (bin capacity) and minimum 15m² floor area for every 1,000m² gross floor space, or part thereof.</p> <p>12.5.2.3 Food and beverage outlets shall provide a minimum of 1.5m³ (bin capacity) and 5m² floor area of waste and recycling storage per 20 dining spaces, or part thereof.</p> <p>12.5.2.4 Residential and Visitor Accommodation activities shall provide a minimum of 80 litres of waste and recycling storage per bedroom, or part thereof.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the adequacy of the area, dimensions, design, and location of the space allocated, such that it is of an adequate size, can be easily cleaned, and is accessible to the waste collection contractor, such that it need not be put out on the kerb for collection. The storage area needs to be designed around the type(s) of bin to be used to provide a practicable arrangement. The area needs to be easily cleaned and sanitised, potentially including a foul floor gully trap for wash down and spills of waste.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.3	<p>Screening of Storage Areas</p> <p>Storage areas shall be situated within a building or screened from view from all public places, adjoining sites and adjoining zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. effects on visual amenity; b. consistency with the character of the locality; c. effects on human safety in terms of CPTED principles; and d. whether pedestrian and vehicle access is compromised.
12.5.4	<p>Verandas</p> <p>12.5.4.1 Every new, reconstructed or altered building (excluding repainting) with frontage to the roads listed below shall include a veranda or other means of weather protection.</p> <ol style="list-style-type: none"> a. Shotover Street (Stanley Street to Hay Street); b. Beach Street; c. Rees Street; d. Camp Street (Church Street to Man Street); e. Brecon Street (Man Street to Shotover Street); f. Church Street (north west side); g. Queenstown Mall (Ballarat Street); h. Athol Street; i. Stanley Street (Coronation Drive to Memorial Street). <p>12.5.4.2 Verandas shall be no higher than 3m above pavement level and no verandas on the north side of a public place or road shall extend over that space by more than 2m and those verandas on the south side of roads shall not extend over the space by more than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. consistency of the proposal and the Queenstown Town Centre Design Guidelines (2015) where applicable; and b. effects on pedestrian amenity, the human scale of the built form, and on historic heritage values.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.5</p>	<p>Residential Activities</p> <p>12.5.5.1 Residential activities shall not be situated at ground level in any building with frontage to the following roads:</p> <ul style="list-style-type: none"> a. Stanley Street (Coronation Drive to Memorial Street); b. Camp Street (Man Street to Earl Street); c. Queenstown Mall (Ballarat Street) ; d. Church Street; e. Marine Parade (north of Church Street); f. Beach Street; g. Rees Street; h. Shotover Street; i. Brecon Street; j. Athol Street; k. Duke Street. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. effects on the ability to achieve active frontages along these streets; b. effects on surrounding buildings and activities; and c. the quality of the living environment within the building.
<p>12.5.6</p>	<p>Flood Risk</p> <p>No building greater than 20m² with a ground floor level less than RL 312.0 masl shall be relocated to a site, or constructed on a site, within this zone.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and b. the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.7	<p>Provision of Pedestrian Links and Lanes</p> <p>12.5.7.1 All new buildings and building redevelopments located on sites which are identified for pedestrian links or lanes in Figure 1 (at the end of this chapter) shall provide a ground level pedestrian link or lane in the general location shown.</p> <p>12.5.7.2 Where a pedestrian link or lane required by Rule 12.5.7.1 is open to the public during retailing hours the Council will consider off-setting any such area against development levies and car parking requirements.</p> <p>12.5.7.3 Where an existing lane or link identified in Figure 1 is uncovered then, as part of any new building or redevelopment of the site, it shall remain uncovered and shall be a minimum of 4m wide and where an existing link is covered then it may remain covered and shall be at least 1.8 m wide, with an average minimum width of 2.5m.</p> <p>12.5.7.4 In all cases, lanes and links shall be open to the public during all retailing hours.</p> <p>Location of Pedestrian Links within the Queenstown Town Centre</p> <ul style="list-style-type: none"> a. Shotover St / Beach St, Lot 2 DP 11098; b. Trustbank Arcade (Shotover St/Beach St), Lot 1 DP Tn of Queenstown; c. Plaza Arcade, Shotover St/Beach 1 DP 17661; (d. Cow Lane/Beach Street, Sec 30 Blk I Tn of Queenstown; e. Cow Lane / Beach Street, Lot 1 DP 25042; f. Cow Lane / Ballarat Street, Lot 2 DP 19416; g. Ballarat St/Searle Lane, Sec 22 & Pt Sec 23 BLK II Tn Queenstown, h. Ballarat Street/Searle Lane and part of Searle Lane land parcel; i. Church St/Earl St, Sections Lot 1 DP 27486; j. Searle Lane/Church St, Lot 100 DP 303504 k. Camp/ Stanley St, post office precinct, Lot 2 DP 416867; l. Camp/ Athol St, Lot 1 DP 20875. <p>Advice Notes:</p> <ul style="list-style-type: none"> a. where an uncovered pedestrian link or lane (i.e. open to the sky) is provided in accordance with this rule, additional building height may be appropriate pursuant to Policies 12.2.2.4 and 12.2.2.5; b. where an alternative link is proposed as part of the application which is not on the development site but achieves the same or a better outcome then this is likely to be considered appropriate. 	<p>RD</p> <p>Where the required link is not proposed as part of development, discretion is restricted to:</p> <ul style="list-style-type: none"> a. the adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.8</p>	<p>Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.8.1 Within Precinct 1 and Precinct 1 (A) the maximum height shall be 12m: and</p> <p>12.5.8.2 Within Precinct 1 (A) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <p>12.5.8.3 Within Precinct 2, no part of any building shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.5m above any street boundary.</p> <p>12.5.8.4 Within Precinct 4, no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.</p> <p>12.5.8.5 Within Precinct 5, the street front parapet shall be between 7.5 and 8.5m in height and no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 7.5m above any street boundary.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of any additional height on the urban form of the Town Centre and the character of the height precinct within which it is located. The Council will consider:</p> <ul style="list-style-type: none"> i. the extent to which the proposed building design responds sensitively to difference in height, scale and mass between the proposal and existing buildings on adjacent sites and with buildings in the wider height precinct, in terms of use of materials, facade articulation and roof forms; and ii. the effect on human scale and character as a result of proposed articulation of the façade, the roofline, and the roofscape; and iii. the amenity of surrounding streets, lanes, footpaths and other public spaces, including the effect on sunlight access to public spaces and footpaths; the provision of public space and pedestrian links; and iv. the opportunity to establish landmark buildings on key sites, such as block corners and key view terminations; and <p>b. The protection or enhancement of public views of Lake Wakatipu or of any of the following peaks:</p> <ul style="list-style-type: none"> i. Bowen Peak; ii. Walter Peak; iii. Cecil Peak; iv. Bobs Peak; v. Queenstown Hill; vi. The Remarkables Range (limited to views of Single and Double Cone); and vii. effects on any adjacent Residential Zone; and viii. the historic heritage value of any adjacent heritage item/ precinct and whether it acknowledges and respects the scale and form of this heritage item/ precinct.

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.9</p>	<p>Maximum building and facade height</p> <p>For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).</p> <p>12.5.9.1 In Height Precinct 1 Precinct 1 (A) and Precinct 2, subject to sub-clauses a – d below, the maximum absolute height limits shall be as follows:</p> <ul style="list-style-type: none"> i. 15m on Secs 4-5 Blk Xv Queenstown Tn (48-50 Beach St); ii. 15.5m in Precinct 1(A); iii. 14m elsewhere. <p>and</p> <ul style="list-style-type: none"> a. throughout the precinct, the building shall contain no more than 4 storeys excluding basements; b. in addition, buildings within the block bound by Ballarat, Beetham, and Stanley streets as identified on the Height Precinct Map shall not protrude through a horizontal plane drawn at 7m above any point along the north-eastern zone boundary of this block, as illustrated in the below diagram; <div data-bbox="667 758 1332 933" data-label="Diagram"> </div> <ul style="list-style-type: none"> c. in addition, on Secs 4-5 Blk Xv Queenstown Tn, (48-50 Beach Street) no part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 12m above any boundary; d. in addition, buildings within that part of the block bound by Man, Brecon, Shotover, and Hay streets shown on the Height Precinct Map as area P1 (i) shall not protrude through a horizontal plane drawn at 330.1 masl and that part of the block shown as P1 (ii) horizontal plane drawn at 327.1 masl. <p>12.5.9.2 In Height Precinct 3 (lower Beach St to Marine Parade and the Earl/ Church Street block) the maximum height shall be 8m and the street front parapet of buildings shall be between 7.5m and 8.5m and may protrude through the height plane.</p> <p>12.5.9.3 For any buildings located on a wharf or jetty, the maximum height shall be 4 m above RL 312.0 masl.</p>	<p>NC</p>

Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>12.5.9.4 In Height Precinct 7 (Man Street):</p> <ul style="list-style-type: none"> a. in Area A shown on the Height Precinct Map, the maximum height shall be 11m above RL 327.1 masl. b. in Area B the maximum height shall be 14m above RL 327.1 masl; c. in Viewshaft C the maximum height shall be RL 327.1 masl (i.e. no building is permitted above the existing structure); d. in Viewshaft D, the maximum height shall be 3 m above RL 327.6masl. <p>12.5.9.5 For all other sites within the Town Centre Zone, the maximum height shall be 12m and, in addition, the following shall apply:</p> <ul style="list-style-type: none"> a. in Height Precinct 6 (land bound by Man, Duke and Brecon streets): <ul style="list-style-type: none"> i. no building shall protrude through a horizontal plane drawn at RL 332.20 masl except that decorative parapets may encroach beyond this by a maximum of up to 0.9 metre. This rule shall not apply to any lift tower within a visitor accommodation development in this area, which exceeds the maximum height permitted for buildings by 1m or less; and ii. no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° commencing from a line 10m above the street boundary. 	

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status																																	
<p>12.5.10</p>	<p>Noise</p> <p>12.5.10.1 Sound* from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 to 12.5.10.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</p> <table border="0" style="margin-left: 40px;"> <tr> <td style="padding-right: 20px;">a. Daytime</td> <td style="padding-right: 20px;">(0800 to 2200hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.10.2 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 and 12.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>12.5.10.3 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from music shall not exceed the following limits:</p> <table border="0" style="margin-left: 40px;"> <tr> <td style="padding-right: 20px;">a.</td> <td colspan="2">60 dB L_{Aeq(5 min)} at any point within any other site in the Entertainment Precinct; and</td> </tr> <tr> <td style="padding-right: 20px;">b.</td> <td colspan="2">at any point within any other site outside the Entertainment Precinct:</td> </tr> <tr> <td style="padding-right: 40px;">i.</td> <td style="padding-right: 20px;">daytime (0800 to 0100 hrs)</td> <td>55 dB L_{Aeq(5 min)}</td> </tr> <tr> <td style="padding-right: 40px;">ii.</td> <td style="padding-right: 20px;">late night (0100 to 0800 hrs)</td> <td>50 dB L_{Aeq(5 min)}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>12.5.10.4 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from voices shall not exceed the following limits:</p> <table border="0" style="margin-left: 40px;"> <tr> <td style="padding-right: 20px;">a.</td> <td colspan="2">65 dB L_{Aeq(15 min)} at any point within any other site in the Entertainment Precinct; and</td> </tr> <tr> <td style="padding-right: 20px;">b.</td> <td colspan="2">at any point within any other site outside the Entertainment Precinct:</td> </tr> <tr> <td style="padding-right: 40px;">i.</td> <td style="padding-right: 20px;">daytime (0800 to 0100 hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td style="padding-right: 40px;">ii.</td> <td style="padding-right: 20px;">late night (0100 to 0800 hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> </table> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p>	a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}	b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}	c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}	a.	60 dB L _{Aeq(5 min)} at any point within any other site in the Entertainment Precinct; and		b.	at any point within any other site outside the Entertainment Precinct:		i.	daytime (0800 to 0100 hrs)	55 dB L _{Aeq(5 min)}	ii.	late night (0100 to 0800 hrs)	50 dB L _{Aeq(5 min)}	a.	65 dB L _{Aeq(15 min)} at any point within any other site in the Entertainment Precinct; and		b.	at any point within any other site outside the Entertainment Precinct:		i.	daytime (0800 to 0100 hrs)	60 dB L _{Aeq(15 min)}	ii.	late night (0100 to 0800 hrs)	50 dB L _{Aeq(15 min)}	<p>NC</p>
a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}																																	
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ii.	late night (0100 to 0800 hrs)	50 dB L _{Aeq(15 min)}																																	

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
	<p>12.5.10.5 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from any loudspeaker outside a building shall not exceed 75 dB $L_{Aeq(5\text{ min})}$ measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions from Rule 12.5.10:</p> <ol style="list-style-type: none"> the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. the noise limits in 12.5.10.1 to 12.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan. the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre Waterfront Sub-Zone which is, instead, subject to Rule 36.5.13. 	
<p>12.5.11</p>	<p>Acoustic insulation, other than in the Entertainment Precinct</p> <p>Where any new building is erected, or a building is modified to accommodate a recent activity:</p> <p>12.5.11.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.11.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites such that such noise insulation will not be necessary.
<p>12.5.12</p>	<p>Acoustic insulation within the Entertainment Precinct</p> <p>Where any new building is erected, or a building is modified to accommodate a new activity:</p> <p>12.5.12.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>12.5.12.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>NC</p>

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.13	<p>Glare</p> <p>12.5.13.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and downward so as to limit the effects on views of the night sky.</p> <p>12.5.13.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.</p> <p>12.5.13.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned High Density Residential measured at any point more than 2m inside the boundary of the adjoining property.</p>	NC

12.6

Rules - Non-Notification of Applications

12.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified except:

12.6.1.1 Where visitor accommodation includes a proposal for vehicle access directly onto a State Highway.

12.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified:

12.6.2.1 Buildings.

12.6.2.2 Building coverage in the Town Centre Transition Sub-Zone and comprehensive development .

12.6.2.3 Waste and recycling storage space.

12.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

12.6.3.1 Discretionary building height in Height Precinct 1 and Height Precinct 1(A).

Figure 1: Identified Pedestrian Links

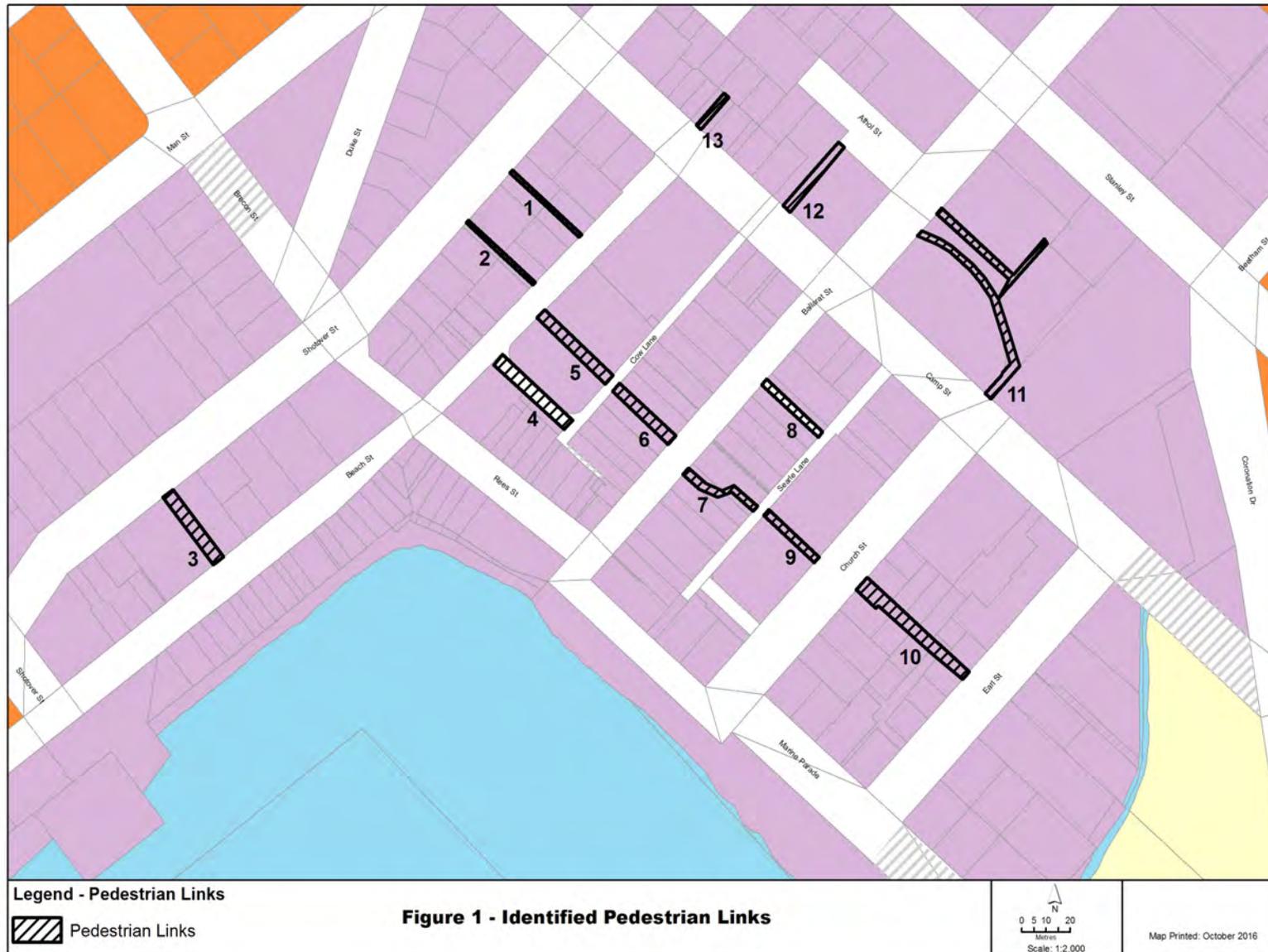
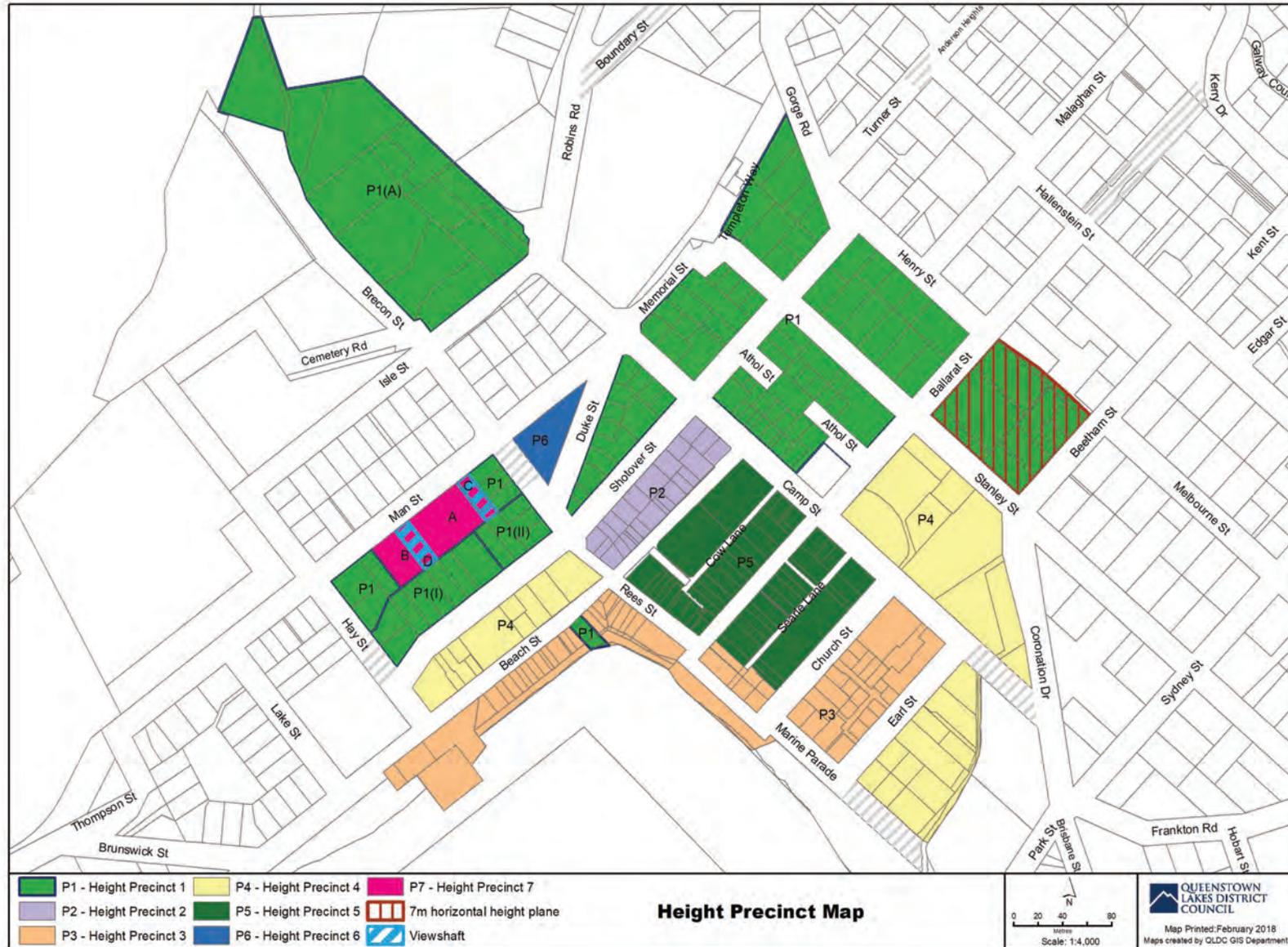


Figure 2: Queenstown Town Centre Height precinct map



Appendix 2: Chapter 13 – Wanaka Town Centre Zone as Recommended

13 WANAKA TOWN CENTRE

13.1

Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, and provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Wanaka's Town Centre is located in a prime lakeside setting, with spectacular views of the mountains and easy access to the lakeside, walkways and public parks. The centre will serve a growing resident population and visitor numbers, for which it plays a vital role as the focal point for community activities and amenities. It will be large enough to provide a range of retailing, business and entertainment options, but remains compact so as to be accessible on foot. Intensifying residential properties and visitor accommodation will adjoin the fringes of the centre, adding to its vibrancy.

