QUEENSTOWN LAKES DISTRICT COUNCIL

QUEENSTOWN LAKES DISTRICT COUNCIL COMMISSION TO CONSIDER PLAN

CHANGE 50

Commissioner Sir John Hansen (Chair)
Commissioner Jane Taylor

REPORT & RECOMMENDATIONS OF INDEPENDENT COMMISSIONERS PLAN CHANGE 50: QUEENSTOWN TOWN CENTRE EXTENSION

DATED: 16 JUNE 2015

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Abbreviation Table

General Terms	
Central Business District	CBD
High Density Residential Zone	HDRZ
Integrated Transportation Assessment	ITA
Operative Queenstown Lakes District Plan	District Plan
Queenstown Town Centre	QTC
Queenstown Town Centre Zone	QTCZ
Resource Management Act 1991	the Act
Town Centre transition sub-zone	TCTZ
Transport Joint Witness Statement	Transport JWS
Urban Design and Planning Joint Witness Statement	Planning and Urban Design JWS
Submitter Abbreviations	
Any Old Fish Company Holdings Limited (50/28)	Any Old Fish
Brecon Street Partnership Limited (50/10)	BSPL
HW Holdings Limited (50/37)	HW Holdings
IHG Queenstown Ltd and Carter Queenstown (50/32)	IHG and Carter
Kelso Investments Limited and Chengs Capital Investment Limited (50/35)	Kelso and Chengs
Man Street Properties Limited (50/27)	MSPL
Maximum Mojo Holdings Limited (50/16)	MMHL
Memorial Property Limited (50/39)	MPL
Mr Adam and Kirsten Zaki (50/56) and Carl and Lorraine Holt (50/57)	Zaki and Holt
Mr Cedric Hockey (50/36)	Mr Hockey
Mr Christopher Mace and Queenstown Trust (50/17)	CMQT
Ms Cath Gilmour	Ms Gilmour
New Zealand Institute of Architects Southern Branch (50/15)	NZIASB
Ngai Tahu Tourism Limited (50/34)	NTTL
Queenstown Gold Limited	QGL
Queenstown Lakes Community Housing Trust (50/42)	QLCHT
Reid Investment Trust (50/03)	Reid Investment
Remarkables Jet Limited (50/49)	RJL
Skyline Enterprises Limited (50/22)	Skyline
The Dairy Guesthouse 2003 Limited (50/26)	Dairy Guesthouse
Watertight Investments Limited (50/33)	Watertight

1.0 THE HEARING

1.1 The hearing for proposed Plan Change 50 and submissions (including further submissions) took place at the Crowne Plaza, Queenstown on 17th November to Monday 24th November 2014. The hearing was reconvened on January 16th 2015, as it was identified by the Commission that there was a need for expert witnesses to conference on a number of issues identified in a Minute issued by the Commission on 16th January 2015. Following the conferencing of expert witnesses on 9th and 10th February 2015, the hearing was reconvened on 23rd February 2015 to hear additional submissions on the identified issues from both the Queenstown Lakes District Council and submitters.

1.2 A full site visit was undertaken by the Commission on 18 September 2014 prior to the commencement of the hearing. Additional site visits were undertaken by the Commissioners on various occasions in relation to specific issues that arose during the hearing process.

2.0 APPEARANCES & FURTHER INFORMATION SIGHTED

Jurisdictional Issues:

Mr Graeme Todd, Counsel for Kelso and Chengs, QGL, and MSPL.
Ms Janette Campbell, Counsel for Queenstown Lakes District Council, Meredith Connell Lawyers

Queenstown Lakes District Council:

Ms Janette Campbell, Counsel, Meredith Connell Lawyers
Mr Paul Speedy, Queenstown Lakes District Council
Mr Clinton Bird, Clinton Bird Urban Design Limited
Mr Phil McDermott, McDermott Miller Group
Dr Marion Read, Read Landscapes
Dr Hayden Cawte, New Zealand Heritage Properties Limited
Mr Denis Mander, Queenstown Lakes District Council
Mr Glen Davis, Davis Consulting Group Limited
Mr Nigel Lloyd, Hadley Consultants Limited
Ms Andrea Jarvis, Holmes Consulting Group Limited
Mr Fraser Colegrave, Insight Economics Limited
Mr John Kyle, Mitchell Partnerships Limited
Mr Don McKenzie, Traffic Design Group Limited
Mr Stephen Chiles, Stephen Chiles Acoustics

Submitters:

Mr Donald McDonald (on behalf of Mr Craig Stobo 50//21)
Mr Donald and Mrs Gillian McDonald (for Browns Boutique Hotel 50//31)
Mr Basil Walker (50/55)

For Memorial Property Limited **(50/39)**
Mr Michael Holm, Counsel, Atkins Holm Majurey Lawyers
Mr Dan Wells, Planning Consultant, John Edmonds & Associates Limited
Mr Tim Kelly, Tim Kelly Transportation Planning Ltd
Mr Johnny Stevenson, Director, MPL
Mr Tony Butson, Director, MPL

