

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

TABLE OF CONTENTS

PART A: INTRODUCTORY MATTERS	3
1. PRELIMINARY.....	3
PART B: CHAPTER 12 - QUEENSTOWN TOWN CENTRE	10
2. PRELIMINARY.....	10
3. SECTION 12.2 OBJECTIVES AND POLICIES	13
4. 12.3 OTHER PROVISIONS AND RULES.....	44
5. DEFINITIONS PROPOSED TO BE INSERTED.....	45
6. 12.4 RULES – ACTIVITIES	47
7. 12.5 RULES – STANDARDS.....	72
8. CONCLUSION	139
PART C: CHAPTER 13 - WANAKA TOWN CENTRE	141
9. BACKGROUND	141
10. PRELIMINARY MATTERS.....	141
11. ASSESSMENT OF SUBMISSIONS	142
12. SECTION 13.1 – ZONE PURPOSE	144
13. 13.2 OBJECTIVES AND POLICIES.....	144
14. 13.2 OTHER PROVISIONS AND RULES.....	155
15. 13.4 RULES – ACTIVITIES	156
16. 13.5 RULES – STANDARDS.....	161
17. FURTHER RECOMMENDATIONS OF THE PANEL.....	173
18. CONCLUSION	174
PART D: CHAPTER 14 - ARROWTOWN TOWN CENTRE	175
19. BACKGROUND	175
20. PRELIMINARY MATTERS.....	175
21. ASSESSMENT OF SUBMISSIONS	175
22. SECTION 14.1 – ZONE PURPOSE	176
23. 14.2 OBJECTIVES AND POLICIES.....	177
24. OTHER PROVISIONS AND RULES	182
25. RULES.....	182
26. 14.5 RULES – STANDARDS.....	187
27. FURTHER RECOMMENDATIONS OF THE PANEL.....	190
28. CONCLUSION	191
PART E – CHAPTER 15 LOCAL SHOPPING CENTRE ZONE	192
29. BACKGROUND TO CHAPTER 15	192
30. PROCEDURAL MATTERS.....	192
31. MINOR AMENDMENTS	194
32. ASSESSMENT OF SUBMISSIONS	194
33. 15.2 OBJECTIVES AND POLICIES.....	200
34. SUMMARY	204
35. 15.3 OTHER PROVISIONS AND RULES.....	204
36. RULES.....	205
37. 15.5 RULES – STANDARDS.....	211
38. RULES – NON-NOTIFICATION OF APPLICATIONS	217
39. FURTHER RECOMMENDATIONS OF THE PANEL.....	218
40. CONCLUSION	219
PART F – CHAPTER 16 BUSINESS MIXED USE.....	220
41. PRELIMINARY.....	220
42. SECTION 16.1 – ZONE PURPOSE	220

43.	16.2 OBJECTIVES AND POLICIES.....	221
44.	16.3 OTHER PROVISIONS AND RULES.....	232
45.	16.4 RULES – ACTIVITIES	232
46.	16.5 RULES – STANDARDS.....	241
47.	FURTHER RECOMMENDATIONS OF THE PANEL.....	253
48.	RECOMMENDATIONS TO STREAM 10 PANEL	254
49.	CONCLUSION	256
PART G – CHAPTER 17 AIRPORT ZONE		257
50.	PRELIMINARY.....	257
51.	GENERAL SUBMISSIONS.....	258
52.	EXTENT OF THE AIRPORT ZONE AT QUEENSTOWN.....	258
53.	SECTION 17.1 – ZONE PURPOSE	261
54.	17.2 OBJECTIVES AND POLICIES.....	262
55.	17.3 OTHER PROVISIONS AND RULES.....	271
56.	RULES – QUEENSTOWN AIRPORT.....	272
57.	WANAKA AIRPORT ZONE – NEW PROVISIONS	290
58.	17.5 RULES – STANDARDS AT WANAKA AIRPORT	296
59.	17.6 RULES – NON-NOTIFICATION OF APPLICATIONS.....	306
60.	17.7 NON REGULATORY METHODS	307
61.	CONSEQUENTIAL AMENDMENTS TO OTHER CHAPTERS.....	308
62.	DEFINITIONS	308
63.	CONCLUSION	320
PART H: OVERALL CONCLUSIONS AND RECOMMENDATIONS.....		322
Appendix 1: Chapter 12 - Queenstown Town Centre Zone		
Appendix 2: Chapter 13 – Wanaka Town Centre Zone		
Appendix 3: Chapter 14 – Arrowtown Town Centre Zone		
Appendix 4: Chapter 15 - Local Shopping Centre Zone		
Appendix 5: Chapter 16 – Business Mixed Use Zone		
Appendix 6: Chapter 17 – Airport Zone		
Appendix 7: Recommendations on Submissions and Further Submissions		
Appendix 8: Recommendation to Other Hearing Panels		
Appendix 9: Recommendations on Submissions referred to Other Hearing Panels		