13.2

Objectives and Policies

13.2.1 **Objective – Wanaka Town Centre remains the principal focus for commercial, administrative, cultural, entertainment and visitor activities in the Upper Clutha area.**

- Policies
- 13.2.1.1** Provide for a diverse range of activities that meet the needs of residents and visitors, and enable the Town Centre to have a broad economic base that maintains its status as the principal centre recognising the existing mixed use character of that area, and making a clear distinction between that transition area and the adjacent residential zone.
 - 13.2.1.2** Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the Town Centre.
 - 13.2.1.3** Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls.

13.2.2 **Objective – Wanaka is a compact, convenient and attractive Town Centre that has opportunities for controlled expansion and intensification.**

- Policies
- 13.2.2.1** Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the Town Centre, recognising the existing mixed use character of that area, and making a clear distinction between that transition area and the adjacent residential zone.

- 13.2.2.2** Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the Town Centre maintains a compact form.
- 13.2.2.3** Enable opportunities for further intensification of development in the Town Centre by providing more generous building heights in the Wanaka Height Precincts.
- 13.2.2.4** Acknowledge and celebrate our cultural heritage, including incorporating reference to Tangata whenua values, in the design of public spaces, where appropriate.

13.2.3 Objective – Wanaka Town Centre retains a low scale built form that maintains a human scale.

- Policies
- 13.2.3.1** Ensure that the scale of development generally comprises no more than two to three storeys, with the potential to develop a recessed fourth storey in the Wanaka Height Precinct P1.
 - 13.2.3.2** Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.

13.2.4 Objective – New development achieves high quality urban design outcomes that respond to the town's built character and sense of place.

- Policies
- 13.2.4.1** Encourage new developments to be consistent with the design outcomes sought by the Wanaka Town Centre Character Guideline 2011.
 - 13.2.4.2** Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre by providing guidance through the Wanaka Town Centre Character Guideline 2011.
 - 13.2.4.3** Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with the amenity values of the Town Centre.
 - 13.2.4.4** Encourage building appearance that is responsive to and reflects the essential character of the Town Centre and its unique environmental setting.
 - 13.2.4.5** Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, whilst providing appropriate cover for pedestrians.
 - 13.2.4.6** Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the amenity values of the Town Centre.

- 13.2.4.7** Require high quality comprehensive developments on large sites which provide primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.

13.2.5 Objective – Appropriate limits are placed on town centre activities to minimise adverse environmental effects received both within and beyond the Town Centre.

- Policies
- 13.2.5.1** Acknowledge that some activities occurring in vibrant town centres can generate higher noise emissions by providing a higher noise limit in the Lower Ardmere Entertainment Precinct.
- 13.2.5.2** Locate the Lower Ardmere Entertainment Precinct so as to minimise the impacts of the higher noise limit on properties in the Residential Zones near the Town Centre.
- 13.2.5.3** Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.
- 13.2.5.4** Acknowledge that parts of the Wanaka Town Centre are susceptible to flood risk and require appropriate measures to limit the impact of flooding or ponding in areas of known risk.
- 13.2.5.5** Avoid the establishment of activities that are not consistent with the amenity values of the Town Centre, cause inappropriate environmental effects, and are more appropriately located in other zones.
- 13.2.5.6** Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre.
- 12.3.5.7** Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities while mitigating effects on residential amenity by:
- a. enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre depending on the location of the activity; and
 - b. providing for noisier night time activity within the Lower Ardmere Entertainment Precinct in order to minimise effects on Residential Zones adjacent to the Town Centre; and
 - c. ensuring that the nature and scale of licensed premises located north of Ardmere Street result in effects that are compatible with adjoining Residential Zones; and
 - d. enabling night time activities within the Town Centre Zone provided they comply with the noise limits; and
 - e. requiring acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.

13.2.6 Objective – Pedestrian, cycle and vehicle linkages are safe and convenient, enabling people to easily negotiate their way through and around the Town Centre.

- Policies
- 13.2.6.1** Implement street, traffic and car parking management and other public open space improvements to enhance pedestrian amenity and improve the flow of pedestrians, cyclists and vehicles through the Town Centre.
 - 13.2.6.2** Provide pedestrian linkages that promote coherence of the built form of the Town Centre and are designed so as to receive levels of sunlight and weather protection as appropriate to the overall character of the particular locality.
 - 13.2.6.3** Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, linkages and landscaping.
 - 13.2.6.4** Provide an adequate range of parking options so residents and visitors can access the Town Centre with off-street parking predominantly located at the periphery in order to limit the impact of vehicles.

13.3

Other Provisions and Rules

13.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

13.3.2 Interpreting and Apply the Rules

13.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables.

13.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.

13.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

13.3.2.4 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

13.4

Rules - Activities

	Activities located in the Wanaka Town Centre Zone	Activity Status
13.4.1	Activities which are not listed in this table and comply with all standards	P
13.4.2		C
13.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. The location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; b. Landscaping; c. The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring use; d. the location and screening of bus and car parking from public places to ensure visual amenity is adequately protected; and e. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation, in respect of ancillary activities. 	C

	Activities located in the Wanaka Town Centre Zone	Activity Status
13.4.4	<p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance and materials; b. signage platform; c. lighting; d. impact on the street (to be guided by the Wanaka Town Centre Character Guideline 2011); and e. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>To ensure that:</p> <ul style="list-style-type: none"> a. the design of the building blends well with and contributes to an integrated built form; b. the external appearance of the building is sympathetic to the surrounding natural and built environment. The use of stone, schist, plaster or natural timber is encouraged; c. the views along a street or of significant view-shafts have been considered and responded to; d. the building facade provides an active interface to open space on to which it fronts, and the detail of the facade is sympathetic to other buildings in the vicinity, having regard to: <ul style="list-style-type: none"> i. building materials; ii. glazing treatment; iii. symmetry; iv. external appearance; v. human scale; vi. vertical and horizontal emphasis; and vii. storage areas are appropriately located and screened. 	RD

	Activities located in the Wanaka Town Centre Zone	Activity Status
13.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>13.4.5.1 To any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>13.4.5.2 To any person who is present on the premises for the purpose of dining up until 12am.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • the scale of the activity; • car parking and traffic generation; • effects on amenity (including that of adjoining residential zones and public reserves); • the configuration of activities within the building and site (e.g. outdoor seating, entrances); • noise issues; and • hours of operation. 	RD
13.4.6	Industrial Activities not otherwise provided for in this table	NC
13.4.7	Factory Farming	PR
13.4.8	Forestry Activities	PR
13.4.9	Mining Activities	PR
13.4.10	Airport	PR
13.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
13.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
13.4.13	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

13.5

Rules - Standards

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
13.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone</p> <p>13.5.1.1 Buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above any Residential Zone boundary.</p> <p>13.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the visual effects of the height, scale, location and appearance of the building, in terms of dominance and loss of privacy on adjoining properties and any resultant shading effects.</p>
13.5.2	<p>Storage</p> <p>13.5.2.1 For all buildings with frontage to Helwick Street, Dunmore Street and Ardmore Street (west of Bullock Creek) storage areas shall be situated within the building or accessed from a service lane at the rear of the property.</p> <p>13.5.2.2 In all other parts of the Town Centre Zone storage areas shall be screened from view from all public places and adjoining zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effects on visual amenity;</p> <p>b. consistency with the character of the locality; and</p> <p>c. whether pedestrian and vehicle access is compromised.</p>
13.5.3	<p>Residential Activities</p> <p>All residential activities shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effects on surrounding buildings and activities; and</p> <p>b. the maintenance of an active street frontage.</p>
13.5.4	<p>Flood Risk</p> <p>No building greater than 20m² with a ground floor level less than RL 281.9 masl shall be relocated to a site, reconstructed on a site, within this zone.</p> <p>Note: This ground floor minimum includes 1.3 metres to allow for wave action where necessary.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and</p> <p>b. the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.</p>
13.5.5	<p>Verandas</p> <p>Every building with road frontage to Helwick Street, Dunmore Street and Ardmore Street shall, on its erection or on being reconstructed or altered in a way that substantially changes its external appearance at the road frontage, be provided with a veranda which shall be situated no higher than 3m above pavement level and shall provide continuous cover for pedestrians.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. consistency with the Wanaka Town Centre Character Guideline (2011);</p> <p>b. effects on pedestrian amenity;</p> <p>c. the human scale of the built form; and</p> <p>d. historic heritage values (where relevant).</p>

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
13.5.6	<p>Setbacks from front boundaries</p> <p>All buildings shall be built up to the street boundary along the full street frontage of the site except where a pedestrian link is provided. Nothing in this rule shall preclude the inclusion of recessed entrances within any facade up to a depth of 1.5m and a width of 2m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on the quality of the overall streetscape (including sunlight access, the creation of a consistent building setback and widening of the street over time).
13.5.7	<p>Acoustic insulation</p> <p>13.5.7.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36.</p> <p>13.5.7.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.
13.5.8	<p>Maximum building height for all buildings other than those in the Wanaka Height Precincts</p> <p>The maximum building height shall be 8m to the eave line and 10m to the ridge line.</p>	NC
13.5.9	<p>Maximum building height for buildings in the Wanaka Height Precincts</p> <p>13.5.9.1 In Height Precinct P1, the maximum building height shall be 12m to the eave line and 14m to the ridge line.</p> <p>13.5.9.2 In Height Precinct P1, any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p> <p>13.5.9.3 In Height Precinct P2, the maximum building height shall be 10m to the eave line and 12m to the ridge line and shall comprise no more than 3 storeys, excluding basements.</p>	NC

13.5.10	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status									
	<p>Noise</p> <p>Town Centre Zone (including the Lower Ardmore Entertainment Precinct):</p> <p>13.5.10.1 Sound* from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 to 13.5.10.5 below) shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</i></p> <p>13.5.10.2 Sound from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 and 13.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>13.5.10.3 Within the Town Centre Zone but excluding those sites north of Ardmore Street, sound* from music shall not exceed the following limits:</p> <ol style="list-style-type: none"> 60 dB LAeq(5 min) at any point within any other site in the Lower Ardmore Entertainment Precinct; and 55 dB LAeq(5 min) at any point within any other site outside the Lower Ardmore Entertainment Precinct. <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</i></p> <p>13.5.10.4 Within the Town Centre Zone but excluding those sites north of Ardmore Street, sound* from voices shall not exceed the following limits:</p> <ol style="list-style-type: none"> 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and 60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct. <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</i></p> <p>13.5.10.5 Within the Town Centre Zone but excluding those sites north of Ardmore Street, sound* from any loudspeaker outside a building shall not exceed 75 dB LAeq(5 min) measured at 0.6 metres from the loudspeaker.</p> <p><i>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</i></p>	a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}	b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}	c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}	<p>NC</p>
a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}									
b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}									
c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}									

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
	<p>Exemptions:</p> <p>a. the noise limits in 13.5.10.1 and 13.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.;</p> <p>b. the noise limits in 13.5.10.1 to 13.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan.</p> <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	
13.5.11	<p>Glare</p> <p>13.5.11.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and directed downward so as to limit the effects on views of the night sky.</p> <p>13.5.11.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>13.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</p> <p>Except that:</p> <p>a. architectural features, including doors and window frames, may be any colour; and</p> <p>b. roof colours shall have a reflectance value of between 0 and 20%.</p>	NC
13.5.12	<p>Service Lanes</p> <p>Any development, redevelopment or substantial alteration of any site or property within this zone shall make provision for such service lane or through-site pedestrian access as indicated on Planning Map No. 21. Such provision shall be taken into account in the assessment of development levies applicable to the development, redevelopment or alteration. Service lanes shall be subdivided and vested in the Council.</p>	NC

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
13.5.13	<p>Maximum building coverage in relation to comprehensive developments</p> <p>13.5.13.1 When undertaking a comprehensive development (as defined), the maximum building coverage calculated over the whole land area shall be 75%.</p> <p>13.5.13.2 When undertaking a comprehensive development the application shall include a comprehensive development plan that covers the entire development area and is of sufficient detail to enable the matters of discretion listed to be fully considered.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the adequate provision of pedestrian links, open spaces, outdoor dining opportunities; the adequate provision of storage and loading/ servicing areas; the provision of open space within the site, for outdoor dining or other purposes; the site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, and the amenity and safety of adjoining public spaces and designated sites.

13.6

Rules - Non-Notification of Applications

13.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

13.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

13.6.2.1 Buildings.

13.6.2.2 Building coverage in relation to comprehensive developments.

13.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

13.6.3.1 Setbacks and sunlight access - sites adjoining a Residential Zone.

Appendix 3: Chapter 14: - Arrowtown Town Centre Zone as Recommended

14 ARROWTOWN TOWN CENTRE

1550 THE ARROW.

M&M.

BUCKINGHAM STREET, ARROWTOWN, 1870s

14.1

Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, and provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Arrowtown's special heritage character attracts those visiting the District, and the Town Centre provides business and retailing for local residents at a boutique scale. The centre will serve a growing resident population and visitor numbers, and will continue to be a focal point for community activities and amenities. Its compact form enables people to access the Town Centre on foot. Links and pathways facilitate the movement of pedestrians, adding interest for visitors exploring the centre, and complementing the town's character

14.2

Objectives and Policies

14.2.1 **Objective – New development celebrates the town's historic character and is sympathetic to its environmental setting.**

- Policies
- 14.2.1.1** Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and reflects the essential historic character of the Town Centre and its unique environmental setting.
 - 14.2.1.2** Ensure that any additions or alterations to buildings are undertaken in a manner that complements and respects the historic character guided by the outcomes sought by the Arrowtown Design Guidelines 2016.
 - 14.2.1.3** Acknowledge that new buildings do not necessarily need to replicate historic building styles, but must blend in with and contribute to the established character of the Town Centre.
 - 14.2.1.4** Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the Town Centre.
 - 14.2.1.5** Control the design and appearance of verandas so they integrate well with the buildings they are attached to and complement the overall streetscape, while providing appropriate cover for pedestrians.

14.2.2 **Objective – Arrowtown remains a compact, convenient and attractive Town Centre that has a low scale built form, with limited opportunities for expansion.**

- Policies
- 14.2.2.1** Provide for the controlled expansion of town centre activities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the Town Centre.

- 14.2.2.2** Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the Town Centre maintains a compact form.
- 14.2.2.3** Ensure that development generally comprises a low scale to maintain consistency with the scale and character of existing Town Centre buildings.
- 14.2.2.4** Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.
- 14.2.2.5** Acknowledge and celebrate our cultural heritage, including incorporating reference to Tangata Whenua values, in the design of public spaces, where appropriate.
- 14.2.2.6** Ensure that outdoor storage areas are appropriately located and screened to limit adverse visual effects and to be consistent with the amenity values of the Town Centre.

14.2.3 Objective – Arrows Town Centre remains a focus for commercial, cultural, entertainment and visitor activities.

- Policies
- 14.2.3.1** Provide for a diverse range of activities that meet the needs of residents and visitors, and enables the Town Centre to have a broad economic base.
 - 14.2.3.2** Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities of the Town Centre.

14.2.4 Objective – Appropriate limits are placed on town centre activities to minimise adverse environmental effects within and beyond the Town Centre.

- Policies
- 14.2.4.1** Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the Town Centre and by nearby properties.
 - 14.2.4.2** Avoid the establishment of activities that cause noxious effects that are not appropriate for the Town Centre.
 - 14.2.4.3** Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.
 - 14.2.4.4** Avoid the establishment of activities that are not consistent with the amenity values of the Town Centre, cause inappropriate environmental effects, and are more appropriately located in other zones.

14.2.5 Objective – The Town Centre’s transport network and pedestrian linkages recognise Arrowtown’s heritage values, enabling the safe and convenient movement of people and goods.

- Policies
- 14.2.5.1** Implement programmes of street and other public open space improvements in a manner that is consistent with the town’s heritage values, to enhance pedestrian amenity and improve the flow of pedestrians through the Town Centre.
 - 14.2.5.2** Pedestrian linkages enable people to easily negotiate their way through and around the Town Centre, including linkages with the Arrow River recreation area.
 - 14.2.5.3** Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, and landscaping.
 - 14.2.5.4** Encourage vehicle loading areas to be located in streets other than Buckingham Street to avoid impacting on pedestrian and vehicle movements, and to limit any adverse effects on amenity.
 - 14.2.5.5** Encourage the location of off-street parking at appropriate locations on the periphery of the Town Centre so as to limit the impact of vehicles on Town Centre amenity, particularly during peak visitor periods.
 - 14.2.5.6** Manage the transport network and traffic so as to reduce its negative impacts on the Town Centre and to increase safety and amenity for pedestrians.

14.3

Other Provisions and Rules

14.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 <i>Earthworks</i>	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 <i>Transport</i>	30 Energy and Utilities
31 <i>Signs</i>	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

14.3.2 Interpreting and Applying the Rules

14.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables.

14.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.

14.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

14.3.2.4 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

14.4

Rules - Activities

	Activities located in the Arrowtown Town Centre Zone	Activity status
14.4.1	Activities which are not listed in this table and comply with all standards	P
14.4.2	<p>Verandas</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Arrowtown Design Guidelines 2016) to avoid, remedy or mitigate adverse effects on: <ul style="list-style-type: none"> i. neighbouring buildings and verandas; ii. the extent to which the veranda affects the use and enjoyment of the streetscape; and iii. the appearance of the building. 	C
14.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. the location and screening of bus and car parking from public places to ensure visual amenity is adequately protected; and e. where the site adjoins a Residential Zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation, in respect of ancillary activities. 	C

	Activities located in the Arrowtown Town Centre Zone	Activity status
14.4.4	<p>Buildings (including external alterations to existing buildings)</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance; b. materials; c. signage platform; d. lighting; e. impact on the street; f. relationship to heritage values (to be guided by the Arrowtown Design Guidelines 2016); g. compatibility with adjoining buildings; h. the retention of pedestrian linkages between Arrow Lane, Buckingham Street and Ramshaw Lane, having regard to the National Guidelines for Crime Prevention Through Environmental Design (CPTED); and i. where the site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. whether such risk can be avoided or sufficiently reduced. 	RD
14.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>14.4.5.1 to any person who is residing (permanently or temporarily) on the premises;</p> <p>14.4.5.2 to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	RD
14.4.6	Industrial Activities not otherwise provided for in this table	NC
14.4.7	Factory Farming	PR
14.4.8	Forestry Activities	PR

	Activities located in the Arrowtown Town Centre Zone	Activity status
14.4.9	Mining Activities	PR
14.4.10	Airport	PR
14.4.11	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
14.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
14.4.13	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

14.5 Rules - Standards

	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status
14.5.1	<p>Building Coverage:</p> <p>Maximum building coverage 90%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> consistency with the Arrowtown Design Guidelines 2016; effects on the streetscape; and ability to meet storage and loading requirements.
14.5.2	<p>Setback from internal boundaries:</p> <p>There shall be a minimum setback of 3m from any rear boundary.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> consistency with the Arrowtown Design Guidelines 2016; sunlight access to and outlook of neighbouring properties; and ability to meet storage and loading requirements.
14.5.3	<p>Storage</p> <p>14.5.3.1 For all buildings with frontage to Buckingham Street storage areas shall be situated within the building or accessed from a service lane at the rear of the property.</p> <p>14.5.3.2 Where a storage area does not form part of a building the storage area shall be screened from view from all public places and adjoining zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the effects on visual amenity; consistency with the character of the locality; and whether pedestrian and vehicle access is compromised.