Ms Cath Gilmour (50/48)
Mr Tim McGeorge (50/25)
Ms Laura McPhail (for Geoff McPhail, further submitter 50/56)

***For Mr Christopher Mace and Queenstown Trust* (50/17)**
Mr Michael Holm, Counsel, Atkins Holm Majurey Lawyers

***For Mr John Thompson* (50/24)**
Ms Maree Baker-Galloway, Counsel, Anderson Lloyd Lawyers

***For New Zealand Institute of Architects Southern Branch* (50/15)**
Mr Preston Stevens, Chairman
Ms Gillian Macleod, Committee Member

***For Skyline Enterprises Limited* (50/22)**
Mr Jeff Staniland, Chief Executive Officer, Skyline Enterprises Limited

***For IHG Queenstown Ltd and Carter Queenstown* (50/32)**
Mr John Edmonds, Planning Consultant, John Edmonds & Associates Limited
Mr Michael Wyatt, Architect, Michael Wyatt Architects Limited

***For HW Holdings Limited* (50/37)**
Mr John Edmonds, Planning Consultant, John Edmonds & Associates Limited

***For Reid Investment Trust* (50/03)**
Mr Paul Arnesen, Planning Consultant, Planning Focus Limited

***For Queenstown Lakes Community Housing Trust* (50/42)**
Mr Stephen Brent, Trustee

Mr Colin Walker (for Mrs Margaret Walker 50/19)

Mr Allan Huntington (50/30)

***For Ngai Tahu Tourism Limited* (50/34)**
Mr John Edmonds, Planning Consultant, John Edmonds & Associates Limited

Mr Tai Ward-Holmes (50/07)

Mr Michael Legge (50/01)

For The Dairy Guesthouse 2003 Limited (50/26), Any Old Fish Company Holdings Limited (50/28), Maximum Mojo Holdings Limited (50/16), Watertight Investments Limited (50/33)
Mr Graeme Todd, Counsel
Mr Scott Freeman, Planning Consultant, Southern Planning Group Limited

***For Man Street Properties Limited* (50/27)**
Mr Graeme Todd, Counsel
Mr Scott Freeman, Planning Consultant, Southern Planning Group Limited

For Kelso Investments Limited and Chengs Capital Investment Limited (50/35), Queenstown Gold Limited (50/38)
Mr Graeme Todd, Counsel
Mr John Edmonds, Planning Consultant, John Edmonds & Associates Limited

***For Remarkables Jet Limited* (50/49)**
Ms Jenny Carter, Planner, Porter Group Limited.
Mr Alistair Porter, Director, RJL

***For Brecon Street Partnership Limited* (50/10)**
Mr Russell Bartlett QC, Counsel
Mr David Gibbs, Urban Designer, Construkt Architects Ltd
Mr Ian Munro, Planning Consultant, Urbanism Plus
Mr Trevor Shrieber
Mr Graham Wilkinson, Director, BSPL

***For Mr Adam and Kirsten Zaki (50/56) and Carl and Lorraine Holt* (50/57) (late submitters)**
Mr Chris Thomsen, Counsel, Webb Farry

Ms Lucy Bell (50/58)

Officers & Advisors in Attendance:

Mr Nigel Bryce, Consultant Planner of Ryder Consulting Limited. Mr Bryce prepared the Section 42A report on Plan Change 50 and submissions received (including further submissions). Mr Bryce was present throughout the hearing and provided the Commission with a verbal officer reply on 23rd February 2015.

Ms Julia Chalmers, District Plan Administrator, Queenstown Lakes District Council. Ms Chalmers provided administrative support to the Commission and was in attendance throughout the hearing.

Further Information Sighted:

2.1 The Commission records that it has sighted a copy of a letter from Ms Jane O'Dea (Heritage Advisor) of Heritage New Zealand to the Council's Chief Executive Officer dated 19 November 2014.

2.2 Following the adjournment of the hearing on 24th November 2014, the Commission verbally directed that a range of issues be caucused between submitters, Council witnesses and Mr Bryce. The Commission has reviewed and given consideration to the caucus statements prepared to reflect the outcomes of the caucus workshops chaired by retired Environment Court Judge Shona Kenderdine, undertaken on 8th and 9th December 2014.

2.3 The Commission has reviewed the Supplementary Evidence prepared by Council witnesses that was pre-circulated before the hearing was reconvened on 16th January 2015. This supplementary evidence was subsequently presented at the reconvened hearing on 23rd February 2015.

2.4 The Commission has had regard to the Transport JWS and the Planning and Urban Design JWS that were prepared following expert witness conferencing undertaken on 9th and 10th February 2015.

2.5 The Commission has also had regard to the further supplementary evidence of Council circulated on 18th February 2015[1], and the submitters' further supplementary evidence circulated on 20th February 2015.[2]

[1] Which included further supplementary evidence prepared by Mr John Kyle and supplementary evidence of Mr Doug Weir.
[2] Which included further supplementary evidence prepared by Mr David Gibbs and Mr Ian Munro on behalf of Brecon Street Partnerships Limited.