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, 3.2.13, 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> <ul style="list-style-type: none"> 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> 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 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> 	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
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 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.

12.5.7	Provision of Pedestrian Links and lanes	RD Where the required link is not proposed as part of development, discretion is restricted to: a. The adverse effects on the pedestrian environment, connectivity, legibility, and Town Centre character from not providing the link.
	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.	
	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.	
	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.	
	12.5.7.4 In all cases, lanes and links shall be open to the public during all retailing hours.	

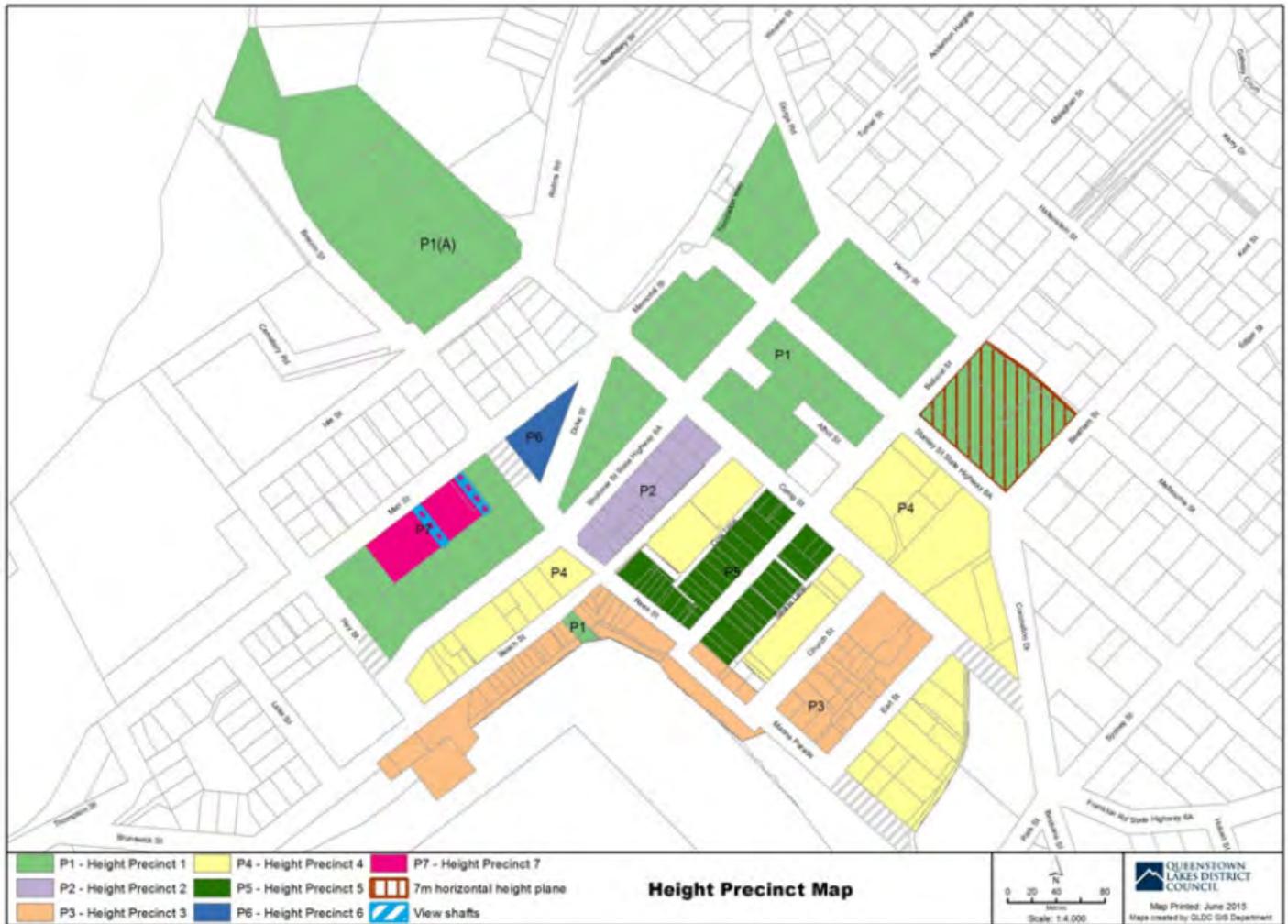
	<p>Location of Pedestrian Links within the Queenstown Town Centre.</p> <ul style="list-style-type: none"> a. Shotover St/ Beach St, Lot 2 DP 11098, Lot 3 DP 11098 b. Trustbank Arcade (Shotover St/ Beach St), Lot 1 DP 11098, Pt Sec 23 Bk VI Tn of Queenstown c. Plaza Arcade, Shotover St/ Beach St, Lot 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