	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status									
14.5.4	<p>Sunlight access and amenity – boundaries adjoining the Residential Arrowtown Historic Management Zone</p> <p>Buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 5m above the site boundary, except that gable ends may project beyond the recession line where the maximum height of the gable end is no greater than 2m above the recession line.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the visual effects of the height, scale, location and appearance of the building in terms of dominance and loss of privacy on adjoining properties, and any resultant shading effects.</p>									
14.5.5	<p>Residential Activities</p> <p>All residential activities shall be restricted to first floor level, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effects on surrounding buildings and activities; and</p> <p>b. the maintenance of an active street frontage.</p>									
14.5.6	<p>Loading</p> <p>Notwithstanding the requirements in the Transport Chapter concerning the provision of loading spaces, there shall be no vehicle access to any loading or storage space from Buckingham Street, except where there is no practical alternative access available from Ramshaw Lane or Arrow Lane.</p>	D									
14.5.7	<p>Building Height</p> <p>The maximum building height shall be 7m.</p>	NC									
14.5.8	<p>Noise</p> <p>14.5.8.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</i></p> <p>Exemptions:</p> <p>a. the noise limits in rule 14.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999;</p> <p>b. the noise limits in rule 14.5.8.1 shall not apply to permitted outdoor public events pursuant to Rule 35.4.7 of the District Plan.</p> <p>Note: Sound from activities which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}	b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}	c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}	NC
a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}									
b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}									
c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}									

	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status
14.5.9	<p>Glare</p> <p>14.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places and directed downwards so as to limit the effects on views of the night sky.</p> <p>14.5.9.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any property within the zone, measured at any point inside the boundary of any adjoining property.</p> <p>14.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned Residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>14.5.9.4 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.</p>	NC

14.6

Rules - Non-Notification of Applications

14.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

14.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

14.6.2.1 Buildings (Rule 14.4.4).

14.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

14.6.3.1 Sunlight access – sites adjoining the Arrowtown Residential Historic Management Zone.

14.6.3.2 Setbacks from internal boundaries.

Appendix 4: Chapter 15 - Local Shopping Centre Zone as Recommended

15 LOCAL SHOPPING CENTRE ZONE



Local Shopping Centres: Albert Town, Arrowtown, Cardrona Valley Road, Fernhill, Frankton, Hawea, Kelvin Heights and Sunshine Bay

15.1

Zone Purpose

The Local Shopping Centre Zone enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit.

The Zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.

15.2

Objectives and Policies

15.2.1 **Objective – Local Shopping Centres provide a focal point for a range of activities that meet the day to day needs of the community at a limited scale that supplements the function of town centres.**

- Policies
- 15.2.1.1** Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.
 - 15.2.1.2** Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.
 - 15.2.1.3** 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 local shopping centres is not eroded.
 - 15.2.1.4** Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:
 - a. retention and establishment of a mix of activities within the local shopping centre;
 - b. role and function of town centres and commercial zones that provide for large scale retailing; and
 - c. safe and efficient operation of the transport network.
 - 15.2.1.5** Restrict identified retail activities to ensure that the role and function of town centres as the District's principal centres of retailing activity is not threatened.
 - 15.2.1.6** Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road to ensure that the commercial function of Wanaka Town Centre and Three Parks is not adversely affected.

15.2.2 **Objective – Buildings respond to the existing character, quality and amenity values of their neighbourhood setting.**

- Policies
- 15.2.2.1** Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with established amenity values.
 - 15.2.2.2** Ensure that development generally comprises a scale that is commensurate with the receiving built environment.
 - 15.2.2.3** Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.
 - 15.2.2.4** Place specific controls on the bulk and location of buildings on sites adjoining Residential-zoned properties to ensure that an appropriate standard of residential amenity is maintained.
 - 15.2.2.5** Control the design and appearance of verandas so they integrate well with the buildings they are attached to complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, while providing appropriate cover for pedestrians.
 - 15.2.2.6** Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with established amenity values.

15.2.3 **Objective – Adverse environmental effects received both within and beyond the zone are minimised.**

- Policies
- 15.2.3.1** Provide appropriate noise limits to control adverse noise effects generated by activities occurring within the Local Shopping Centre Zone and received by nearby properties.
 - 15.2.3.2** Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to:
 - a. limit the impact of noise generated within the Zone on occupants; and,
 - b. where relevant, limit the potential for reverse sensitivity effects on Queenstown Airport of buildings within the Queenstown Airport Outer Control Boundary.
 - 15.2.3.3** Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places, and promote lighting design that mitigates adverse effects on views of the night sky.
 - 15.2.3.4** Avoid the establishment of activities that are not consistent with established amenity values, cause inappropriate environmental effects, or are more appropriately located in other zones.

- 15.2.3.5** For development of the site(s) at 1 Hansen Road, between Hansen Road and the Frankton Cemetery (as shown on Planning Maps 31, 31a and 33), in addition to other Zone-wide requirements:
- a. ensure that development is undertaken in an integrated manner, having particular regard to ensuring the safe and efficient operation of the transport network;
 - b. implement specific controls to limit effects on the historic values of the neighbouring cemetery.

15.3

Other Provisions and Rules

15.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 <i>Earthworks</i>	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 <i>Transport</i>	30 Energy and Utilities
31 <i>Signs</i>	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

15.3.2 Interpreting and Applying the Rules

- 15.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables.
- 15.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 15.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 15.3.2.4** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

15.4

Rules - Activities

	Activities located in the Local Shopping Centre Zone	Activity Status
15.4.1	Activities which are not listed in this table and comply with all standards	P
15.4.2	Verandas Control is reserved to: a. design; b. materials; c. external appearance; d. the impact on, and relationship to, adjoining verandas; and e. the enabling of unobstructed kerbside movements of high-sided vehicles.	C

	Activities located in the Local Shopping Centre Zone	Activity Status
15.4.3	<p>15.4.3.1 Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, including materials glazing treatment vertical and horizontal emphasis and the location of storage; b. signage platforms; c. lighting; d. the impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form; e. where residential units are proposed provision of private or communal open space, or a combination thereof; f. where a site is subject to natural hazards and the proposal results in an increase in gross floor area; and g. natural hazards where the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. whether such risk can be avoided or sufficiently reduced. <p>15.4.3.2 Development of 1 Hansen Road only</p> <p>The following additional requirements apply to the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33):</p> <ul style="list-style-type: none"> a. applications for buildings shall be accompanied by a Spatial Layout Plan for the entire part of this site, which is zoned Local Shopping Centre, showing: <ul style="list-style-type: none"> i. the location, width and design of roads, laneways, footpaths and accessways, which shall include consideration of pedestrian/cycling connectivity and safety as well as the potential for vehicular access to and from the Local Shopping Centre Zone land to the west of the Frankton Cemetery; ii. proposed building locations and parking areas; iii. concept landscape design treatment; iv. detailed landscaping plan addressing the interface between development and the Frankton Cemetery for the purpose of managing effects on the amenity and historic values in and around the cemetery; and v. three waters infrastructure. <p>Note: where relevant, applications may rely upon an approved Spatial Layout Plan submitted as part of a prior application for this site.</p> <p>Discretion is restricted to consideration of the following in addition to the matters above:</p> <ul style="list-style-type: none"> a. historic heritage and the amenity values of the Frankton Cemetery; b. the safe and efficient operation of the transport network; c. pedestrian/cycling connectivity and safety; d. amenity values; and e. three waters infrastructure. 	RD

	Activities located in the Local Shopping Centre Zone	Activity Status
15.4.4	<p>Visitor Accommodation</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. the location and screening of bus and car parking from public places; and e. where the site adjoins a residential zone: <ol style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation of ancillary activities. 	RD
15.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ol style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	RD
15.4.6	Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores	NC
15.4.7	Industrial Activities not otherwise provided for in this Table	NC
15.4.8	Factory Farming	PR
15.4.9	Forestry Activities	PR
15.4.10	Mining Activities	PR
15.4.11	Airport	PR
15.4.12	Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building.	PR
15.4.13	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
15.4.14	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

15.5

Rules - Standards

	Standards for activities located in the Local Shopping Centre Zone	Non- compliance Status
15.5.1	<p>Building Coverage</p> <p>15.5.1.1 Maximum building coverage - 75%.</p> <p>15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery the maximum building coverage shall be 50%</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on the quality of the overall streetscape; and b. the ability to meet outdoor storage requirements; c. the traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6.
15.5.2	<p>Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or public open space</p> <ul style="list-style-type: none"> a. buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Township Zone boundary; b. where the site adjoins any Residential zone, Township Zone or public open space the setback shall be not less than 3m. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the visual effects of the height, scale, location and appearance of the building, in terms of <ul style="list-style-type: none"> i. dominance; ii. loss of privacy on adjoining properties; and iii. any resultant shading effects.
15.5.3	<p>Acoustic insulation (excluding development within the Outer Control Boundary (OCB) Queenstown)</p> <ul style="list-style-type: none"> a. a mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36; b. all elements of the facade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; b. the extent of insulation proposed; and c. whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.
15.5.4	<p>Acoustic insulation: development within the Outer Control Boundary (OCB) Queenstown</p> <ul style="list-style-type: none"> a. a mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.2 in Chapter 36. b. all elements of the facade of any critical listening environment shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1. 	<p>NC</p>

	Standards for activities located in the Local Shopping Centre Zone	Non- compliance Status
15.5.5	<p>Development of 1 Hansen Road</p> <p>The following additional standards shall apply to development in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33):</p> <ol style="list-style-type: none"> a. the total gross floor area dedicated to retail uses shall not exceed 4000m²; b. the total gross floor area dedicated to office uses shall not exceed 3000m²; c. no retail or office activities (aside from those ancillary to permitted uses) shall take place until an upgrade of the intersection between Hansen Road and State Highway 6 has occurred; d. the total number of residential units (for the purposes of this rule, this shall include residential flats) shall not exceed 50 units; e. there shall be no vehicle access directly onto the State Highway; f. buildings shall be set back a minimum distance of 6m from the boundary with the State Highway; and g. buildings shall be set back a minimum distance of 4m from the boundary with Frankton Cemetery. 	D
15.5.6	<p>Residential and Visitor Accommodation Activities</p> <p>All residential and visitor accommodation activities shall be restricted to first floor level or above.</p>	NC
15.5.7	<p>Building Height</p> <ol style="list-style-type: none"> a. for the Local Shopping Centre Zone located at Albert Town, Arrowtown, Fernhill, Hawea, Sunshine Bay and Cardrona Valley Road the maximum building height shall be 7m; b. for all other areas in the Local Shopping Centre Zone the maximum building height shall be 10m. 	NC

	Standards for activities located in the Local Shopping Centre Zone	Non- compliance Status									
15.5.8	<p>Noise</p> <p>Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table style="margin-left: 40px;"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</i></p> <p>Exemptions:</p> <ol style="list-style-type: none"> a. the noise limits shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.; b. the noise limits shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan; c. the noise limits shall not apply to sound from aircraft operations at Queenstown Airport. <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 for that zone.</p>	a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}	b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}	c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}	NC
a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}									
b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}									
c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}									
15.5.9	<p>Glare</p> <ol style="list-style-type: none"> a. all exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and directed downward so as to limit the effects on views of the night sky; b. no activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property; c. no activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone measured at any point more than 2m inside the boundary of the adjoining property; d. 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. 	NC									
15.5.10	<p>Retail and Office activities</p> <ol style="list-style-type: none"> a. individual Retail activities shall not exceed 300m² gross floor area; b. individual Office activities shall not exceed 200m² gross floor area. <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	NC									

	Standards for activities located in the Local Shopping Centre Zone	Non- compliance Status
15.5.11	<p>Retail and Office Activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka</p> <p>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road.</p>	D

15.6

Rules - Non-Notification of Applications

15.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

15.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

15.6.2.1 Buildings (Rule 15.4.3).

15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (Rule 15.5.1.2).

15.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

15.6.3.1 Setbacks and sunlight access – sites adjoining any Residential zone, Township Zone or public open space.

Appendix 5: Chapter 16 – Business Mixed Use Zone as Recommended

16 BUSINESS MIXED USE



16.1

Purpose

The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved.

16.2

Objectives and Policies

16.2.1 **Objective – An area comprising a high intensity mix of compatible residential and non-residential activities is enabled.**

Policies	<p>16.2.1.1 Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.</p> <p>16.2.1.2 Enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in.</p> <p>16.2.1.3 Avoid activities that have noxious, offensive, or undesirable qualities from locating within the Business Mixed Use Zone to ensure that a high quality urban environment is maintained.</p> <p>16.2.1.4 For sites adjoining Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.</p> <p>16.2.1.5 Provide appropriate noise limits to minimise adverse noise effects received within the Business Mixed Use Zone and by nearby properties.</p> <p>16.2.1.6 Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to limit the potential for reverse sensitivity effects.</p> <p>16.2.1.7 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky and provide a safe and well-lit environment for pedestrians.</p> <p>16.2.1.8 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects on public places and adjoining residential zones.</p> <p>16.2.1.9 Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.</p>
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16.2.2 Objective – New development achieves high quality building and urban design outcomes that minimises adverse effects on adjoining residential areas and public spaces.

- Policies
- 16.2.2.1** Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.
 - 16.2.2.2** Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.
 - 16.2.2.3** Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures.
 - 16.2.2.4** Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.
 - 16.2.2.5** Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.
 - 16.2.2.6** Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.
 - 16.2.2.7** Allow buildings between 12m and 20m heights in the Queenstown Business Mixed Use Zone in situations when:
 - a. the outcome is of high quality design;
 - b. the additional height would not result in shading that would adversely impact on adjoining Residential zoned land and/or public space; and
 - c. the increase in height would facilitate the provision of residential activity.
 - 16.2.2.8** Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.
 - 16.2.2.9** Encourage the layout and design of new buildings and landscaping to integrate with Horne Creek where feasible.

16.2.3 Objective – The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

- Policies
- 16.2.3.1** Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.
- 16.2.3.2** Avoid the impacts of stormwater discharges on the State Highway network.
- 16.2.3.3** Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.
- 16.2.3.4** Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.
- Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.
- Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Rounding Powers Act 1989.
- 16.2.3.5** Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.
- 16.2.3.6** Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.
- Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.
- 16.2.3.7** Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.
- 16.2.3.8** Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:
- A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;
 - All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and
 - New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.
- 16.2.3.9** Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

16.3

Other Provisions and Rules

16.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations		Planning Maps		

16.3.2 Interpreting and Applying the Rules

16.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables.

16.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply unless otherwise specified.

16.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

16.3.2.4 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

16.4

Rules - Activities

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.1	Activities which are not listed in this table and comply with all standards	P
16.4.2		
16.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the location, provision, and screening of access and parking and traffic generation; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. the location and screening of bus and car parking from public places; and e. where the site adjoins a residential zone: <ul style="list-style-type: none"> i. noise generation and methods of mitigation; and ii. hours of operation, in respect of ancillary activities. 	C

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.4	<p>Buildings</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. building materials; b. glazing treatment; c. symmetry; d. vertical and horizontal emphasis; e. location of storage; f. signage platforms; g. landscaping; h. where residential units are proposed as part of a development, provision made for open space on site whether private or communal; i. where applicable, integration of the development with Horne Creek, including site layout and landscaping; and j. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>Assessment matters relating to buildings:</p> <ol style="list-style-type: none"> a. the impact of the building on the streetscape including whether it contributes positively to the visual quality, vitality, safety and interest of streets and public places by providing active and articulated street frontages and avoids large expanses of blank walls fronting public spaces; b. whether the design of the building blends well with and contributes to an integrated built form and is sympathetic to the surrounding natural environment. 	RD
16.4.5	<p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>This rule shall not apply to the sale and supply of alcohol:</p> <ol style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to consideration of the following:</p> <ol style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation. 	RD

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.6	<p>Daycare Facilities</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the compatibility of the development with respect to existing land uses on the subject site and nearby properties; b. potential reverse sensitivity issues; c. traffic, parking and access limitations; and d. noise. 	RD
16.4.7	<p>Warehousing , Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.18</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; b. the provision, location and screening of access, parking and traffic generation; and c. landscaping. 	RD
16.4.8	Industrial Activities not otherwise provided for in this Table	NC
16.4.9	Service Stations	NC
16.4.10	Panelbeating, spray painting, motor vehicle repair or dismantling.	NC
16.4.11	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking.	PR
16.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	
16.4.13	Factory Farming	PR
16.4.14	Mining Activities	PR
16.4.15	Forestry Activities	PR
16.4.16	Airport	PR
16.4.17	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary	PR
16.4.18	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North	PR

16.5

Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status
16.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p>16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site from points 3m above the Residential zone boundary.</p> <ul style="list-style-type: none"> a. 45° applied on the northern boundary; and b. 35° applied on all other boundaries <p>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the visual effects of the height, scale, location and appearance of the building, in terms of visual dominance and loss of residential privacy on adjoining properties and any resultant shading effects.
16.5.2	<p>Storage</p> <p>Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining Residential zones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on visual amenity; b. the location relative to the public realm and adjoining residential properties; c. consistency with the character of the locality; and d. whether pedestrian and vehicle access is compromised.
16.5.3	<p>Residential and visitor accommodation activities</p> <p>All residential activities and visitor accommodation activities on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects of residential and visitor accommodation activities at ground floor level on surrounding buildings and activities; b. the location of residential and visitor accommodation activities at ground floor level relative to the public realm; c. the maintenance of active and articulated street frontages.
16.5.4	<p>Building Coverage</p> <p>Maximum building coverage of 75%.</p>	<p>D</p>

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status
16.5.5	<p>Acoustic insulation</p> <p>For all residential development and visitor accommodation the following shall apply:</p> <p>16.5.5.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36; and</p> <p>16.5.5.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB $R_w + C_{tr}$ determined in accordance with ISO 10140 and ISO 717-1.</p>	D
16.5.6	<p>Fencing</p> <p>A solid fence of 1.8m shall be erected on the boundary of any Residential Zone.</p>	D
16.5.7	<p>Discretionary Building Height (Queenstown Only)</p> <p>In Queenstown the discretionary maximum building height shall be 12m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites; modulated roof forms, including screening of plant and services; material use and quality; the avoidance of large monolithic buildings; the impact on the street scene; privacy and outlook for residential uses; sunlight access to adjoining Residential zoned land and/or public space; Crime Prevention Through Environmental Design (CPTED) considerations; where appropriate, the integration of Horne Creek into the development and landscaping; and facilitation of the provision of residential activities.
16.5.8	<p>Maximum building height</p> <p>16.5.8.1 The absolute maximum building height shall be:</p> <ol style="list-style-type: none"> Queenstown - 20m Wanaka - 12m <p>16.5.8.2 Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p>	NC

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status									
<p>16.5.9</p>	<p>Noise</p> <p>16.5.9.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0"> <tr> <td>a. Daytime</td> <td>(0800 to 2200hrs)</td> <td>60 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>b. Night-time</td> <td>(2200 to 0800hrs)</td> <td>50 dB L_{Aeq(15 min)}</td> </tr> <tr> <td>c. Night-time</td> <td>(2200 to 0800hrs)</td> <td>75 dB L_{AFmax}</td> </tr> </table> <p><i>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</i></p> <p>Exemptions:</p> <p>a. the noise limits in rule 16.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.</p> <p>Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 standards for that zone.</p>	a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}	b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}	c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}	<p>NC</p>
a. Daytime	(0800 to 2200hrs)	60 dB L _{Aeq(15 min)}									
b. Night-time	(2200 to 0800hrs)	50 dB L _{Aeq(15 min)}									
c. Night-time	(2200 to 0800hrs)	75 dB L _{AFmax}									
<p>16.5.10</p>	<p>Glare</p> <p>16.5.10.1 All exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting and directed downward so as to limit the effects on views of the night sky.</p> <p>16.5.10.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Business Mixed Use Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.10.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>16.5.10.4 External building materials shall either:</p> <ol style="list-style-type: none"> be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper. <p>Except that:</p> <p>a. architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%.</p>	<p>NC</p>									

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status
16.5.11	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>16.5.11.1 Transport, parking and access design that:</p> <p>Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive.</p> <p>There is no new vehicular access to the State Highway Network.</p> <p>16.5.11.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows:</p> <p>a. a density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</p> <ul style="list-style-type: none"> i. Ribbonwood (<i>Plagianthus regius</i>) ii. Corokia cotoneaster iii. Pittosporum tenuifolium iv. Grisilinea v. Coprosma propinqua vi. Olearia dertonii <p>b. once planted these plants are to be maintained in perpetuity.</p>	NC

16.6

Rules - Non -Notification of Applications

16.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

16.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

16.6.2.1 Buildings.

16.6.2.2 Building Heights between 12m and 20m in the Business Mixed Use Zone in Queenstown.

16.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

16.6.3.1 Setbacks and sunlight access – sites adjoining, or separated by a road from a Residential zone.

Appendix 6: Chapter 17 – Airport Zone as Recommended

17 AIRPORT ZONE

17.1

Zone Purpose

The purpose of the Airport Zone is to provide for a range of airport and airport related activities at Queenstown and Wanaka Airports and to recognise the unique role of the airports in providing for the social and economic wellbeing of the community.

Queenstown Airport provides facilities for the transportation of people and freight and is a key asset to the District in terms of supporting the tourism industry and the needs of local and business travellers.

Queenstown Airport acts as an important gateway into the District and facilitates access and economic activity in the local and broader regional economies.

The Airport's main function is for domestic and international scheduled passenger movements as well as freight. Queenstown Airport is recognised as a nationally significant asset in the light of its significant contribution to the tourism industry. Queenstown Airport also provides facilities and infrastructure for helicopter, flightseeing and general aviation operations. It is also a critical provider of emergency services and is a lifeline utility under the Civil Defence Emergency Management Act 2002.

International tourism is New Zealand's largest foreign exchange earner and the Queenstown Lakes District tourism industry is heavily reliant on air transport. Queenstown Airport is a significant source of employment for the District.

Wanaka Airport is Regionally Significant Infrastructure to the District and is an important commercial and recreational aviation hub for the Upper Clutha. Wanaka Airport may one day accommodate scheduled and chartered air transport services.

The Airport Zone applies to all land used for airport and airport-related activities at Queenstown and Wanaka Airports. The Zone rules apply a range of performance standards to manage the effects of land uses carried out at the Airports on amenity values.

The objectives and provisions for Wanaka Airport reflect the more remote location of Wanaka Airport outside of the Wanaka Urban Growth Boundary and seek to avoid adverse effects from inappropriate commercial activities locating at the Airport. The strategic importance to the District of both airports and the finite nature of the land resource for both airports is also recognised in the Airport Zone provisions.

17.2

Objectives and Policies

17.2.1 Objective – Queenstown Airport is maintained as nationally significant infrastructure and a generator of nationally and regionally significant economic, social and cultural benefits.

- | | |
|----------|--|
| Policies | 17.2.1.1 Provide for those aviation activities necessary to enable Queenstown Airport to operate in a safe and efficient manner. |
| | 17.2.1.2 Provide for a range of airport related service, business, industrial and commercial activity to support or complement the functioning of Queenstown Airport. |

17.2.2 Objective – Wanaka Airport remains a key strategic infrastructural asset supporting the well-being of the District.

- Policies
- 17.2.2.1** Enable airport activities at Wanaka Airport which can operate in a safe and efficient manner.
 - 17.2.2.2** Ensure land uses including Airport Related Activities have a legitimate relationship with Airport Activities and are only allowed where they are of a size (either individually or cumulatively) that:
 - a. is ancillary to and support part of the operation of an Airport Activity; and
 - b. do not adversely affect the key local service and employment function of Wanaka Town Centre or other commercially zoned areas within the District.
 - 17.2.2.3** Only allow retail and food and beverage facilities which are designed and operated and of a nature, scale and intensity to service visitors, passengers or workers engaged in or associated with Airport Activities or Airport Related Activities within the Wanaka Airport zone, and are unlikely to attract significant patronage outside of this purpose.
 - 17.2.2.4** Ensure buildings and activities are adequately serviced with a water supply for fire-fighting purposes as well as provision of potable water, sewage treatment and disposal.

17.2.3 Objective – Airport Activities and Airport Related Activities are provided for at Queenstown and Wanaka Airports while maintaining an acceptable level of noise amenity, and high levels of general amenity for those using the airports and for those residing on neighbouring land.

- Policies
- 17.2.3.1** Maintain Queenstown Airport as a memorable and attractive gateway to the District.
 - 17.2.3.2** Manage adverse effects on amenity values arising from the on-going development, use and maintenance of Queenstown and Wanaka Airports.
 - 17.2.3.2** Avoid the establishment of activities that are incompatible with the ongoing operation and functioning of Queenstown Airport.

17.3

Other Provisions and Rules

17.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	25 <i>Earthworks</i>
26 Historic Heritage	27 Subdivision	28 Natural Hazards
29 <i>Transport</i>	30 Energy and Utilities	31 <i>Signs</i>
32 Protected Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

17.3.2 Interpreting and Applying the Rules

- 17.3.2.1** A permitted activity must comply with all the rules listed in the relevant Activity and Standards tables.
- 17.3.2.2** Where an activity does not comply with a Standard listed in the relevant Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 17.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 17.3.2.4** The activities listed in Table 1 and the standards contained in Table 2 apply to Queenstown Airport.
- 17.3.2.5** The activities listed in Table 3 and the standards contained in Table 4 apply to Wanaka Airport.
- 17.3.2.6** Activities undertaken within, or within the immediate environs of, the Queenstown airport terminal facility are exempt from complying with any minimum parking requirement in Chapter 29.
- 17.3.2.7** The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

17.4

Rules - Activities Airport Zone - Queenstown

Table 1	Activities located in the Airport Zone - Queenstown	Activity Status
17.4.1	Any airport activity and airport related activity	P
17.4.2	<p>Signage</p> <p>17.4.2.1 Advertising or promotional signage located greater than 20m from the zone boundary.</p> <p>17.4.2.2 Signage to be viewed by persons within the zone and not directed at persons outside the zone.</p> <p>17.4.2.3 Instruction or directional signage.</p> <p>Note: For all other signs, Section 18 - Signs of the Operative District Plan apply¹.</p>	P
17.4.3	Freight Facilities	P
17.4.4	<p>Activities which are not airport related activities that are not listed as prohibited activities in Rules 17.4.6 to 17.4.13.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> design, external appearance and siting of buildings and structures; traffic generation, vehicle parking, site access and servicing, including provision for an integrated transport assessment; landscaping and screening of any outdoor storage; the extent to which the activity benefits from an Airport location. 	RD
17.4.5	<p>Signage</p> <p>Signage on the roof of buildings.</p>	NC
17.4.6	Forestry	PR
17.4.7	Factory Farming	PR
17.4.8	Mining	PR
17.4.9	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
17.4.10	Residential Activities	PR
17.4.11	Community Activities (excluding police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose)	PR
17.4.12	Day Care Facilities	PR
17.4.13	Visitor Accommodation	PR

¹ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

17.5

Rules - Standards Airport Zone - Queenstown

Table 2	Standards for activities located in the Airport Zone - Queenstown	Non-compliance Status
<p>17.5.1</p>	<p>Maximum Building Coverage</p> <p>75% of the site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes; b. the positive economic, social and/or cultural effects that may be generated from the proposed activity.
<p>17.5.2</p>	<p>Minimum Buildings Setback</p> <p>For all buildings:</p> <p>17.5.2.1 Where the site adjoins the Residential Zone the setback shall be 5m.</p> <p>17.5.2.2 The setback for all other zones shall be 3m.</p> <p>17.5.2.3 The setback from any public road shall be 5m.</p> <p>Except: Security fencing around the perimeter of Queenstown Airport and jet blast fences are not subject to the building setback standards above.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes; b. the positive economic, social and/or cultural effects that may be generated from the proposed activity; c. the external appearance and visual dominance of the building as viewed from the street and adjacent properties; d. amenity and character of the streetscape; e. access to sunlight, shading and privacy of adjoining properties; f. views to and from Outstanding Natural Features and Landscapes.
<p>17.5.3</p>	<p>Maximum Building Height</p> <p>The maximum building height of all buildings shall be 15m.</p> <p>The limit specified above shall not apply to control towers, lighting towers, hangars or meteorological, navigation or communication masts and aerials which shall not be subject to a height limit.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes, b. visual effects; c. the positive economic, social and/or cultural effects that may be generated from the proposed activity; d. the external appearance and visual dominance of the building as viewed from the street and adjacent properties; e. amenity and character of the streetscape; f. access to sunlight, shading and privacy of adjoining properties; g. views to and from Outstanding Natural Features and Landscapes.

Table 2	Standards for activities located in the Airport Zone - Queenstown	Non-compliance Status
17.5.4	<p>Recession Plane</p> <p>On any boundary that directly adjoins a Residential Zone a recession plane commencing at ground level on the boundary and angled at 45° shall be applied. No building shall exceed the height of the recession plane at any point.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes; b. visual effects; c. the positive economic, social and/or cultural effects that may be generated from the proposed activity; d. the external appearance and visual dominance of the building as viewed from the street and adjacent properties; e. amenity and character of the streetscape; f. access to sunlight, shading and privacy of adjoining properties; g. views to and from Outstanding Natural Features and Landscapes.
17.5.5	<p>Landscaping</p> <p>At Queenstown Airport, those properties fronting Lucas Place and Hawthorne Drive to the west of Copper Beech Ave shall provide and maintain a landscape strip extending the full length of the road boundary, except across vehicle and pedestrian entranceways. The strip shall be not less than 1m deep and shall have an average depth of 3m over its entire length.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effects on urban design outcomes and the visual effects of reduction in landscaping; b. the functional and operational requirements of the site.
17.5.6	<p>Building Design and Glare</p> <p>17.5.6.1 The exterior of buildings situated within the landside area at Queenstown Airport shall be designed so that roof and wall colours are limited to a maximum reflectivity of 36%, except that trims, highlights and signage totalling up to 10% of the façade area may exceed this level and be of contrasting colour.</p> <p>17.5.6.2 Any landside activity which requires the lighting of outdoor areas shall ensure that direct or indirect illumination does not exceed 10 lux at the windows of residential buildings in any adjacent Residential Zone.</p> <p>17.5.6.3 All fixed exterior lighting on buildings associated with Airport related activities shall be directed away from adjacent sites and roads.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent of adverse effects from lighting on Residential Activities; b. the extent to which the lighting is required for operational purposes; c. the effects on urban design outcomes; d. visual effects; e. the purpose of the building and the operational requirements of the activity it contains.

17.6

Rules - Activities Airport Zone - Wanaka

Table 3	Activities located in the Airport Zone - Wanaka	Activity Status
17.6.1	Farming Activities	P
17.6.2	Temporary Air Shows	P
17.6.3	<p>Any Airport Activity (excluding Aircraft Operations) and Airport Related Activity that complies with the relevant standards in Table 4.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. design, appearance and siting of buildings and structures; b. the effects on visual amenity when viewed from beyond the Airport zone; c. the purpose of the building and the operational requirements of the activity it contains; d. traffic generation, vehicle parking and site access; e. provision for firefighting; f. wastewater; g. stormwater; h. water supply. 	C
17.6.4	<p>Instructional or directional signage or signage directed at persons within the zone.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. dimensions of signage; b. location of signage; <p>Note: For all other signs, Chapter 31 applies.</p>	C
17.6.5	Wholesaling or Commercial Storage Activity	NC
17.6.6	Any activity not otherwise listed in Table 3	NC
17.6.7	Any new Activity Sensitive to Aircraft Noise (ASAN) within the Outer Control Boundary - Wanaka Airport (except for police stations, fire stations and medical facilities provided they serve an airport related purpose).	PR

17.7

Rules - Standards Airport Zone - Wanaka

Table 4	Standards for activities located in the Airport Zone - Wanaka	Non-compliance status
<p>17.7.1</p>	<p>Minimum Building Setback</p> <p>17.7.1.1 The setback from all zone boundaries shall be 5m.</p> <p>17.7.1.2 The setback from the eastern side of the centreline of the main runway (as at 2013) shall be 217 metres.</p> <p>17.7.1.3 The setback from the western side of the centre line of the main runway (as at 2013) shall be 124 metres.</p> <p>17.7.1.4 The setback from any public road shall be 5m.</p> <p>Except no setbacks shall apply to security fencing greater than 2m in height.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. for all non-compliances:</p> <ul style="list-style-type: none"> i. the purpose of the building and the operational requirements of the activity it contains. <p>b. for non-compliances with 17.7.1.1 or 17.7.1.4 only:</p> <ul style="list-style-type: none"> i. the external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties; ii. amenity and character of the surrounding Rural Zone; iii. access to sunlight, shading and privacy of adjoining properties; iv. views to and from Outstanding Natural Features and Landscapes. <p>c. for non-compliances with 17.7.1.2 or 17.7.1.3 only:</p> <ul style="list-style-type: none"> i. the effects on the current and future operation of the Airport.

Table 4	Standards for activities located in the Airport Zone - Wanaka	Non-compliance status
<p>17.7.2</p>	<p>Maximum Building Height</p> <p>The maximum height of all buildings shall be 10m.</p> <p>Except this limit shall not apply to control towers, lighting towers or navigation and communication masts and aerials which are not subject to a height limit.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. visual effects of the bulk and location non-compliance when viewed from the boundary of the zone; b. the purpose of the building and the operational requirements of the activity it contains; c. the external appearance, location and visual dominance of the building as viewed from the public roads and adjacent properties; d. amenity and character of the surrounding Rural Zone; e. access to sunlight, shading and privacy of adjoining properties; f. views to and from Outstanding Natural Features and Landscapes.
<p>17.7.3</p>	<p>Lighting and Glare</p> <p>Within all landside areas, all lighting shall:</p> <p>17.7.3.1 ensure that direct or indirect illumination does not exceed 3 lux spill of light at any adjacent site.</p> <p>17.7.3.2 be directed away from adjoining sites and roads;</p> <p>17.7.3.3 not be directed upwards.</p>	<p>NC</p>
<p>17.7.4</p>	<p>Identified Airport Related Activities - Maximum Gross Floor Area</p> <p>The following activities shall not exceed 100m² in Gross Floor Area as part of any single activity:</p> <p>17.7.4.1 cafes and other food and beverage facilities;</p> <p>17.7.4.2 retail activities;</p> <p>17.7.4.3 offices.</p>	<p>D</p>
<p>17.7.5</p>	<p>Hours of Operation for Airport Related Activities</p> <p>The hours of operation for the following Airport Related Activities may only fall between 6.00 am and 10.00 pm:</p> <p>17.7.5.1 cafes and other food and beverage facilities;</p> <p>17.7.5.2 retail activities.</p>	<p>NC</p>

Table 4	Standards for activities located in the Airport Zone - Wanaka	Non-compliance status
<p>17.7.6</p>	<p>Air shows</p> <p>17.7.6.1 The air show (including set up, flying programme and pack down) shall be limited to 12 days inclusive.</p> <p>17.7.6.2 The flying programme for the air show shall be limited to a period of not more than five days.</p> <p>17.7.6.3 The air show event must not operate outside of the hours of 0800 and 2000. Set up and pack down outside of these hours is permitted.</p> <p>17.7.6.4 The air show operator shall hold a Council approved plan detailing the noise, environmental management and traffic (vehicle and pedestrian movements, public transport, parking and management of adverse effects on operation of the State Highway) aspects of the air show. A report containing the draft plan shall be submitted to the Council for approval, no later than 30 working days prior to the air show taking place.</p> <p>The noise standards in Rule 36.5.14 shall not apply to Air Shows complying with the above standards.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. adverse amenity effects for surrounding landowners; b. measures to avoid, remedy or mitigate the adverse amenity effects; c. adverse traffic and transport effects including effects from parking.

17.8 Rules - Non-Notification of Applications

17.8.1 All applications for controlled activities shall not require the written approval of other persons and shall not be notified or limited notified.

17.9 Non-Regulatory Methods

17.9.1 Council will use advocacy to promote good urban design and form at Queenstown Airport.

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- 17.9.2 As the major requiring authority in the Airport Zone at Queenstown, the Queenstown Airport Corporation will adopt best practice urban design and urban design led principles at Queenstown Airport.**
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- 17.9.3 The Queenstown Airport Corporation shall prepare an urban design guideline for the Queenstown Airport Use Zone. The urban design guideline shall promote a built form and character which maintains the Airport and its surrounds as an attractive gateway to the district.**