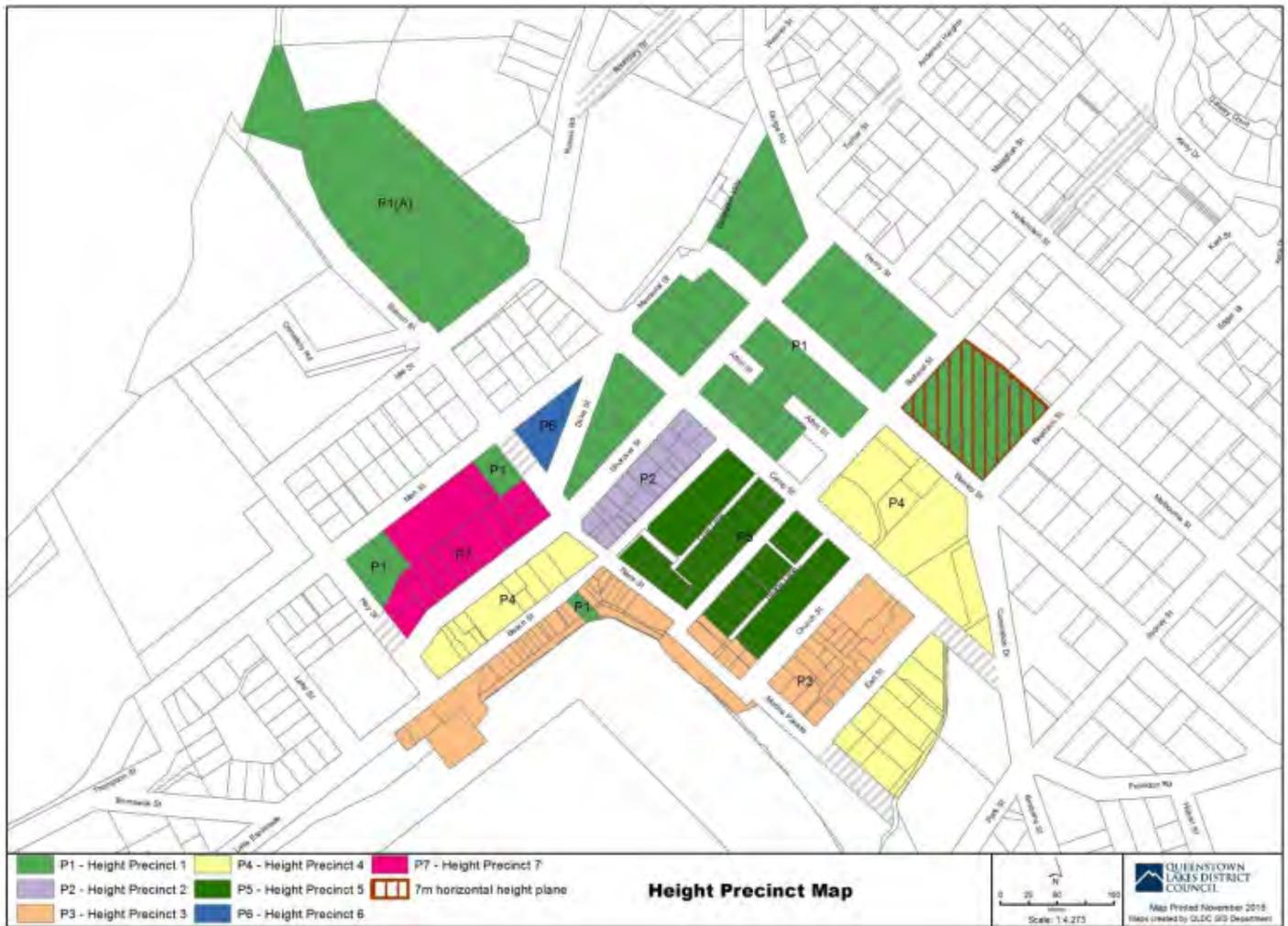
526. As notified, the QTCZ introduced the concept of mapped height precincts as a clearer way of applying different heights to the various parts of the QTC than the approach taken in the ODP.
527. The two notified Rules, 12.5.9 and 12.5.10, dealt not only with height for the various precincts, but included 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