Appendix 7: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
5.1	Twenty24 Ltd	Accept	57.8
9.11	Terry Drayron	Out of scope outside TLA/DP function	N/A
9.4	Terry Drayron	Accept in Part	16.8
19.28	Kain Fround	Accept	21.1
19.7	Kain Fround	Accept in Part	11.1
19.8	Kain Fround	Accept	32.2
19.9	Kain Fround	Accept	51
20.3	Aaron Cowie	Accept in Part	7.15
20.4	Aaron Cowie	Reject	2.3
20.6	Aaron Cowie	Reject	7.15
30.1	Julie Rogers	Accept	42
30.2	Julie Rogers	Accept in Part	45
30.3	Julie Rogers	Accept	46.11
53.1	Shipleys AV	Reject	7.17
54.1	DD and KK Dugan Family Trust	Accept	16.7
59.1	Lynda Baker	Reject	3.3
59.2	Lynda Baker	Reject	7.15
59.3	Lynda Baker	Accept	7.15
59.4	Lynda Baker	Reject	3.3
70.1	Westwood Group	Reject	7.17
71.1	Chris Duffy	Reject	7.17
82.1	Toni Okkerse	Reject	3.3
82.2	Toni Okkerse	Accept in Part	3.3
82.3	Toni Okkerse	Accept	7.15
82.4	Toni Okkerse	Reject	3.3
82.5	Toni Okkerse	Reject	3.3
90.1	Trout Bar	Accept in Part	16.8
102.2	PR Queenstown Ltd	Accept	42
112.2	Iain Weir	Accept in Part	13.5
116.1	mike harris	Reject	56.18
117.6	Maggie Lawton	Out of scope outside TLA/DP function	N/A
117.7	Maggie Lawton	Accept in Part	32.2
129.1	Lake Bar Limited	Accept in Part	16.8
136.1	Feldspar Capital Management	Accept in Part	42
151.1	Imperium Group	Reject	2.4
151.2	Imperium Group	Accept	3.2
151.3	Imperium Group	Reject	3.5
151.4	Imperium Group	Accept in part	3.7
151.5	Imperium Group	Accept in part	7.17
151.6	Imperium Group	Accept	7.18
156.1	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
156.2	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.1
156.3	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.2
156.4	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.3
156.5	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept	13.4
156.6	Kai Whakapai cafe-bar (legal name the homestead ltd)	Accept in Part	13.5
159.1	Karen Boulay	Accept in Part	7.15
159.2	Karen Boulay	Accept in Part	7.15
187.11	Nicholas Kiddle	Reject	2.3
187.12	Nicholas Kiddle	Reject	N/A
187.13	Nicholas Kiddle	Reject	2.3
187.14	Nicholas Kiddle	Reject	7.15
187.4	Nicholas Kiddle	Accept in Part	3.5
187.5	Nicholas Kiddle	Reject	7.15
196.1	Whitney Thurlow	Reject	13.1
196.2	Whitney Thurlow	Accept in Part	16.8
199.20	Craig Douglas	Accept	21.1
202.3	Graham Dickson	Reject	16.7
202.4	Graham Dickson	Reject	16.6
202.5	Graham Dickson	Reject	13.6
206.11	Lindsay Jackson	Reject	7.15
206.6	Lindsay Jackson	Accept in Part	7.15
206.7	Lindsay Jackson	Reject	3.3
206.8	Lindsay Jackson	Reject	3.3
206.9	Lindsay Jackson	Reject	3.3
212.1	E J L Guthrie	Accept in Part	6.11
217.10	Jay Berriman	Reject	3.5
217.11	Jay Berriman	Accept	3.7
217.12	Jay Berriman	Accept	3.8
217.13	Jay Berriman	Reject	7.17
217.14	Jay Berriman	Accept	7.18
217.15	Jay Berriman	Reject	53
217.24	Jay Berriman	Reject	6.4
217.25	Jay Berriman	Reejct	6.4
217.26	Jay Berriman	Reject	7.18
217.27	Jay Berriman	Reject	7.18
217.6	Jay Berriman	Accept in Part	2.4
217.7	Jay Berriman	Reject	3.2
217.8	Jay Berriman	Accept	3.2
217.9	Jay Berriman	Accept	3.3
218.1	John Barlow	Reject	13.6
223.10	Sam Gent	Reject	23.1
223.1	Sam Gent	Accept in Part	37
223.11	Sam Gent	Reject	23.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
223.12	Sam Gent	Reject	23.1
223.13	Sam Gent	Reject	23.2
223.15	Sam Gent	Accept	23.3
223.16	Sam Gent	Accept	23.4
223.17	Sam Gent	Accept	23.5
223.18	Sam Gent	Accept	41.1
223.7	Sam Gent	Reject	22
223.9	Sam Gent	Reject	25.1
225.2	Quentin Smith	Reject	13.6
237.1	Central Land Holdings Limited	Accept	43.1
237.2	Central Land Holdings Limited	Accept in Part	45
238.100	NZIA Southern and Architecture + Women Southern	Reject	43.1
238.101	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.102	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.103	NZIA Southern and Architecture + Women Southern	Accept in Part	43.2
238.104	NZIA Southern and Architecture + Women Southern	Reject	43.2
238.105	NZIA Southern and Architecture + Women Southern	Accept in Part	43.2
238.106	NZIA Southern and Architecture + Women Southern	Accept in Part	45.2
238.107	NZIA Southern and Architecture + Women Southern	Accept in Part	46.3
238.108	NZIA Southern and Architecture + Women Southern	Accept	60
238.13	NZIA Southern and Architecture + Women Southern	Reject	11.1
238.14	NZIA Southern and Architecture + Women Southern	Accept in Part	7.1
238.149	NZIA Southern and Architecture + Women Southern	Accept in Part	16.7
238.150	NZIA Southern and Architecture + Women Southern	Accept in Part	16.11
238.15	NZIA Southern and Architecture + Women Southern	Reject	36.3
238.151	NZIA Southern and Architecture + Women Southern	Reject	16.8
238.152	NZIA Southern and Architecture + Women Southern	Reject	13.5
238.4	NZIA Southern and Architecture + Women Southern	Reject	2.4
238.5	NZIA Southern and Architecture + Women Southern	Reject	33.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.6	NZIA Southern and Architecture + Women Southern	Accept in Part	42
238.65	NZIA Southern and Architecture + Women Southern	Reject	2.4
238.66	NZIA Southern and Architecture + Women Southern	Reject	3.2
238.67	NZIA Southern and Architecture + Women Southern	Accept in part	3.2
238.68	NZIA Southern and Architecture + Women Southern	Accept	3.2
238.69	NZIA Southern and Architecture + Women Southern	Reject	3.3
238.70	NZIA Southern and Architecture + Women Southern	Accept in part	3.3
238.7	NZIA Southern and Architecture + Women Southern	Accept	56.13
238.71	NZIA Southern and Architecture + Women Southern	Reject	3.3
238.72	NZIA Southern and Architecture + Women Southern	Accept	3.3
238.73	NZIA Southern and Architecture + Women Southern	Reject	3.3
238.74	NZIA Southern and Architecture + Women Southern	Accept in part	3.5
238.75	NZIA Southern and Architecture + Women Southern	Accept in part	3.7
238.76	NZIA Southern and Architecture + Women Southern	Accept	3.7
238.77	NZIA Southern and Architecture + Women Southern	Accept	3.8
238.78	NZIA Southern and Architecture + Women Southern	Accept in Part	7.15
238.79	NZIA Southern and Architecture + Women Southern	Accept insofar as relates to 238.79	7.15
238.80	NZIA Southern and Architecture + Women Southern	Accept	6.5
238.81	NZIA Southern and Architecture + Women Southern	Accept in Part	7.14
238.82	NZIA Southern and Architecture + Women Southern	Accept in Part	7.14
238.87	NZIA Southern and Architecture + Women Southern	Accept in Part	22
238.89	NZIA Southern and Architecture + Women Southern	Reject	36.3
238.90	NZIA Southern and Architecture + Women Southern	Reject	33.2
238.91	NZIA Southern and Architecture + Women Southern	Reject	36.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.92	NZIA Southern and Architecture + Women Southern	Accept in Part	42
238.94	NZIA Southern and Architecture + Women Southern	Reject	43.1
238.95	NZIA Southern and Architecture + Women Southern	Accept	43.1
238.96	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.97	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.98	NZIA Southern and Architecture + Women Southern	Accept in Part	43.1
238.99	NZIA Southern and Architecture + Women Southern	Accept	43.1
240.2	Gem Lake Limited	Accept in Part	16.7
243.5	Christine Byrch	No relief sought	7.15
243.6	Christine Byrch	Accept	7.20
247.1	Pog Mahones Irish Pub	Reject	7.17
249.11	Willowridge Developments Limited	Accept in Part	33.1
250.1	1876 Bar & Restaurant	Reject	3.5
255.8	N.W. & C.E. BEGGS	Reject	21.1
260.1	Roger Gardiner	Accept in Part	16.8
271.15	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	51
274.1	Susan Meyer	Reject	37.1
292.6	John Walker	Accept in Part	13.1
302.1	Grand Lakes Management Limited	Reject	7.17
302.2	Grand Lakes Management Limited	Reject	7.17
302.3	Grand Lakes Management Limited	Accept in Part	7.17
321.1	Coronet Property Investments Limited	Accept in Part	42
321.2	Coronet Property Investments Limited	Accept in Part	43.2
321.3	Coronet Property Investments Limited	Reject	45.2
321.4	Coronet Property Investments Limited	Accept in Part	46.7
321.5	Coronet Property Investments Limited	Accept	46.11
321.7	Coronet Property Investments Limited	Reject	42
344.6	Fletcher Distribution Ltd and Mico New Zealand Ltd	Reject	45.2
344.7	Fletcher Distribution Ltd and Mico New Zealand Ltd	Accept	46.1
344.8	Fletcher Distribution Ltd and Mico New Zealand Ltd	Accept	46.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
344.9	Fletcher Distribution Ltd and Mico New Zealand Ltd	Accept in Part	46.7
380.35	Villa delLago	Accept	2.4
380.36	Villa delLago	Accept	3.3
380.37	Villa delLago	Accept in part	3.5
380.38	Villa delLago	Accept	3.7
380.39	Villa delLago	Reject	3.8
380.40	Villa delLago	Accept	33.1
380.56	Villa delLago	Accept	43.1
380.57	Villa delLago	Accept in Part	43.2
383.212	Queenstown Lakes District Council	Accept in part	7.15
383.213	Queenstown Lakes District Council	Accept	7.15
383.214	Queenstown Lakes District Council	Reject	7.15
383.30	Queenstown Lakes District Council	Reject	6.5
383.31	Queenstown Lakes District Council	Accept	7.8
383.32	Queenstown Lakes District Council	Reject	7.8
383.33	Queenstown Lakes District Council	Reject	7.15
383.34	Queenstown Lakes District Council	Accept	7.15
383.35	Queenstown Lakes District Council	Accept	56.17
383.36	Queenstown Lakes District Council	Reject	55
383.37	Queenstown Lakes District Council	Accept	55
383.38	Queenstown Lakes District Council	Reject	56.14
383.39	Queenstown Lakes District Council	Accept in Part	56.18
383.40	Queenstown Lakes District Council	Accept	56.17
383.41	Queenstown Lakes District Council	Accept in Part	59
383.41	Queenstown Airport Corporation	Reject	59
392.10	Erna Spijkerbosch	Reject	43.1
392.11	Erna Spijkerbosch	Accept	43.1
392.12	Erna Spijkerbosch	Accept in Part	43.1
392.13	Erna Spijkerbosch	Accept in Part	45.2
392.14	Erna Spijkerbosch	Accept	46.11
392.9	Erna Spijkerbosch	Accept	42
398.10	Man Street Properties Limited	Reject	7.15
398.11	Man Street Properties Limited	Reject	7.15
398.12	Man Street Properties Limited	Accept in part	3
398.13	Man Street Properties Limited	Accept in Part	7.15
398.14	Man Street Properties Limited	Accept in Part	7.15
398.15	Man Street Properties Limited	Reject	7.19
398.16	Man Street Properties Limited	Accept in Part	3.2
398.17	Man Street Properties Limited	Accept in part	3
398.18	Man Street Properties Limited	Reject	3
398.19	Man Street Properties Limited	Accept in Part	7.19
398.4	Man Street Properties Limited	Accept in part	7.15
398.5	Man Street Properties Limited	Accept in Part	7.15
398.6	Man Street Properties Limited	Accept	6.5
398.7	Man Street Properties Limited	Accept in part	3
398.8	Man Street Properties Limited	Accept in Part	6.5
398.9	Man Street Properties Limited	Accept in part	3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
417.1	Ellis Gould	Accept	7.15
417.2	Ellis Gould	Reject	7.15
433.61	Queenstown Airport Corporation	Reject	32.2
433.62	Queenstown Airport Corporation	Accept in Part	33.3
433.63	Queenstown Airport Corporation	Reject	36.3
433.64	Queenstown Airport Corporation	Reject	36.3
433.65	Queenstown Airport Corporation	Reject	36.3
433.66	Queenstown Airport Corporation	Reject	36.3
433.67	Queenstown Airport Corporation	Reject	38
433.68	Queenstown Airport Corporation	Accept in Part	53
433.69	Queenstown Airport Corporation	Accept in Part	54
433.70	Queenstown Airport Corporation	Reject	55
433.71	Queenstown Airport Corporation	Accept	56.10
433.73	Queenstown Airport Corporation	Accept in Part	60
433.83	Queenstown Airport Corporation	Accept in Part	54.2
433.84	Queenstown Airport Corporation	Accept in Part	54.2
433.87	Queenstown Airport Corporation	Accept in Part	57
433.88	Queenstown Airport Corporation	Accept in Part	57
433.92	Queenstown Airport Corporation	Accept in Part	58
438.26	New Zealand Fire Service	Reject	7.15
438.27	New Zealand Fire Service	Reject	7.15
438.28	New Zealand Fire Service	Accept	16.6
438.29	New Zealand Fire Service	Accept	16.7
438.30	New Zealand Fire Service	Accept	25.2
438.31	New Zealand Fire Service	Reject	26.1
466.1	Thomas Wild	Accept in Part	16.8
470.2	Queenstown Playcentre	Accept in Part	3.3
470.4	Queenstown Playcentre	Accept in Part	3.2
474.1	Evan Jenkins	Accept	3.5
474.2	Evan Jenkins	Accept	7.17
474.3	Evan Jenkins	Reject	7.17
474.4	Evan Jenkins	Reject	3.5
474.5	Evan Jenkins	Accept in part	N/A
474.6	Evan Jenkins	Accept in Part	7.17
491.1	Redson Holdings Ltd	Reject	7.1
503.4	DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch	Accept in Part	7.17
504.2	Virginia Barbara Bush	Accept in Part	13.3
505.1	JWA & DV Smith Trust	Reject	13.3
505.10	JWA & DV Smith Trust	Reject	15.4
505.2	JWA & DV Smith Trust	Reject	13.2
505.3	JWA & DV Smith Trust	Accept in Part	13.3
505.4	JWA & DV Smith Trust	Reject	13.3
505.5	JWA & DV Smith Trust	Reject	13.6
505.6	JWA & DV Smith Trust	Accept in Part	13.6
505.7	JWA & DV Smith Trust	Reject	13.6
505.8	JWA & DV Smith Trust	Reject	13.6
505.9	JWA & DV Smith Trust	Reject	13.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
506.5	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept in Part	7.17
542.1	G H & P J Hensman	Accept in Part	42
542.2	G H & P J Hensman	Reject	45.2
542.3	G H & P J Hensman	Accept	45.4
542.4	G H & P J Hensman	Reject	46.1
544.1	Good Group Limited	Reject	7.17
544.4	Good Group Limited	Reject	6.4
544.5	Good Group Limited	Reject	7.17
544.6	Good Group Limited	Reject	7.17
544.7	Good Group Limited	Reject	3
545.1	High Peaks Limited	Accept in Part	42
545.2	High Peaks Limited	Reject	45.2
545.3	High Peaks Limited	Accept	45.4
545.4	High Peaks Limited	Reject	46.1
548.4	Maximum Mojo Holdings Limited	Accept in Part	7.15
548.5	Maximum Mojo Holdings Limited	Accept in Part	7.15
548.6	Maximum Mojo Holdings Limited	Reject	Part B
549.1	Watertight Investments T/A REPUBLIC HOSPITALITY GROUP (RHG) Operating WINNIES, BALLARAT TRADING COMPANY, ZEPHYR, BARUP, HABANA, BELOW ZERO AND BUFALLO CLUB.	Accept in Part	7.17
550.1	Ngai Tahu Property Limited	Accept in Part	42
550.2	Ngai Tahu Property Limited	Reject	45.2
550.3	Ngai Tahu Property Limited	Accept	45.4
550.4	Ngai Tahu Property Limited	Reject	46.1
556.1	Skyline Enterprises Limited	Accept in Part	42
556.10	Skyline Enterprises Limited	Accept in Part	42
556.3	Skyline Enterprises Limited	Accept	42
556.4	Skyline Enterprises Limited	Accept in Part	43
556.5	Skyline Enterprises Limited	Accept in Part	46.1
556.6	Skyline Enterprises Limited	Accept	46.11
556.7	Skyline Enterprises Limited	Reject	45.2
556.8	Skyline Enterprises Limited	Accept	45.4
556.9	Skyline Enterprises Limited	Reject	46.1
571.20	Totally Tourism Limited	Accept	45.4
574.4	Skyline Enterprises Limited	Accept in Part	7.15
587.1	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Reject	2.4
587.4	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Accept	3
587.5	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Reject	7.17

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
587.6	Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Cafe	Accept in Part	6.4
589.1	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Reject	2.4
589.4	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Accept	3
589.5	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Reject	7.17
589.6	Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas	Accept in Part	6.4
591.1	Varina Propriety Limited	Accept in Part	41.1
596.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	6.4
596.4	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	7.17
596.5	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	6.5
599.10	Peter Fleming	Reject	7.14
599.11	Peter Fleming	Accept	6.1
599.12	Peter Fleming	Reject	3.5
599.2	Peter Fleming	Reject	7.17
599.3	Peter Fleming	Accept	6.2
599.4	Peter Fleming	Reject	6.4
599.7	Peter Fleming	Reject	7.17
599.8	Peter Fleming	Accept in Part	7.15
599.9	Peter Fleming	Reject	7.15
602.2	N & B Teat Family Trust	Accept in Part	11.1
606.1	Skyline Investments Limited & O'Connells Pavilion Limited	Accept in Part	6.4
606.2	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.15
606.3	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.15
606.4	Skyline Investments Limited & O'Connells Pavilion Limited	Accept	6.5
606.5	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.8
606.6	Skyline Investments Limited & O'Connells Pavilion Limited	Reject	7.19
606.7	Skyline Investments Limited & O'Connells Pavilion Limited	Accept	7.15
607.26	Te Anau Developments Limited	Reject	3.8
607.28	Te Anau Developments Limited	Reject	3.8
609.1	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Accept in Part	6.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
609.2	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Reject	7.15
609.3	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Reject	7.15
609.4	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Accept	6.5
609.5	Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited	Reject	7.19
614.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	6.5 + 7.15
614.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
614.3	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
614.4	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	6.5
614.5	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.19
616.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5 + 7.15
616.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	6.5 + 7.8
617.2	Tweed Development Limited	Accept	6.5
617.3	Tweed Development Limited	Reject	7.8
617.4	Tweed Development Limited	Accept in Part	7.14
617.5	Tweed Development Limited	Reject	7.19
621.42	Real Journeys Limited	Accept	3.3
621.43	Real Journeys Limited	Reject	3.3
621.44	Real Journeys Limited	Accept in part	3.7
621.45	Real Journeys Limited	Reject	3.8
621.46	Real Journeys Limited	Reject	3.8
621.47	Real Journeys Limited	Reject	3.8
621.48	Real Journeys Limited	Reject	6.3
621.49	Real Journeys Limited	Accept in Part	6.4
621.50	Real Journeys Limited	Reject	6.4
621.51	Real Journeys Limited	Reject	7.10
621.52	Real Journeys Limited	Reject	6.5
621.53	Real Journeys Limited	Accept in Part	6.6
621.54	Real Journeys Limited	Reject	6.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
621.55	Real Journeys Limited	Accept in Part	7.10
621.56	Real Journeys Limited	Reject	7.17
621.57	Real Journeys Limited	Accept	7.19
621.77	Real Journeys Limited	Reject	6.6
622.3	Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited	Reject	37
622.4	Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited	Reject	37
622.5	Stuart Ian & Melanie Kiri Agnes Pinfold & Satomi Enterprises Limited	Reject	37
630.1	DowntownQT	Reject	2.3
630.10	DowntownQT	Accept in Part	6.5
630.2	DowntownQT	Accept	2.2
630.3	DowntownQT	Accept in part	7.17
630.4	DowntownQT	Accept	7.17
630.6	DowntownQT	Accept	6.2
630.7	DowntownQT	Accept in Part	3.3
630.8	DowntownQT	Accept	3.2
630.9	DowntownQT	Accept in Part	6.5
634.1	Trojan Holdings Limited	Accept in Part	42
634.10	Trojan Holdings Limited	Accept in Part	42
634.3	Trojan Holdings Limited	Accept	42
634.4	Trojan Holdings Limited	Accept in Part	43
634.5	Trojan Holdings Limited	Accept in Part	46.1
634.6	Trojan Holdings Limited	Accept	46.11
634.7	Trojan Holdings Limited	Reject	45.2
634.8	Trojan Holdings Limited	Accept	45.4
634.9	Trojan Holdings Limited	Reject	46.1
649.18	Southern District Health Board	Accept in Part	57
649.19	Southern District Health Board	Accept in Part	57
650.1	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept in Part	7.1
650.2	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept in Part	11.1
650.6	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	7.20
650.7	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	16.12
650.8	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	16.1
650.9	Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd	Accept	16.7

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
654.1	Warren Cooper & Associates	Accept in Part	6.4
663.10	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.5
663.11	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.7
663.12	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept	3.7
663.13	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	7.15
663.14	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept	6.5
663.15	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	6.5
663.16	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in Part	7.1
663.17	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	7.10
663.18	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	7.11
663.20	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in Part	Part B
663.22	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.3	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.4	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept	3.3
663.5	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.3
663.6	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.7	IHG Queenstown Ltd and Carter Queenstown Ltd	Reject	3.3
663.8	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.3
663.9	IHG Queenstown Ltd and Carter Queenstown Ltd	Accept in part	3.5
667.3	Cedric Hockey	Reject	7.15
672.1	Watertight Investments Ltd	Accept in Part	2.4
672.10	Watertight Investments Ltd	Reject	3.3
672.11	Watertight Investments Ltd	Accept in part	3.5
672.12	Watertight Investments Ltd	Accept in part	3.7
672.13	Watertight Investments Ltd	Accept	3.7
672.14	Watertight Investments Ltd	Accept in Part	7.15
672.15	Watertight Investments Ltd	Reject	6.5
672.16	Watertight Investments Ltd	Accept in part	2.4
672.3	Watertight Investments Ltd	Reject	3.3
672.4	Watertight Investments Ltd	Accept	3.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
672.5	Watertight Investments Ltd	Accept in part	3.3
672.6	Watertight Investments Ltd	Reject	3.3
672.7	Watertight Investments Ltd	Reject	3.3
672.8	Watertight Investments Ltd	Accept in part	3.3
673.1	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept in Part	7.20
673.2	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept	16.12
673.3	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept	16.1
673.4	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept	16.7
673.5	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Accept in Part	16.11
673.6	Foodstuffs South Island Limited and Foodstuffs (South Island) Properties Limited	Reject	7.1
698.2	Spence Farms Ltd	Accept in Part	37.3
698.6	Spence Farms Ltd	Reject	37.5
698.7	Spence Farms Ltd	Reject	37.5
698.8	Spence Farms Ltd	Reject	37.3
700.1	Ledge Properties Ltd and Edge Properties Ltd	Accept in Part	43.1
700.2	Ledge Properties Ltd and Edge Properties Ltd	Accept in Part	45.2
700.3	Ledge Properties Ltd and Edge Properties Ltd	Accept in Part	41.1
704.1	Ross & Judith Young Family Trust	Accept in Part	41.1
705.1	Ardmore Holdings Wanaka Limited	Accept	13.5
707.10	Wanaka on Water	Reject	13.5
707.11	Wanaka on Water	Accept in Part	16.8
707.12	Wanaka on Water	Reject	16.8
707.13	Wanaka on Water	Accept in Part	16.8
707.4	Wanaka on Water	Accept	13.5
707.5	Wanaka on Water	Accept	13.5
707.6	Wanaka on Water	Reject	13.5
707.8	Wanaka on Water	Reject	13.5
707.9	Wanaka on Water	Reject	13.5
714.1	Kopuwai Investments Limited	Reject	2.4
714.10	Kopuwai Investments Limited	Accept in Part	6.4
714.11	Kopuwai Investments Limited	Reject	6.4
714.12	Kopuwai Investments Limited	Reject	7.17
714.13	Kopuwai Investments Limited	Accept in Part	7.18

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
714.14	Kopuwai Investments Limited	Accept in Part	7.20
714.18	Kopuwai Investments Limited	Reject	2.4
714.2	Kopuwai Investments Limited	Accept in part	3.2
714.3	Kopuwai Investments Limited	Accept in part	3.2
714.4	Kopuwai Investments Limited	Reject	3.5
714.5	Kopuwai Investments Limited	Reject	3.5
714.6	Kopuwai Investments Limited	Accept in part	3.5
714.7	Kopuwai Investments Limited	Reject	3.5
714.8	Kopuwai Investments Limited	Accept in part	3.8
714.9	Kopuwai Investments Limited	Reject	6.4
719.79	NZ Transport Agency	Accept	3.7
719.80	NZ Transport Agency	Accept in part	3.7
719.81	NZ Transport Agency	Accept	3.7
719.82	NZ Transport Agency	Reject	3.7
719.83	NZ Transport Agency	Accept	3.7
719.84	NZ Transport Agency	Accept	6.2
719.85	NZ Transport Agency	Accept	7.20
719.86	NZ Transport Agency	Accept	33.3
719.87	NZ Transport Agency	Accept	33.3
719.88	NZ Transport Agency	Accept	33.3
719.89	NZ Transport Agency	Accept	33.3
719.91	NZ Transport Agency	Accept	36.4
719.92	NZ Transport Agency	Accept in Part	37.1
719.94	NZ Transport Agency	Reject	38
724.2	Queenstown Gold Ltd	Accept in Part	6.5
728.2	Wanaka Residents Association	Accept in Part	13.5
746.1	Bunnings Limited	Accept	45.1
746.2	Bunnings Limited	Accept in Part	43.1
746.3	Bunnings Limited	Reject	43.2
746.4	Bunnings Limited	Reject	45.6
766.1	Queenstown Wharves GP Limited	Reject	6.6
766.11	Queenstown Wharves GP Limited	Reject	6.6
766.13	Queenstown Wharves GP Limited	Reject	6.6
766.2	Queenstown Wharves GP Limited	Reject	3.8
766.3	Queenstown Wharves GP Limited	Reject	3.8
766.32	Queenstown Wharves GP Limited	Accept	3.8
766.33	Queenstown Wharves GP Limited	Reject	3.8
766.34	Queenstown Wharves GP Limited	Accept	6.6
766.4	Queenstown Wharves GP Limited	Reject	3.8
766.5	Queenstown Wharves GP Limited	Reject	3.8
766.6	Queenstown Wharves GP Limited	Accept	3.8
766.7	Queenstown Wharves GP Limited	Reject	3.8
766.8	Queenstown Wharves GP Limited	Reject	3.8
766.9	Queenstown Wharves GP Limited	Reject	6.6
768.18	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	53
768.19	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	54.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
768.20	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	54.1
768.21	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	54.3
768.22	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	54.3
768.23	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept	54.3
768.24	Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd	Accept in Part	56.16
774.2	Queenstown Chamber of Commerce	Reject	7.17
774.3	Queenstown Chamber of Commerce	Accept	7.18
774.4	Queenstown Chamber of Commerce	Reject	6.2
774.5	Queenstown Chamber of Commerce	Accept	6.2
774.6	Queenstown Chamber of Commerce	Reject	7.18
774.7	Queenstown Chamber of Commerce	Accept	7.18
777.1	Pier 19	Reject	7.17
798.34	Otago Regional Council	Accept	54.1
798.37	Otago Regional Council	Reject	3.7
798.38	Otago Regional Council	Accept in Part	6.5
798.39	Otago Regional Council	Accept in Part	7.11
798.40	Otago Regional Council	Accept	15.2
798.41	Otago Regional Council	Reject	16.4
798.42	Otago Regional Council	Reject	25.3
798.43	Otago Regional Council	Reject	25.3
798.44	Otago Regional Council	Accept	36.2
798.45	Otago Regional Council	Accept	36.2
798.46	Otago Regional Council	Accept in part	3.7
798.47	Otago Regional Council	Reject	2.4
798.54	Otago Regional Council	Reject	3.8
804.2	Southern Pub Company Limited - T/A Pub on Wharf	Accept	6.4
804.3	Southern Pub Company Limited - T/A Pub on Wharf	Accept	3.2
804.4	Southern Pub Company Limited - T/A Pub on Wharf	Accept in part	3.5
807.79	Remarkables Park Limited	Accept in part	3.7
807.80	Remarkables Park Limited	Reject	2.4
807.81	Remarkables Park Limited	Reject	3.8
807.82	Remarkables Park Limited	Reject	3.8
807.83	Remarkables Park Limited	Reject	6.6
807.86	Remarkables Park Limited	Reject	6.6
807.87	Remarkables Park Limited	Reject	6.6
807.88	Remarkables Park Limited	Reject	6.6
807.91	Remarkables Park Limited	Reject	53
807.92	Remarkables Park Limited	Reject	53
807.94	Remarkables Park Limited	Accept	54.1
807.95	Remarkables Park Limited	Accept in Part	56.10

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
834.3	Helen McPhail	Accept	54.3
834.4	Helen McPhail	Reject	56.18
835.1	Wai Queenstown Limited	Reject	7.17
839.1	Little Blackwood and Minus 5° ICE BAR, owned by Future Bars Limited	Reject	7.17
1366.20	Moraine Creek Limited	Accept	45.4

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1028.1	90.1	Wanaka on Water Body Corporate 63238	Accept in Part	16.8
FS1028.2	129.1	Wanaka on Water Body Corporate 63238	Accept in Part	16.8
FS1028.3	156.6	Wanaka on Water Body Corporate 63238	Reject	13.5
FS1028.4	260.1	Wanaka on Water Body Corporate 63238	Accept in Part	16.8
FS1030.11	433.92	Jeremy Bell Investments Limited	Accept in Part	58
FS1030.18	649.18	Jeremy Bell Investments Limited	Accept in Part	57
FS1030.3	433.83	Jeremy Bell Investments Limited	Accept in Part	54.2
FS1030.4	433.87	Jeremy Bell Investments Limited	Accept in Part	57
FS1030.8	433.83	Jeremy Bell Investments Limited	Accept in Part	54.2
FS1043.10	630.3	Grand Lakes Management Limited	Accept in part	6.4
FS1043.11	630.4	Grand Lakes Management Limited	Accept in part	6.4
FS1043.13	630.6	Grand Lakes Management Limited	Reject	6.2
FS1043.14	630.7	Grand Lakes Management Limited	Reject	3.3
FS1043.15	630.8	Grand Lakes Management Limited	Reject	3.2
FS1043.16	630.9	Grand Lakes Management Limited	Reject	6.5
FS1043.17	630.10	Grand Lakes Management Limited	Reject	6.5
FS1043.18	654.1	Grand Lakes Management Limited	Accept in Part	6.4
FS1043.4	151.1	Grand Lakes Management Limited	Reject	2.4
FS1043.6	250.1	Grand Lakes Management Limited	Accept	3.5
FS1043.8	630.1	Grand Lakes Management Limited	Accept	2.3
FS1043.9	630.2	Grand Lakes Management Limited	Reject	2.2
FS1048.1	505.6	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Accept in Part	13.6
FS1048.2	505.7	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Reject	13.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1048.3	505.9	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Reject	13.6
FS1048.4	505.10	Foodstuffs South Island Limited and Foodstuffs South Island Properties Limited	Reject	15.4
FS1059.13	102.2	Erna Spijkerbosch	Accept	42
FS1059.21	206.9	Erna Spijkerbosch	Accept	3.3
FS1059.4	20.3	Erna Spijkerbosch	Accept in part	7.15
FS1059.43	59.3	Erna Spijkerbosch	Reject	7.15
FS1059.44	392.9	Erna Spijkerbosch	Accept	42
FS1059.45	392.9	Erna Spijkerbosch	Accept	42
FS1059.46	392.11	Erna Spijkerbosch	Accept	43.1
FS1059.47	392.12	Erna Spijkerbosch	Accept	43.1
FS1059.48	392.13	Erna Spijkerbosch	Accept in Part	45.2
FS1059.49	392.14	Erna Spijkerbosch	Accept	46.11
FS1059.5	20.4	Erna Spijkerbosch	Reject	2.3
FS1059.50	187.13	Erna Spijkerbosch	Reject	N/A
FS1059.55	591.1	Erna Spijkerbosch	Reject	42
FS1059.59	344.6	Erna Spijkerbosch	Reject	45.2
FS1059.6	59.2	Erna Spijkerbosch	Accept	7.15
FS1059.60	344.7	Erna Spijkerbosch	Accept	46.1
FS1059.61	344.8	Erna Spijkerbosch	Accept	46.4
FS1059.62	344.9	Erna Spijkerbosch	Accept in Part	46.7
FS1059.68	700.1	Erna Spijkerbosch	Reject	43.1
FS1059.69	321.1	Erna Spijkerbosch	Accept	42
FS1059.7	20.6	Erna Spijkerbosch	Reject	7.15
FS1059.70	321.2	Erna Spijkerbosch	Accept in Part	43.2
FS1059.71	321.3	Erna Spijkerbosch	Reject	45.2
FS1059.72	321.5	Erna Spijkerbosch	Reject	46.11
FS1059.80	545.1	Erna Spijkerbosch	Reject	42
FS1059.81	545.2	Erna Spijkerbosch	Reject	45.2
FS1059.82	545.3	Erna Spijkerbosch	Reject	45.4
FS1059.84	550.1	Erna Spijkerbosch	Reject	42
FS1059.86	238.98	Erna Spijkerbosch	Accept in Part	43.1
FS1059.87	238.101	Erna Spijkerbosch	Accept in Part	43.1
FS1059.88	238.105	Erna Spijkerbosch	Accept in Part	43.2
FS1059.89	634.1	Erna Spijkerbosch	Reject	42
FS1059.90	634.3	Erna Spijkerbosch	Reject	42
FS1059.91	634.8	Erna Spijkerbosch	Reject	45.4
FS1059.92	556.1	Erna Spijkerbosch	Reject	42
FS1060.1	206.6	Oxford Holdings Limited	Accept	7.15
FS1063.14	506.5	Peter Fleming and Others	Accept in Part	7.17
FS1063.18	654.1	Peter Fleming and Others	Accept in Part	6.4
FS1063.22	574.4	Peter Fleming and Others	Accept in Part	7.15
FS1063.24	606.1	Peter Fleming and Others	Accept in Part	6.4
FS1063.25	606.2	Peter Fleming and Others	Accept	7.15

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1063.26	606.3	Peter Fleming and Others	Accept	7.15
FS1063.27	606.4	Peter Fleming and Others	Reject	6.5
FS1063.28	606.5	Peter Fleming and Others	Accept in part	7.8
FS1063.29	606.6	Peter Fleming and Others	Accept	7.19
FS1063.30	606.7	Peter Fleming and Others	Reject	7.15
FS1063.31	609.1	Peter Fleming and Others	Accept in Part	6.4
FS1063.32	609.2	Peter Fleming and Others	Accept	7.15
FS1063.33	609.3	Peter Fleming and Others	Accept	7.15
FS1063.34	609.4	Peter Fleming and Others	Reject	6.5
FS1063.35	609.5	Peter Fleming and Others	Accept	7.19
FS1063.37	82.1	Peter Fleming and Others	Reject	3.3
FS1063.38	82.2	Peter Fleming and Others	Accept in Part	3.3
FS1063.39	82.3	Peter Fleming and Others	Accept	7.15
FS1063.40	82.4	Peter Fleming and Others	Reject	3.3
FS1063.41	82.5	Peter Fleming and Others	Reject	3.3
FS1063.42	59.1	Peter Fleming and Others	Reject	3.3
FS1063.43	59.2	Peter Fleming and Others	Accept in Part	7.15
FS1063.44	59.3	Peter Fleming and Others	Accept in Part	7.15
FS1063.45	59.4	Peter Fleming and Others	Reject	3.3
FS1063.51	206.6	Peter Fleming and Others	Accept	7.15
FS1063.52	206.7	Peter Fleming and Others	Reject	3.3
FS1063.53	206.8	Peter Fleming and Others	Reject	3.3
FS1063.54	206.9	Peter Fleming and Others	Reject	3.3
FS1063.56	206.11	Peter Fleming and Others	Accept	7.15
FS1063.7	503.4	Peter Fleming and Others	Accept in Part	7.17
FS1075.1	59.1	Oxford Holdings Limited	Reject	3.3
FS1076.1	159.2	Oxford Holdings Limited	Accept	7.15
FS1077.41	433.61	Board of Airline Representatives of New Zealand (BARNZ)	Reject	32.2
FS1077.42	433.62	Board of Airline Representatives of New Zealand (BARNZ)	Accept in Part	33.3
FS1077.43	433.63	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.44	433.64	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.45	433.65	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.46	433.66	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.3
FS1077.47	433.67	Board of Airline Representatives of New Zealand (BARNZ)	Reject	38
FS1077.58	698.8	Board of Airline Representatives of New Zealand (BARNZ)	Accept	37.3
FS1077.70	807.91	Board of Airline Representatives of New Zealand (BARNZ)	Accept	53
FS1077.71	807.94	Board of Airline Representatives of New Zealand (BARNZ)	Reject	54.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1088.4	433.87	Ross and Judith Young Family Trust	Accept in Part	57
FS1097.118	271.15	Queenstown Park Limited	Reject	51
FS1097.257	383.41	Queenstown Park Limited	Reject	59
FS1097.347	433.61	Queenstown Park Limited	Accept	32.2
FS1097.348	433.62	Queenstown Park Limited	Accept in Part	33.3
FS1097.349	433.63	Queenstown Park Limited	Accept in Part	36.3
FS1097.350	433.64	Queenstown Park Limited	Accept in Part	36.3
FS1097.351	433.65	Queenstown Park Limited	Accept in Part	36.3
FS1097.352	433.66	Queenstown Park Limited	Accept in Part	36.3
FS1097.353	433.67	Queenstown Park Limited	Accept in Part	38
FS1097.354	433.68	Queenstown Park Limited	Reject	53
FS1097.355	433.69	Queenstown Park Limited	Reject	54
FS1097.356	433.70	Queenstown Park Limited	Reject	55
FS1097.357	433.71	Queenstown Park Limited	Reject	56.10
FS1097.358	383.41	Queenstown Park Limited	Reject	59
FS1097.359	433.73	Queenstown Park Limited	Reject	60
FS1097.369	433.83	Queenstown Park Limited	Accept in Part	54.2
FS1097.370	433.84	Queenstown Park Limited	Accept in Part	54.2
FS1097.373	433.87	Queenstown Park Limited	Accept in Part	57
FS1097.374	433.88	Queenstown Park Limited	Accept in Part	57
FS1097.378	433.92	Queenstown Park Limited	Accept in Part	58
FS1097.555	607.28	Queenstown Park Limited	Reject	3.8
FS1097.73	238.76	Queenstown Park Limited	Accept	3.7
FS1101.3	274.1	Aspiring Lifestyle Retirement Village	Accept in Part	37.1
FS1107.1	82.1	Man Street Properties Ltd	Accept	3.3
FS1107.10	238.5	Man Street Properties Ltd	Accept in Part	33.2
FS1107.100	238.95	Man Street Properties Ltd	Reject	43.1
FS1107.101	238.96	Man Street Properties Ltd	Reject	43.1
FS1107.102	238.97	Man Street Properties Ltd	Reject	43.1
FS1107.103	238.98	Man Street Properties Ltd	Accept in Part	43.1
FS1107.104	238.99	Man Street Properties Ltd	Reject	43.1
FS1107.105	238.100	Man Street Properties Ltd	Accept in Part	43.1
FS1107.106	238.101	Man Street Properties Ltd	Accept in Part	43.1
FS1107.107	238.102	Man Street Properties Ltd	Accept in Part	43.1
FS1107.108	238.103	Man Street Properties Ltd	Reject	43.2
FS1107.109	238.104	Man Street Properties Ltd	Accept in Part	43.2
FS1107.11	238.6	Man Street Properties Ltd	Accept in Part	42
FS1107.110	238.105	Man Street Properties Ltd	Accept in Part	43.2
FS1107.111	238.106	Man Street Properties Ltd	Accept in Part	45.2
FS1107.112	238.107	Man Street Properties Ltd	Accept in Part	46.3
FS1107.113	238.108	Man Street Properties Ltd	Reject	60
FS1107.12	238.7	Man Street Properties Ltd	Reject	56.13
FS1107.154	238.149	Man Street Properties Ltd	Accept in Part	16.7
FS1107.155	238.150	Man Street Properties Ltd	Accept in Part	16.11
FS1107.156	238.151	Man Street Properties Ltd	Accept	16.8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1107.157	238.152	Man Street Properties Ltd	Accept	13.5
FS1107.158	417.1	Man Street Properties Ltd	Accept	7.15
FS1107.159	417.2	Man Street Properties Ltd	Accept	7.15
FS1107.18	238.13	Man Street Properties Ltd	Accept	11.1
FS1107.19	238.14	Man Street Properties Ltd	Accept in Part	7.1
FS1107.2	82.2	Man Street Properties Ltd	Accept in Part	3.3
FS1107.20	238.15	Man Street Properties Ltd	Accept in Part	36.3
FS1107.3	82.3	Man Street Properties Ltd	Accept	7.15
FS1107.4	82.4	Man Street Properties Ltd	Accept	3.3
FS1107.5	82.5	Man Street Properties Ltd	Accept	3.3
FS1107.70	238.65	Man Street Properties Ltd	Accept	2.4
FS1107.71	238.66	Man Street Properties Ltd	Accept	3.2
FS1107.72	238.67	Man Street Properties Ltd	Reject	3.2
FS1107.73	238.68	Man Street Properties Ltd	Reject	3.2
FS1107.74	238.69	Man Street Properties Ltd	Reject	3.3
FS1107.75	238.70	Man Street Properties Ltd	Accept in Part	3.3
FS1107.76	238.71	Man Street Properties Ltd	Accept	3.3
FS1107.77	238.72	Man Street Properties Ltd	Reject	3.3
FS1107.78	238.73	Man Street Properties Ltd	Accept	3.3
FS1107.79	238.74	Man Street Properties Ltd	Reject	3.5
FS1107.80	238.75	Man Street Properties Ltd	Reject	3.7
FS1107.81	238.76	Man Street Properties Ltd	Reject	3.7
FS1107.82	238.77	Man Street Properties Ltd	Accept	3.8
FS1107.83	238.78	Man Street Properties Ltd	Reject	7.15
FS1107.84	238.79	Man Street Properties Ltd	Reject	7.15
FS1107.85	238.80	Man Street Properties Ltd	Accept	6.5
FS1107.86	238.81	Man Street Properties Ltd	Accept in Part	7.14
FS1107.87	238.82	Man Street Properties Ltd	Accept in Part	7.14
FS1107.9	238.4	Man Street Properties Ltd	Accept	2.4
FS1107.92	238.87	Man Street Properties Ltd	Reject	22
FS1107.94	238.89	Man Street Properties Ltd	Accept in Part	36.3
FS1107.95	238.90	Man Street Properties Ltd	Accept in Part	33.2
FS1107.96	238.91	Man Street Properties Ltd	Accept in Part	36.3
FS1107.97	238.92	Man Street Properties Ltd	Accept in Part	42
FS1107.99	238.94	Man Street Properties Ltd	Accept in Part	43.1
FS1115.5	621.53	Queenstown Wharves Limited	Reject	6.6
FS1117.10	238.76	Remarkables Park Limited	Accept	3.7
FS1117.110	433.61	Remarkables Park Limited	Accept	32.2
FS1117.111	433.62	Remarkables Park Limited	Accept in Part	33.3
FS1117.112	433.63	Remarkables Park Limited	Accept in Part	36.3
FS1117.113	433.64	Remarkables Park Limited	Accept in Part	36.3
FS1117.114	433.65	Remarkables Park Limited	Accept in Part	36.3
FS1117.115	433.66	Remarkables Park Limited	Accept in Part	36.3
FS1117.116	433.67	Remarkables Park Limited	Accept in Part	38
FS1117.117	433.68	Remarkables Park Limited	Reject	53
FS1117.118	433.69	Remarkables Park Limited	Reject	54
FS1117.119	433.70	Remarkables Park Limited	Reject	55