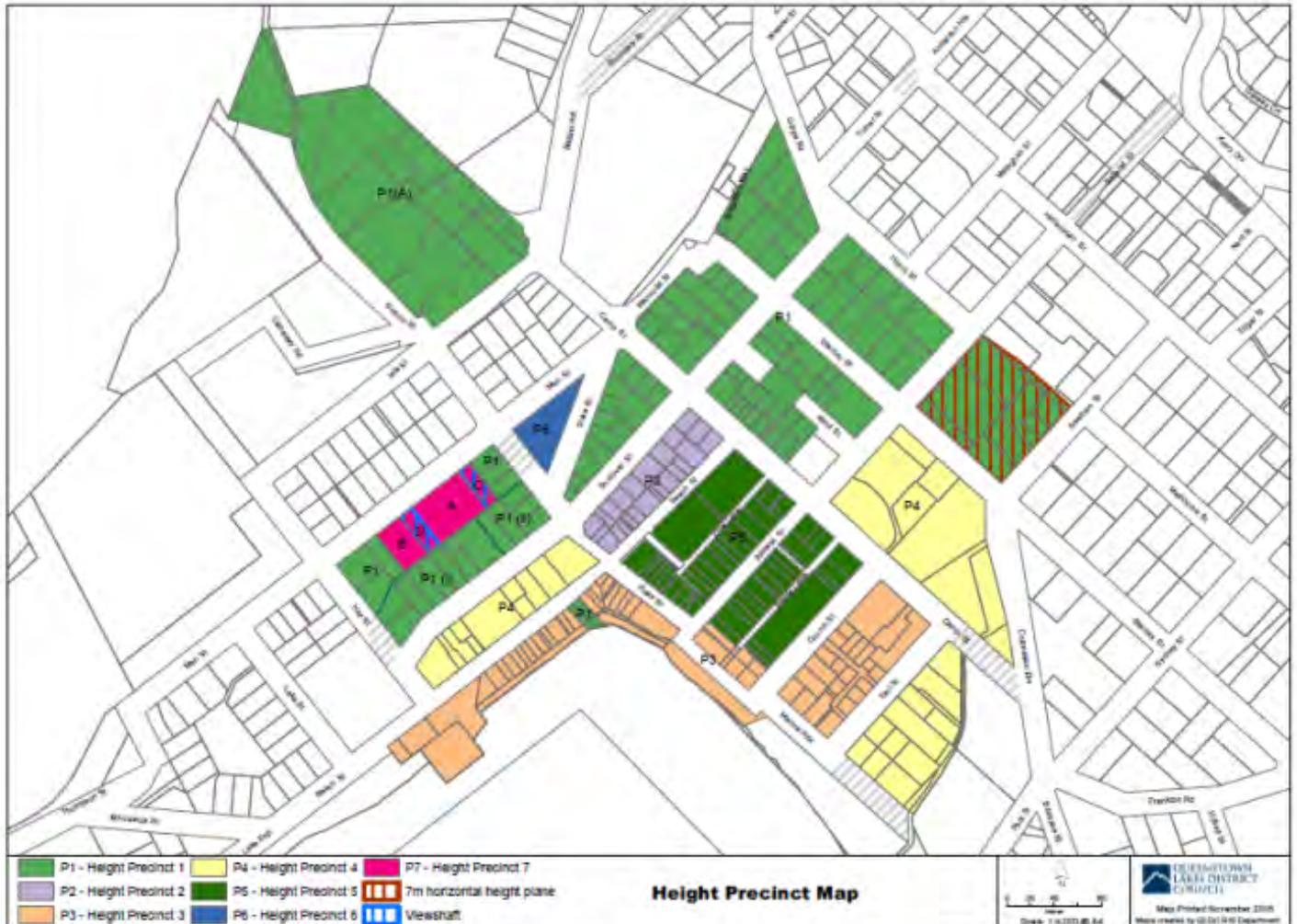
⁵⁶³ V Jones, Reply Statement at [6.12a].