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1117.120	433.71	Remarkables Park Limited	Reject	56.10
FS1117.121	383.41	Remarkables Park Limited	Reject	59
FS1117.122	433.73	Remarkables Park Limited	Reject	60
FS1117.132	433.83	Remarkables Park Limited	Accept in Part	54.2
FS1117.133	433.84	Remarkables Park Limited	Accept in Part	54.2
FS1117.136	433.87	Remarkables Park Limited	Accept in Part	57
FS1117.137	433.88	Remarkables Park Limited	Accept in Part	57
FS1117.141	433.92	Remarkables Park Limited	Accept in Part	58
FS1117.215	548.4	Remarkables Park Limited	Reject	7.15
FS1117.216	548.5	Remarkables Park Limited	Reject	7.15
FS1117.217	548.6	Remarkables Park Limited	Reject	Part B
FS1117.263	630.8	Remarkables Park Limited	Reject	3.2
FS1117.35	271.15	Remarkables Park Limited	Reject	51
FS1117.6	212.1	Remarkables Park Limited	Accept in part	6.3
FS1118.11	102.2	Robbins Road Limited	Accept in Part	42
FS1125.8	59.3	New Zealand Fire Service	Accept	7.15
FS1125.9	82.3	New Zealand Fire Service	Accept	7.15
FS1134.1	599.2	Robbie McGillivray	Reject	7.17
FS1134.2	549.1	Robbie McGillivray	Accept in Part	7.17
FS1134.3	544.1	Robbie McGillivray	Reject	7.17
FS1139.10	663.9	Carl & Lorraine Holt	Reject	3.5
FS1139.11	663.10	Carl & Lorraine Holt	Reject	3.5
FS1139.12	663.11	Carl & Lorraine Holt	Reject	3.7
FS1139.13	663.12	Carl & Lorraine Holt	Accept	3.7
FS1139.14	663.13	Carl & Lorraine Holt	Reject	7.15
FS1139.15	663.14	Carl & Lorraine Holt	Accept	6.5
FS1139.16	663.15	Carl & Lorraine Holt	Reject	6.5
FS1139.17	663.16	Carl & Lorraine Holt	Accept in Part	7.1
FS1139.18	663.17	Carl & Lorraine Holt	Reject	7.10
FS1139.19	663.18	Carl & Lorraine Holt	Reject	7.11
FS1139.21	663.20	Carl & Lorraine Holt	Reject	Part B
FS1139.23	663.22	Carl & Lorraine Holt	Accept	3.3
FS1139.4	663.3	Carl & Lorraine Holt	Accept	3.3
FS1139.5	663.4	Carl & Lorraine Holt	Reject	3.3
FS1139.6	663.5	Carl & Lorraine Holt	Reject	3.3
FS1139.7	663.6	Carl & Lorraine Holt	Accept	3.3
FS1139.8	663.7	Carl & Lorraine Holt	Accept	3.3
FS1139.9	663.8	Carl & Lorraine Holt	Reject	3.3
FS1157.47	238.87	Trojan Helmet Ltd	Reject	22
FS1191.10	663.10	Adam & Kirsten Zaki	Reject	3.5
FS1191.11	663.11	Adam & Kirsten Zaki	Reject	3.7
FS1191.12	663.12	Adam & Kirsten Zaki	Reject	3.7
FS1191.13	663.13	Adam & Kirsten Zaki	Accept	7.15
FS1191.14	663.14	Adam & Kirsten Zaki	Reject	6.5
FS1191.15	663.15	Adam & Kirsten Zaki	Accept in Part	6.5
FS1191.16	663.16	Adam & Kirsten Zaki	Accept in part	7.1
FS1191.17	663.17	Adam & Kirsten Zaki	Accept	7.10

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1191.18	663.18	Adam & Kirsten Zaki	Accept in Part	7.11
FS1191.20	663.20	Adam & Kirsten Zaki	Reject	Part B
FS1191.22	663.22	Adam & Kirsten Zaki	Accept	3.3
FS1191.3	663.3	Adam & Kirsten Zaki	Accept	3.3
FS1191.4	663.4	Adam & Kirsten Zaki	Reject	3.3
FS1191.5	663.5	Adam & Kirsten Zaki	Reject	3.3
FS1191.6	663.6	Adam & Kirsten Zaki	Accept	3.3
FS1191.7	663.7	Adam & Kirsten Zaki	Accept	3.3
FS1191.8	663.8	Adam & Kirsten Zaki	Reject	3.3
FS1191.9	663.9	Adam & Kirsten Zaki	Reject	3.5
FS1200.1	614.1	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept in Part	6.5
FS1200.2	614.2	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept	7.15
FS1200.3	614.3	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept	7.15
FS1200.4	614.4	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Reject	6.5
FS1200.5	614.5	Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited	Accept	7.19
FS1210.1	5.1	Wanaka Hangar Services Limited	Reject	57.8
FS1212.3	274.1	Wanaka Lakes Health Centre	Accept in Part	37.1
FS1216.1	392.13	High Peaks Limited	Accept in Part	45.2
FS1216.2	238.92	High Peaks Limited	Accept in Part	42
FS1224.5	243.5	Matakauri Lodge Limited	Accept	7.15
FS1224.6	243.6	Matakauri Lodge Limited	Accept in Part	7.20
FS1226.1	82.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.10	238.5	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	33.2
FS1226.100	238.95	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.101	238.96	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.102	238.97	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.103	238.98	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1
FS1226.104	238.99	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.1
FS1226.105	238.100	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.106	238.101	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1
FS1226.107	238.102	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1
FS1226.108	238.103	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	43.2
FS1226.109	238.104	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.2
FS1226.11	238.6	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	42
FS1226.110	238.105	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.2
FS1226.111	238.106	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	45.2
FS1226.112	238.107	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	46.3
FS1226.113	238.108	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	60
FS1226.12	238.7	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	56.13
FS1226.154	238.149	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	16.7
FS1226.155	238.150	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	16.11
FS1226.156	238.151	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	16.8
FS1226.157	238.152	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	13.5
FS1226.159	417.1	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	7.15
FS1226.160	417.2	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	7.15
FS1226.18	238.13	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	11.1
FS1226.19	238.14	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	7.1
FS1226.2	82.2	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	3.3
FS1226.20	238.15	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	36.3
FS1226.3	82.3	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	7.15
FS1226.4	82.4	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.5	82.5	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.70	238.65	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.71	238.66	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.2
FS1226.72	238.67	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.2
FS1226.73	238.68	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.2
FS1226.74	238.69	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.3
FS1226.75	238.70	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	3.3
FS1226.76	238.71	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.77	238.72	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.3
FS1226.78	238.73	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.3
FS1226.79	238.74	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.5
FS1226.80	238.75	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.7
FS1226.81	238.76	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	3.7
FS1226.82	238.77	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	3.8
FS1226.83	238.78	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	7.15
FS1226.84	238.79	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	7.15
FS1226.85	238.80	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	6.5
FS1226.86	238.81	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	7.14
FS1226.87	238.82	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	7.14
FS1226.9	238.4	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	2.4
FS1226.92	238.87	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	22
FS1226.94	238.89	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	36.3
FS1226.95	238.90	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	33.2
FS1226.96	238.91	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	36.3
FS1226.97	238.92	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	42
FS1226.99	238.94	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in Part	43.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1228.1	392.13	Ngai Tahu Property Limited	Accept in Part	45.2
FS1228.2	238.92	Ngai Tahu Property Limited	Accept in Part	42
FS1234.1	82.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.10	238.5	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	33.2
FS1234.100	238.95	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.101	238.96	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.102	238.97	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.103	238.98	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.104	238.99	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.1
FS1234.105	238.100	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.106	238.101	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.107	238.102	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1234.108	238.103	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	43.2
FS1234.109	238.104	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.2
FS1234.11	238.6	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	42
FS1234.110	238.105	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.2
FS1234.111	238.106	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	45.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.112	238.107	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	46.3
FS1234.113	238.108	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	60
FS1234.12	238.7	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	56.13
FS1234.154	238.149	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	16.7
FS1234.155	238.150	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	16.11
FS1234.156	238.151	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	16.8
FS1234.157	238.152	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	13.5
FS1234.159	417.1	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
FS1234.160	417.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
FS1234.18	238.13	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	11.1
FS1234.19	238.14	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	7.1
FS1234.2	82.2	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	3.3
FS1234.20	238.15	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	36.3
FS1234.3	82.3	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	7.15
FS1234.4	82.4	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.5	82.5	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.70	238.65	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.4
FS1234.71	238.66	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.2
FS1234.72	238.67	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.2
FS1234.73	238.68	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.2
FS1234.74	238.69	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.3
FS1234.75	238.70	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	3.3
FS1234.76	238.71	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.77	238.72	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.3
FS1234.78	238.73	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.3
FS1234.79	238.74	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.5
FS1234.80	238.75	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.7
FS1234.81	238.76	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	3.7
FS1234.82	238.77	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	3.8
FS1234.83	238.78	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	7.15
FS1234.84	238.79	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	7.15
FS1234.85	238.80	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	6.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.86	238.81	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	7.14
FS1234.87	238.82	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	7.14
FS1234.9	238.4	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	2.4
FS1234.92	238.87	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	22
FS1234.94	238.89	Aspiring Lifestyle Retirement Village	Accept in Part	36.3
FS1234.95	238.90	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	33.2
FS1234.96	238.91	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	36.3
FS1234.97	238.92	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	42
FS1234.99	238.94	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in Part	43.1
FS1236.1	59.2	Skyline Enterprises Limited	Reject	7.15
FS1236.10	206.7	Skyline Enterprises Limited	Accept	3.3
FS1236.11	206.8	Skyline Enterprises Limited	Accept	3.3
FS1236.12	383.33	Skyline Enterprises Limited	Accept in Part	7.15
FS1236.13	667.3	Skyline Enterprises Limited	Accept	7.15
FS1236.14	491.1	Skyline Enterprises Limited	Accept in Part	7.1
FS1236.15	807.77	Skyline Enterprises Limited	Reject	7.15
FS1236.2	59.3	Skyline Enterprises Limited	Reject	7.15
FS1236.3	59.4	Skyline Enterprises Limited	Accept	3.3
FS1236.4	82.3	Skyline Enterprises Limited	Accept	7.15
FS1236.5	82.4	Skyline Enterprises Limited	Accept	3.3
FS1236.6	82.5	Skyline Enterprises Limited	Accept	3.3
FS1236.7	159.1	Skyline Enterprises Limited	Accept in Part	7.15
FS1236.8	159.2	Skyline Enterprises Limited	Accept in Part	7.15
FS1236.9	206.6	Skyline Enterprises Limited	Accept in Part	7.15
FS1238.1	392.13	Skyline Enterprises Limited	Accept in Part	45.2
FS1238.2	238.92	Skyline Enterprises Limited	Accept in Part	42
FS1239.1	82.1	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.10	238.5	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	33.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.100	238.95	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.101	238.96	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.102	238.97	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.103	238.98	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.104	238.99	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.1
FS1239.105	238.100	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.106	238.101	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.107	238.102	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1239.108	238.103	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	43.2
FS1239.109	238.104	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.2
FS1239.11	238.6	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	42
FS1239.110	238.105	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.2
FS1239.111	238.106	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	45.2
FS1239.112	238.107	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	46.3
FS1239.113	238.108	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	60
FS1239.12	238.7	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	56.13
FS1239.154	238.149	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	16.7
FS1239.155	238.150	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	16.11
FS1239.156	238.151	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	16.8
FS1239.157	238.152	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	13.5
FS1239.159	417.1	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	7.15
FS1239.160	417.2	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	7.15
FS1239.18	238.13	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	11.1
FS1239.19	238.14	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	7.1

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.2	82.2	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	3.3
FS1239.20	238.15	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	36.3
FS1239.3	82.3	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	7.15
FS1239.4	82.4	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.5	82.5	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.70	238.65	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.4
FS1239.71	238.66	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.2
FS1239.72	238.67	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.2
FS1239.73	238.68	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.2
FS1239.74	238.69	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.3
FS1239.75	238.70	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	3.3
FS1239.76	238.71	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.77	238.72	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.3
FS1239.78	238.73	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.3
FS1239.79	238.74	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.5
FS1239.80	238.75	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.7
FS1239.81	238.76	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	3.7
FS1239.82	238.77	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	3.8
FS1239.83	238.78	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	7.15
FS1239.84	238.79	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	7.15
FS1239.85	238.80	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	6.5
FS1239.86	238.81	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	7.14
FS1239.87	238.82	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	7.14
FS1239.9	238.4	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	2.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.92	238.87	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	22
FS1239.94	238.89	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	36.3
FS1239.95	238.90	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	33.2
FS1239.96	238.91	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	36.3
FS1239.97	238.92	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	42
FS1239.99	238.94	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in Part	43.1
FS1241.1	82.1	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.10	238.5	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	33.2
FS1241.100	238.95	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.101	238.96	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.102	238.97	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.103	238.98	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.104	238.99	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.1
FS1241.105	238.100	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.106	238.101	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.107	238.102	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1241.108	238.103	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	43.2
FS1241.109	238.104	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.11	238.6	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	42
FS1241.110	238.105	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.2
FS1241.111	238.106	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	45.2
FS1241.112	238.107	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	46.3
FS1241.113	238.108	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	60
FS1241.12	238.7	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	56.13
FS1241.154	238.149	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	16.7
FS1241.155	238.150	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	16.11
FS1241.156	238.151	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	16.8
FS1241.157	238.152	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	13.5
FS1241.159	417.1	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	7.15
FS1241.160	417.2	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	7.15
FS1241.18	238.13	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	11.1
FS1241.19	238.14	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	7.1
FS1241.2	82.2	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	3.3
FS1241.20	238.15	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	36.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.3	82.3	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	7.15
FS1241.4	82.4	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.5	82.5	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.70	238.65	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.4
FS1241.71	238.66	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.2
FS1241.72	238.67	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.2
FS1241.73	238.68	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.2
FS1241.74	238.69	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.3
FS1241.75	238.70	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	3.3
FS1241.76	238.71	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.77	238.72	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.3
FS1241.78	238.73	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.3
FS1241.79	238.74	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.5
FS1241.80	238.75	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.7
FS1241.81	238.76	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	3.7
FS1241.82	238.77	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	3.8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.83	238.78	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	7.15
FS1241.84	238.79	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	7.15
FS1241.85	238.80	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	6.5
FS1241.86	238.81	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	7.14
FS1241.87	238.82	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	7.14
FS1241.9	238.4	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	2.4
FS1241.92	238.87	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	22
FS1241.94	238.89	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	36.3
FS1241.95	238.90	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	33.2
FS1241.96	238.91	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	36.3
FS1241.97	238.92	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	42
FS1241.99	238.94	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in Part	43.1
FS1242.104	238.76	Antony & Ruth Stokes	Reject	3.7
FS1242.117	238.89	Antony & Ruth Stokes	Accept in Part	36.3
FS1242.118	238.90	Antony & Ruth Stokes	Accept in Part	33.2
FS1242.119	238.91	Antony & Ruth Stokes	Accept in Part	36.3
FS1242.124	238.96	Antony & Ruth Stokes	Accept in Part	43.1
FS1242.127	238.99	Antony & Ruth Stokes	Accept in Part	43.1
FS1242.130	238.102	Antony & Ruth Stokes	Accept in Part	43.1
FS1242.33	238.5	Antony & Ruth Stokes	Accept in Part	33.2
FS1242.34	238.6	Antony & Ruth Stokes	Accept in Part	42
FS1242.43	238.15	Antony & Ruth Stokes	Accept in Part	36.3
FS1246.1	392.13	Trojan Holdings Limited	Accept in Part	45.2
FS1246.2	238.92	Trojan Holdings Limited	Accept in Part	42

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.1	82.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.10	238.5	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	33.2
FS1248.100	238.95	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.101	238.96	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.102	238.97	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.103	238.98	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.104	238.99	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.1
FS1248.105	238.100	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.106	238.101	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.107	238.102	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1248.108	238.103	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	43.2
FS1248.109	238.104	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.2
FS1248.11	238.6	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	42
FS1248.110	238.105	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.2
FS1248.111	238.106	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	45.2
FS1248.112	238.107	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	46.3
FS1248.113	238.108	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	60
FS1248.12	238.7	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	56.13
FS1248.154	238.149	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	16.7
FS1248.155	238.150	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	16.11
FS1248.156	238.151	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	16.8
FS1248.157	238.152	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	13.5
FS1248.159	417.1	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	7.15
FS1248.160	417.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	7.15

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.18	238.13	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	11.1
FS1248.19	238.14	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	7.1
FS1248.2	82.2	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	3.3
FS1248.20	238.15	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	36.3
FS1248.3	82.3	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	7.15
FS1248.4	82.4	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.5	82.5	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.70	238.65	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.4
FS1248.71	238.66	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.2
FS1248.72	238.67	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.2
FS1248.73	238.68	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.2
FS1248.74	238.69	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.3
FS1248.75	238.70	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	3.3
FS1248.76	238.71	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.77	238.72	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.3
FS1248.78	238.73	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.3
FS1248.79	238.74	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.5
FS1248.80	238.75	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.7
FS1248.81	238.76	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	3.7
FS1248.82	238.77	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	3.8
FS1248.83	238.78	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	7.15
FS1248.84	238.79	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	7.15
FS1248.85	238.80	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	6.5
FS1248.86	238.81	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	7.14