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 12.58 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: 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:
- a. Include the recommended definitions as set out in Appendix 8 in Chapter 2 for the reasons we have provided in Section 6 above; and
 - b. 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
- a. Accept the recommended provisions as set out in Appendix 8 and
 - b. 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:
- a. Chapter 12 be adopted as set out in Appendix 1; and
 - b. 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:
- a. Development capacity and opportunities for expansion
 - b. Appropriateness of the height, bulk, location and design of the buildings, and urban design outcomes resulting from the ODP
 - c. Adverse environmental effects from activities in the town centre
 - d. 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</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>13.2.5.2 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></p> <p>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> <ul 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> <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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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> <ul style="list-style-type: none"> a. Car parking and traffic generation b. Effects on amenity (including that of adjoining residential zones and public reserves) c. The configuration of activities within the building and site (e.g. outdoor seating, entrances) d. Noise issues <u>and</u> e. Hours of operation <u>and</u> f. Any relevant Council alcohol policy or bylaw. 	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>	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	PR
<u>15.4.14</u>	Any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

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</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> <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> <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 associated with the activity on the subject site. 	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> <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*
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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.

<p>16.5.3</p>	<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> <ol style="list-style-type: none"> 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; <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

<p>16.5.11</p>	<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>	<p>NC</p>
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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	Landscaping 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.	RD Discretion is restricted to: a. The effects on urban design outcomes and the visual effects of reduction in landscaping b. The functional and operational requirements of the site.
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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. 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 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.**

- | | |
|----------|--|
| 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> |
|----------|--|

- 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> <ol style="list-style-type: none"> to any person who is residing (permanently or temporarily) on the premises; and/or to any person who is present on the premises for the purpose of dining up until 12 am. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the scale of the activity; effects on amenity (including that of adjoining residential zones and public reserves); the provision of screening and/ or buffer areas between the site and adjoining residential zones; the configuration of activities within the building and site (e.g. outdoor seating, entrances); and 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> <ol style="list-style-type: none"> consistency with the Queenstown Town Centre Special Character Area Design Guidelines (2015), (noting that the guidelines apply only to the Special Character Area); 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 and linkages and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable; 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: <ol style="list-style-type: none"> 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. 	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
<p>12.5.3</p>	<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> <ul 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.
<p>12.5.4</p>	<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.

	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 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> <ul style="list-style-type: none"> 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>*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> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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)} <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> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p>	<p>NC</p>

	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 $L_{Aeq(5\ min)}$ 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

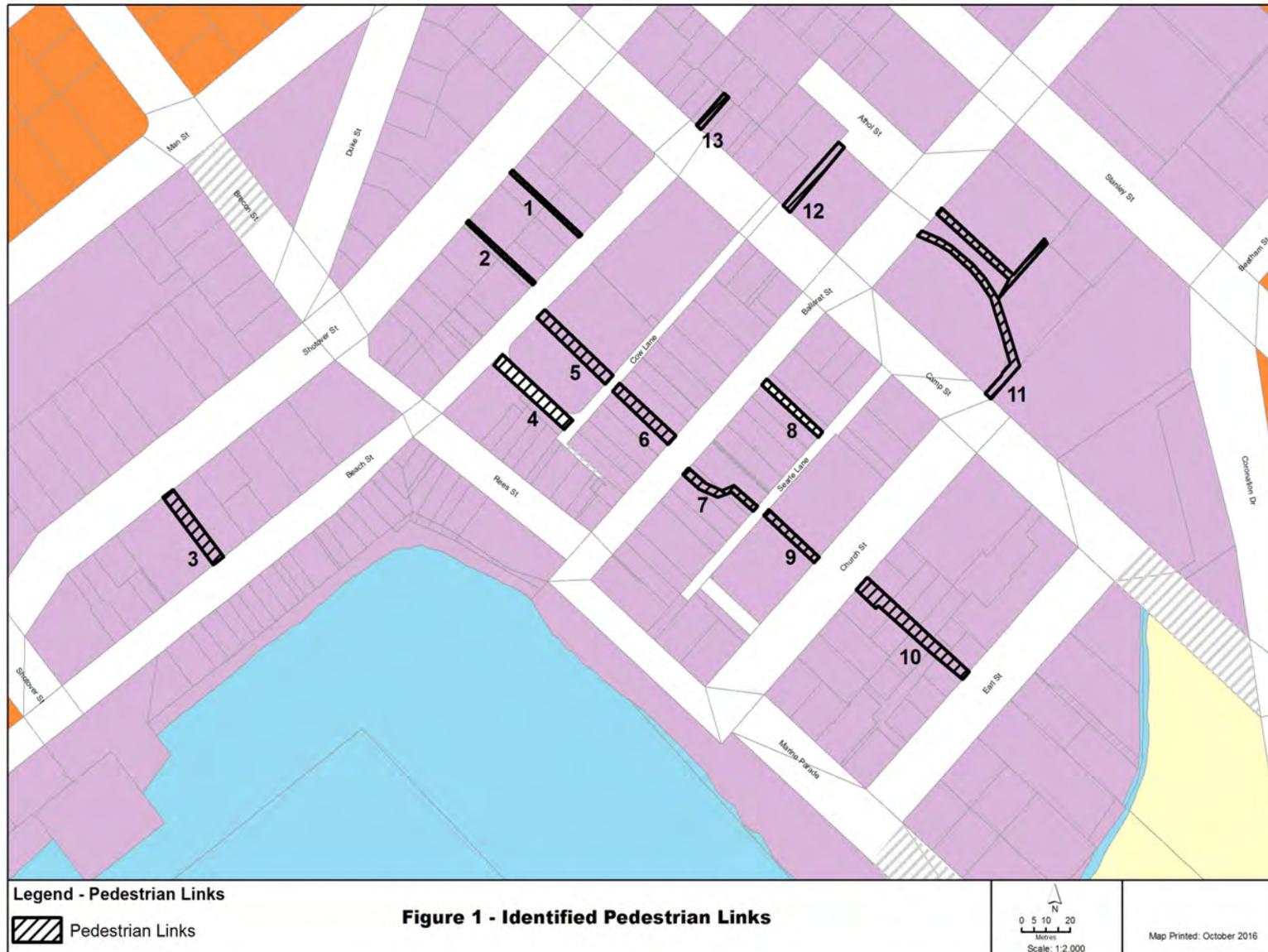
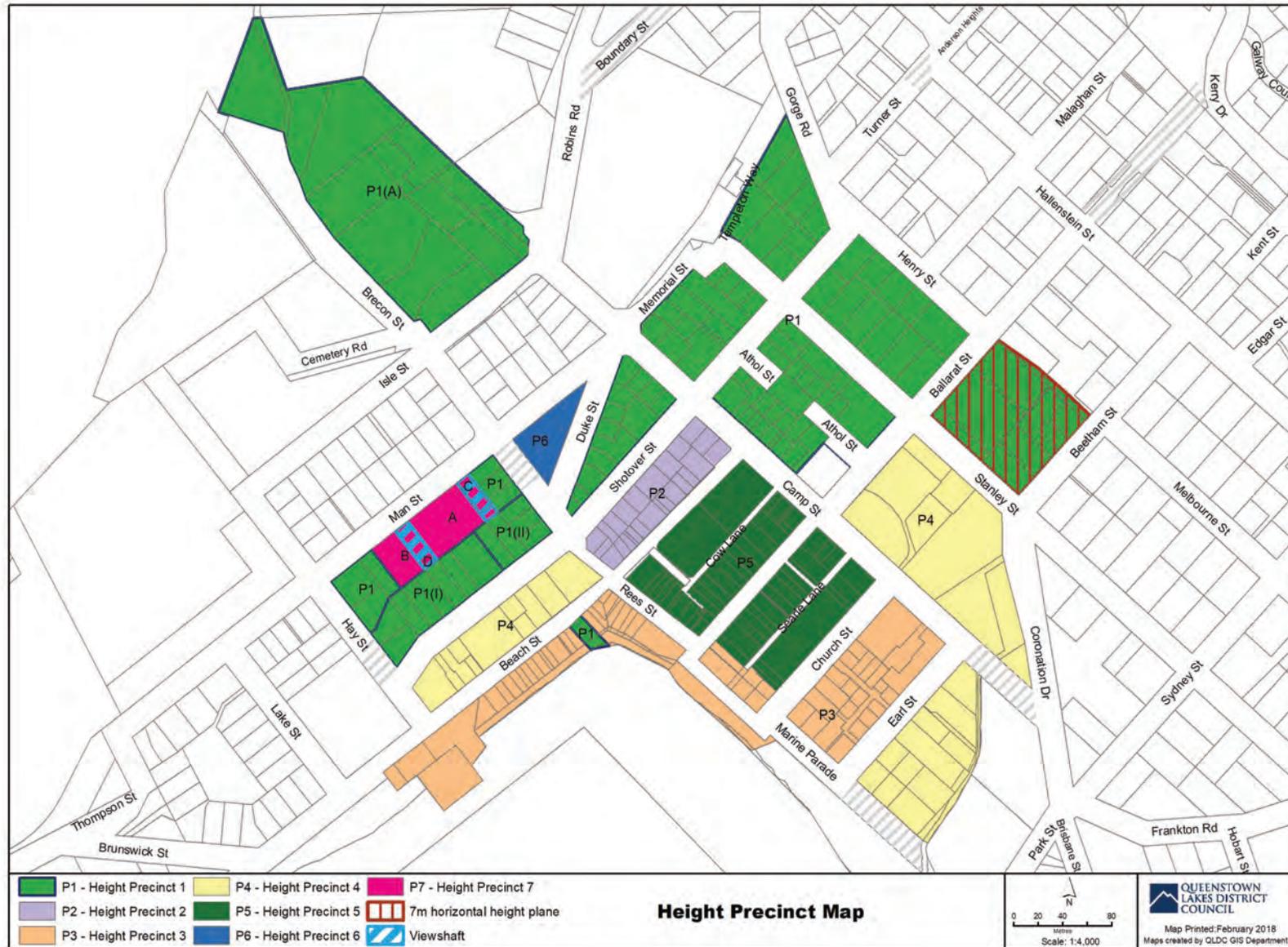