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.87	238.82	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	7.14
FS1248.9	238.4	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	2.4
FS1248.92	238.87	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	22
FS1248.94	238.89	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	36.3
FS1248.95	238.90	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	33.2
FS1248.96	238.91	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	36.3
FS1248.97	238.92	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	42
FS1248.99	238.94	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in Part	43.1
FS1249.1	82.1	Tweed Development Limited	Accept	3.3
FS1249.10	238.5	Tweed Development Limited	Accept in Part	33.2
FS1249.100	238.95	Tweed Development Limited	Reject	43.1
FS1249.101	238.96	Tweed Development Limited	Reject	43.1
FS1249.102	238.97	Tweed Development Limited	Reject	43.1
FS1249.103	238.98	Tweed Development Limited	Accept in Part	43.1
FS1249.104	238.99	Tweed Development Limited	Reject	43.1
FS1249.105	238.100	Tweed Development Limited	Accept in Part	43.1
FS1249.106	238.101	Tweed Development Limited	Accept in Part	43.1
FS1249.107	238.102	Tweed Development Limited	Accept in Part	43.1
FS1249.108	238.103	Tweed Development Limited	Reject	43.2
FS1249.109	238.104	Tweed Development Limited	Accept in Part	43.2
FS1249.11	238.6	Tweed Development Limited	Accept in Part	42
FS1249.110	238.105	Tweed Development Limited	Accept in Part	43.2
FS1249.111	238.106	Tweed Development Limited	Accept in Part	45.2
FS1249.112	238.107	Tweed Development Limited	Accept in Part	46.3
FS1249.113	238.108	Tweed Development Limited	Reject	60
FS1249.12	238.7	Tweed Development Limited	Reject	56.13
FS1249.154	238.149	Tweed Development Limited	Accept in Part	16.7
FS1249.155	238.150	Tweed Development Limited	Accept in Part	16.11
FS1249.156	238.151	Tweed Development Limited	Accept	16.8
FS1249.157	238.152	Tweed Development Limited	Accept	13.5
FS1249.159	417.1	Tweed Development Limited	Reject	7.15
FS1249.160	417.2	Tweed Development Limited	Accept	7.15
FS1249.18	238.13	Tweed Development Limited	Accept	11.1
FS1249.19	238.14	Tweed Development Limited	Accept	7.1
FS1249.2	82.2	Tweed Development Limited	Accept in Part	3.3
FS1249.20	238.15	Tweed Development Limited	Accept in Part	36.3
FS1249.3	82.3	Tweed Development Limited	Reject	7.15
FS1249.4	82.4	Tweed Development Limited	Accept	3.3
FS1249.5	82.5	Tweed Development Limited	Accept	3.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1249.70	238.65	Tweed Development Limited	Accept	2.4
FS1249.71	238.66	Tweed Development Limited	Accept	3.2
FS1249.72	238.67	Tweed Development Limited	Reject	3.2
FS1249.73	238.68	Tweed Development Limited	Reject	3.2
FS1249.74	238.69	Tweed Development Limited	Reject	3.3
FS1249.75	238.70	Tweed Development Limited	Accept in Part	3.3
FS1249.76	238.71	Tweed Development Limited	Accept	3.3
FS1249.77	238.72	Tweed Development Limited	Reject	3.3
FS1249.78	238.73	Tweed Development Limited	Accept	3.3
FS1249.79	238.74	Tweed Development Limited	Reject	3.5
FS1249.80	238.75	Tweed Development Limited	Reject	3.7
FS1249.81	238.76	Tweed Development Limited	Reject	3.7
FS1249.82	238.77	Tweed Development Limited	Accept in part	3.8
FS1249.83	238.78	Tweed Development Limited	Accept in Part	7.15
FS1249.84	238.79	Tweed Development Limited	Accept	7.15
FS1249.85	238.80	Tweed Development Limited	Reject	6.5
FS1249.86	238.81	Tweed Development Limited	Accept in Part	7.14
FS1249.87	238.82	Tweed Development Limited	Accept in Part	7.14
FS1249.9	238.4	Tweed Development Limited	Accept	2.4
FS1249.92	238.87	Tweed Development Limited	Reject	22
FS1249.94	238.89	Tweed Development Limited	Accept in Part	36.3
FS1249.95	238.90	Tweed Development Limited	Accept in Part	33.2
FS1249.96	238.91	Tweed Development Limited	Accept in Part	36.3
FS1249.97	238.92	Tweed Development Limited	Accept in Part	42
FS1249.99	238.94	Tweed Development Limited	Accept in Part	43.1
FS1265.4	59.1	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Reject	3.3
FS1265.5	82.1	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Reject	3.3
FS1265.6	206.9	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Reject	3.3
FS1268.4	59.1	Friends of the Wakatipu Gardens and Reserves Inc	Reject	3.3
FS1268.5	82.1	Friends of the Wakatipu Gardens and Reserves Inc	Reject	3.3
FS1268.6	206.9	Friends of the Wakatipu Gardens and Reserves Inc	Reject	3.3
FS1274.10	398.9	John Thompson and MacFarlane Investments Limited	Reject	3
FS1274.11	398.10	John Thompson and MacFarlane Investments Limited	Reject	7.15
FS1274.12	398.11	John Thompson and MacFarlane Investments Limited	Reject	7.15

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1274.13	398.12	John Thompson and MacFarlane Investments Limited	Accept in part	3
FS1274.14	398.13	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.15	398.14	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.16	398.15	John Thompson and MacFarlane Investments Limited	Accept	7.19
FS1274.17	398.16	John Thompson and MacFarlane Investments Limited	Accept in Part	3.2
FS1274.18	398.17	John Thompson and MacFarlane Investments Limited	Accept in part	3
FS1274.19	398.18	John Thompson and MacFarlane Investments Limited	Accept	3
FS1274.20	398.19	John Thompson and MacFarlane Investments Limited	Reject	7.19
FS1274.21	82.1	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.22	82.2	John Thompson and MacFarlane Investments Limited	Accept in Part	3.3
FS1274.23	82.3	John Thompson and MacFarlane Investments Limited	Accept	7.15
FS1274.24	82.4	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.25	82.5	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.31	206.6	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.32	206.7	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.33	206.8	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.34	206.9	John Thompson and MacFarlane Investments Limited	Accept	3.3
FS1274.36	206.11	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.37	383.214	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.5	398.4	John Thompson and MacFarlane Investments Limited	Accept in Part	7.15
FS1274.6	398.5	John Thompson and MacFarlane Investments Limited	Accept	7.15
FS1274.7	398.6	John Thompson and MacFarlane Investments Limited	Reject	6.5
FS1274.8	398.7	John Thompson and MacFarlane Investments Limited	Accept in part	3
FS1274.9	398.8	John Thompson and MacFarlane Investments Limited	Accept in Part	6.5

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1285.4	9.11	Nic Blennerhassett	Out of scope outside TLA/DP function	N/A
FS1288.7	392.9	Pinewood	Accept	42
FS1288.8	392.13	Pinewood	Accept in Part	45.2
FS1288.9	392.14	Pinewood	Accept	46.11
FS1305.1	9.11	Wanaka Watersports Facility Trust	Out of scope outside TLA/DP function	N/A
FS1314.1	238.6	Bunnings Ltd	Accept in Part	42
FS1314.11	700.1	Bunnings Ltd	Reject	43.1
FS1314.2	238.92	Bunnings Ltd	Accept in Part	42
FS1314.3	238.94	Bunnings Ltd	Accept	43.1
FS1314.4	238.97	Bunnings Ltd	Reject	43.1
FS1314.5	238.96	Bunnings Ltd	Reject	43.1
FS1314.6	238.103	Bunnings Ltd	Reject	43.2
FS1314.7	238.104	Bunnings Ltd	Accept in Part	43.2
FS1314.8	238.105	Bunnings Ltd	Accept in Part	43.2
FS1318.1	187.4	Imperium Group	Reject	3.5
FS1318.10	247.1	Imperium Group	Accept in Part	7.17
FS1318.11	250.1	Imperium Group	Accept in part	3.5
FS1318.13	544.1	Imperium Group	Accept	7.17
FS1318.14	549.1	Imperium Group	Accept in part	7.17
FS1318.15	587.1	Imperium Group	Accept in part	2.4
FS1318.18	587.4	Imperium Group	Accept in part	3
FS1318.19	587.5	Imperium Group	Accept in Part	7.17
FS1318.2	212.1	Imperium Group	Reject	7.17
FS1318.20	587.6	Imperium Group	Reject	6.4
FS1318.22	589.1	Imperium Group	Accept in part	2.4
FS1318.25	589.4	Imperium Group	Accept in part	3
FS1318.26	589.5	Imperium Group	Accept in Part	7.17
FS1318.27	589.6	Imperium Group	Reject	6.4
FS1318.29	596.4	Imperium Group	Accept in Part	7.17
FS1318.3	238.66	Imperium Group	Reject	3.2
FS1318.30	714.1	Imperium Group	Accept in part	2.4
FS1318.31	714.6	Imperium Group	Accept in part	3.5
FS1318.32	714.8	Imperium Group	Reject	3.8
FS1318.33	777.1	Imperium Group	Accept in Part	7.17
FS1318.35	804.2	Imperium Group	Accept in Part	7.17
FS1318.36	835.1	Imperium Group	Accept in Part	7.17
FS1318.38	839.1	Imperium Group	Accept in Part	7.17
FS1318.39	217.7	Imperium Group	Reject	3.2
FS1318.4	380.35	Imperium Group	Reject	2.4
FS1318.40	217.10	Imperium Group	Reject	3.5
FS1318.41	217.13	Imperium Group	Accept in Part	7.17
FS1318.42	302.1	Imperium Group	Accept	7.17
FS1318.43	503.4	Imperium Group	Accept in Part	7.17

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1318.44	506.5	Imperium Group	Accept in Part	7.17
FS1318.45	599.2	Imperium Group	Accept in Part	7.17
FS1318.46	654.1	Imperium Group	Accept in Part	6.4
FS1318.5	663.9	Imperium Group	Reject	3.5
FS1318.6	672.11	Imperium Group	Reject	3.5
FS1318.8	70.1	Imperium Group	Accept in Part	7.17
FS1318.9	71.1	Imperium Group	Accept in part	7.17
FS1340.27	698.7	Queenstown Airport Corporation	Accept in Part	37.5
FS1340.28	698.8	Queenstown Airport Corporation	Reject	37.3
FS1340.30	383.38	Queenstown Airport Corporation	Accept	56.14
FS1340.31	383.39	Queenstown Airport Corporation	Accept in Part	56.18
FS1340.32	798.34	Queenstown Airport Corporation	Accept in Part	54.1
FS1340.33	807.94	Queenstown Airport Corporation	Reject	54.1
FS1341.1	766.2	Real Journeys Limited	Reject	3.8
FS1341.15	766.13	Real Journeys Limited	Accept in Part	6.6
FS1341.2	766.4	Real Journeys Limited	Reject	3.8
FS1341.25	798.54	Real Journeys Limited	Accept in part	3.8
FS1341.3	766.3	Real Journeys Limited	Reject	3.8
FS1341.4	766.5	Queenstown Wharves GP Limited	Reject	3.8
FS1341.5	766.6	Queenstown Wharves GP Limited	Reject	3.8
FS1341.6	766.7	Queenstown Wharves GP Limited	Reject	3.8
FS1341.7	766.8	Real Journeys Limited	Accept	3.8
FS1342.16	798.54	Te Anau Developments Limited	Accept in part	3.8
FS1368.1	20.3	Man Street Properties Limited	Reject	7.15
FS1368.2	20.6	Man Street Properties Limited	Reject	7.15
FS1368.3	238.79	Man Street Properties Limited	Reject	7.15
FS1368.4	238.78	Man Street Properties Limited	Reject	7.15

Appendix 8: Definitions Recommended to Stream 10 Hearing Panel for Inclusion in Chapter 2

Aircraft	Means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth. Excludes remotely piloted aircraft that weigh less than 15 kilograms.
Airport Activity	Means land used wholly or partly for the landing, departure, and surface movement of aircraft, including: <ul style="list-style-type: none"> a. aircraft operations, which include private aircraft traffic, domestic and international aircraft traffic, rotary wing operations; b. aircraft servicing, general aviation, airport or aircraft training facilities and associated offices. c. runways, taxiways, aprons, and other aircraft movement areas; d. terminal buildings, hangars, air traffic control facilities, flight information services, navigation and safety aids, rescue facilities, lighting, car parking, maintenance and service facilities, fuel storage and fuelling facilities, and facilities for the handling and storage of hazardous substances.
Airport Related Activity	Means an ancillary activity or service that provides support to the airport. This includes: <ul style="list-style-type: none"> a. land transport activities b. buildings and structures c. servicing and infrastructure d. police stations, fire stations, medical facilities and education facilities provided they serve an aviation related purpose e. retail and commercial services, and industry associated with the needs of Airport passengers, visitors and employees and/or aircraft movements and Airport businesses f. catering facilities g. quarantine and incineration facilities h. border control and immigration facilities i. administrative offices (provided they are ancillary an Airport or Airport Related Activity).
Critical Listening Environment	Means any space that is regularly used for high quality listening or communication for example principle living areas, bedrooms and classrooms but excludes non-critical listening environments.
Hangar	Means a structure used to store aircraft, including for maintenance, servicing and/or repair purposes.
Landside	Means an area of an airport and buildings to which the public has unrestricted access.
Outer Control Boundary (OCB)	Means a boundary, as shown on the District Plan Maps, the location of which is based on the future predicted day/night sound levels of 55 dBA Ldn from airport operations.
Projected Annual Aircraft Noise Contour (AANC)	Means the Projected Annual Aircraft Noise Contours calculated as specified by the Aerodrome Purposes Designation 2, Condition 13.
Remotely Piloted Aircraft	Means an unmanned aircraft that is piloted from a remote station.

Appendix 9: Recommendations on Submissions referred to Other Hearing Panels

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
243.34	Christine Byrch	Reject	62
296.1	Royal New Zealand Aero Club Inc/Flying NZ	Reject	62
344.10	Sam Flewellen	Accept	48
344.11	Sam Flewellen	Accept	48
383.3	Queenstown Lakes District Council	Accept	62
433.1	Queenstown Airport Corporation	Accept	62
433.10	Queenstown Airport Corporation	Reject	62
433.12	Queenstown Airport Corporation	Accept	62
433.13	Queenstown Airport Corporation	Accept in Part	62
433.14	Queenstown Airport Corporation	Accept in Part	62
433.15	Queenstown Airport Corporation	Reject	62
433.16	Queenstown Airport Corporation	Accept	62
433.17	Queenstown Airport Corporation	Accept	62
433.18	Queenstown Airport Corporation	Accept	62
433.19	Queenstown Airport Corporation	Accept	62
433.2	Queenstown Airport Corporation	Accept	62
433.20	Queenstown Airport Corporation	Accept	62
433.21	Queenstown Airport Corporation	Accept	62
433.23	Queenstown Airport Corporation	Accept	62
433.25	Queenstown Airport Corporation	Accept	62
433.26	Queenstown Airport Corporation	Accept	62
433.27	Queenstown Airport Corporation	Accept in Part	62
433.28	Queenstown Airport Corporation	Reject	62
433.29	Queenstown Airport Corporation	Accept in Part	62
433.3	Queenstown Airport Corporation	Accept	62
433.34	Queenstown Airport Corporation	Accept	62
433.35	Queenstown Airport Corporation	Accept	62
433.36	Queenstown Airport Corporation	Accept	62
433.5	Queenstown Airport Corporation	Accept in Part	62
433.6	Queenstown Airport Corporation	Accept	62
433.7	Queenstown Airport Corporation	Accept	62
433.8	Queenstown Airport Corporation	Accept	62
433.9	Queenstown Airport Corporation	Accept in Part	62
566.1	Airways Corporation of New Zealand	Accept in Part	62
584.3	Air New Zealand Limited (ANZL)	Reject	62
746.5	Bunnings Limited	Accept in Part	48
746.6	Bunnings Limited	Reject	48
807.90	Remarkables Park Limited	Accept	62
836.1	Arcadian Triangle Limited	Accept in Part	62
836.11	Arcadian Triangle Limited	Accept in Part	62
836.3	Arcadian Triangle Limited	Accept	62

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioner's Recommendation	Report Reference
FS1030.1	433.1	Jeremy Bell Investments Limited	Accept	62
FS1030.2	433.14	Jeremy Bell Investments Limited	Accept in Part	62
FS1077.18	433.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept	62
FS1077.55	584.3	Board of Airline Representatives of New Zealand (BARNZ)	Reject	62
FS1088.2	433.10	Ross and Judith Young Family Trust	Accept in Part	62
FS1088.3	433.14	Ross and Judith Young Family Trust	Accept in Part	62
FS1097.105	271.2	Queenstown Park Limited	Reject	62
FS1097.287	433.1	Queenstown Park Limited	Reject	62
FS1097.288	433.2	Queenstown Park Limited	Reject	62
FS1097.289	433.3	Queenstown Park Limited	Reject	62
FS1097.291	433.5	Queenstown Park Limited	Reject	62
FS1097.292	433.6	Queenstown Park Limited	Accept	62
FS1097.293	433.7	Queenstown Park Limited	Reject	62
FS1097.294	433.8	Queenstown Park Limited	Reject	62
FS1097.295	433.9	Queenstown Park Limited	Reject	62
FS1097.296	433.10	Queenstown Park Limited	Reject	62
FS1097.298	433.12	Queenstown Park Limited	Reject	62
FS1097.299	433.13	Queenstown Park Limited	Reject	62
FS1097.300	433.14	Queenstown Park Limited	Accept	62
FS1097.301	433.15	Queenstown Park Limited	Reject	62
FS1097.302	433.16	Queenstown Park Limited	Reject	62
FS1097.303	433.17	Queenstown Park Limited	Reject	62
FS1097.304	433.18	Queenstown Park Limited	Reject	62
FS1097.305	433.19	Queenstown Park Limited	Reject	62
FS1097.306	433.20	Queenstown Park Limited	Reject	62
FS1097.307	433.21	Queenstown Park Limited	Reject	62
FS1097.309	433.23	Queenstown Park Limited	Reject	62
FS1097.311	433.25	Queenstown Park Limited	Reject	62
FS1097.312	433.26	Queenstown Park Limited	Reject	62
FS1097.313	433.27	Queenstown Park Limited	Reject	62
FS1097.314	433.28	Queenstown Park Limited	Reject	62
FS1097.315	433.29	Queenstown Park Limited	Reject	62
FS1097.321	433.35	Queenstown Park Limited	Reject	62
FS1097.322	433.36	Queenstown Park Limited	Reject	62
FS1117.22	271.2	Remarkables Park Limited	Reject	62
FS1117.227	584.3	Remarkables Park Limited	Reject	62
FS1117.57	433.1	Remarkables Park Limited	Reject	62
FS1117.58	433.2	Remarkables Park Limited	Reject	62
FS1117.59	433.3	Remarkables Park Limited	Reject	62

Further Submission Number	Original Submission	Further Submitter	Commissioner's Recommendation	Report Reference
FS1117.61	433.5	Remarkables Park Limited	Reject	62
FS1117.62	433.6	Remarkables Park Limited	Accept	62
FS1117.63	433.7	Remarkables Park Limited	Reject	62
FS1117.64	433.8	Remarkables Park Limited	Reject	62
FS1117.65	433.9	Remarkables Park Limited	Reject	62
FS1117.66	433.10	Remarkables Park Limited	Reject	62
FS1117.68	433.12	Remarkables Park Limited	Reject	62
FS1117.69	433.13	Remarkables Park Limited	Reject	62
FS1117.70	433.14	Remarkables Park Limited	Accept in Part	62
FS1117.71	433.15	Remarkables Park Limited	Reject	62
FS1117.73	433.17	Remarkables Park Limited	Reject	62
FS1117.74	433.18	Remarkables Park Limited	Reject	62
FS1117.75	433.19	Remarkables Park Limited	Reject	62
FS1117.76	433.20	Remarkables Park Limited	Reject	62
FS1117.77	433.21	Remarkables Park Limited	Reject	62
FS1117.79	433.23	Remarkables Park Limited	Reject	62
FS1117.81	433.25	Remarkables Park Limited	Reject	62
FS1117.82	433.26	Remarkables Park Limited	Reject	62
FS1117.83	433.27	Remarkables Park Limited	Reject	62
FS1117.84	433.28	Remarkables Park Limited	Reject	62
FS1117.85	433.29	Remarkables Park Limited	Reject	62
FS1117.90	433.34	Remarkables Park Limited	Reject	62
FS1117.91	433.35	Remarkables Park Limited	Reject	62
FS1117.92	433.36	Remarkables Park Limited	Reject	62
FS1123.1	433.10	Airways New Zealand Ltd	Accept	62
FS1164.1	344.11	Shotover Park Limited	Accept	48
FS1164.13	746.6	Shotover Park Limited	Reject	48
FS1211.13	433.14	New Zealand Defence Force	Reject	62
FS1224.34	243.34	Matakauri Lodge Limited	Accept	62
FS1314.10	344.11	Bunnings Ltd	Reject	48
FS1314.9	344.10	Bunnings Ltd	Accept	48
FS1340.3	383.3	Queenstown Airport Corporation	Accept	62
FS1340.4	566.1	Queenstown Airport Corporation	Accept in Part	62