Figure 2: Queenstown Town Centre Height precinct map



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.
- 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 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> <ol 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: <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>To ensure that:</p> <ol 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: <ol 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

Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status									
<p>13.5.10</p> <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> <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 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, 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.

BUCHINC... 1870

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> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> neighbouring buildings and verandas; the extent to which the veranda affects the use and enjoyment of the streetscape; and the appearance of the building. 	C
14.4.3	<p>Visitor Accommodation</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> the location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; landscaping; the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; the location and screening of bus and car parking from public places to ensure visual amenity is adequately protected; and where the site adjoins a Residential Zone: <ol style="list-style-type: none"> noise generation and methods of mitigation; and 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: 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: 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> <ul 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> <ul 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									
<p>15.5.8</p>	<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 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><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}	<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>15.5.9</p>	<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. 	<p>NC</p>									
<p>15.5.10</p>	<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>	<p>NC</p>									

	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. 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.

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
<p>16.5.11</p>	<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 (Plagianthus regius) 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>	<p>NC</p>

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	Kopuwait Investments Limited	Accept in Part	7.20
714.18	Kopuwait Investments Limited	Reject	2.4
714.2	Kopuwait Investments Limited	Accept in part	3.2
714.3	Kopuwait Investments Limited	Accept in part	3.2
714.4	Kopuwait Investments Limited	Reject	3.5
714.5	Kopuwait Investments Limited	Reject	3.5
714.6	Kopuwait Investments Limited	Accept in part	3.5
714.7	Kopuwait Investments Limited	Reject	3.5
714.8	Kopuwait Investments Limited	Accept in part	3.8
714.9	Kopuwait 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