2.6 Lastly, the Commission received and considered closing legal submissions from BSPL, MPL, CMQT and RJL on 9th March 2015 and the closing submissions of Council on 16th March 2015.

3.0 INTRODUCTION

3.1 Plan Change 50 seeks to rezone approximately 14.7 hectares of land comprising the following sites:

a) The former Queenstown Lakeview Holiday Park site at Thompson Street, Queenstown, comprising approximately 11 hectares in area, together with a site of approximately 6,200m^2 located immediately adjacent to the Queenstown Lakeview Holiday Park bordering Glasgow and Thompson Streets, Queenstown; herein referred to as the 'Lakeview' site;

b) 34 Brecon Street, being approximately 3,900m^2 in area, to form part of the Lakeview sub-zone and herein referred to as the 'Lakeview' site (unless separately identified);

c) Two blocks bound by Camp Street, Isle Street, Man Street and Hay Street, comprising approximately 18,400m^2 in area, referred to herein as the 'Isle Street blocks';

d) The block of land bound by Lake, Beach, Hay and Man Streets, referred to herein as the 'Beach Street site', comprising approximately 9,200m^2 in area.

3.2 The land subject to Plan Change 50 is shown on Maps 35 and 36 of the District Plan. The relevant provisions of the District Plan that are proposed to be amended by Plan Change 50 include:

- Amendments to Section 7 (Residential);
- Amendments to Section 10 Town Centres – Resource Management Issues, Objectives and Policies;
- Amendments to Section 10 Town Centre Rules;
- Amendments to Section 14 Transport Rules;
- An amendment to Section 15 (Subdivision);
- An amendment to the Definitions Section; and
- Amendments to Planning Maps 35 and 36.

4.0 NOTIFICATION AND SUBMISSIONS

4.1 Plan Change 50 was notified for submissions on 15th September 2014. The period for lodging submissions closed on 10th October 2014. A summary of the decisions requested in submissions was publicly notified on 15th October 2014 and the period for further submissions closed on 30th October 2014.

4.2 A total of 58 original submissions and 14 further submissions were received. It is noted that 12 of the further submissions were made by original submitters. Two additional further submissions were received by new submitters.[3] **Appendix 2** contains a summary of the decisions requested and of the further submissions received. **Appendix 3** lists the submitters and further submitters.

[3] Mr Geoff McPhail (F50/59) and Berry & Co (F50/60).

4.3 We address the procedural issues linked to late submissions in section 7.1 of this decision.

5.0 DESCRIPTION OF PLAN CHANGE 50

5.1 Plan Change 50 as notified sought a number of amendments to the Queenstown Lakes District Plan ('the **District Plan**") as follows:

(a) **Amendment of Planning Maps 35 and 36 by:**
Rezoning approximately 14.7 hectares of land from HDRZ to QTCZ or sub-zones to the same.

(b) **Amendment of Section 10 (Queenstown Town Centre Zone) by the addition of a suite of provisions which, as publicly notified, provided for the following:**

(i) Lakeview sub-zone

- Plan Change 50 introduces a new objective into section 10.2.4 (Objectives and Policies) supporting Section 10.2.1 (Queenstown Town Centre);
- The new objective is supported by 10 new policies;
- The Lakeview sub-zone Structure Plan depicts the roading layout through the sub-zone, the areas along Thompson Street that are to be set aside for road widening purposes and the area of land at the corner of Thompson Street and Hay Street that will provide a corner splay for the road at this location;
- Increases in the height limits for the Lakeview sub-zone from 8 metres under the HDRZ to between 4.5 metres and 26 metres to enable intensification of use. This provides for building heights that range from 3 to 7 storeys in height with larger buildings located to the rear of the site, adjoining the Ben Lomond Scenic Reserve;
- Under a new site standard for the Lakeview and Isle Street sub-zones the maximum building height limits may be exceeded by 2 metres through the use of a "roof bonus";
- All buildings are to be Controlled Activities (as in the QTCZ but with additional urban design controls);
- A convention centre is provided for (in the Lakeview sub-zone) as a Controlled Activity, and as a Discretionary Activity for the remainder of the zone;
- A new definition of 'convention centre' is included to support the inclusion of this land use activity within the Lakeview sub-zone;
- As with the existing QTCZ provisions all applications for Controlled Activities can be advanced without the need for notification (unless special circumstances exist);
- Retail activities in the Lakeview sub-zone will be managed by a new zone standard which seeks to prevent large format retail (by providing for a maximum gross floor area of 400m^2 per tenancy) so as to ensure the sub-zones complement rather than detract from the existing QTCZ and the retail areas at Frankton/Remarkables Park; and
- On site car parking and bus parking is required for some activities to manage parking demand and facilitate other modes of transport, in particular the development of pedestrian routes.

(ii) Isle Street Sub-zone

- The Isle Street sub-zone is supported by existing objective 1 under section 10.2.4 and is complemented with two new policies;
- All buildings are to be Controlled Activities (as in the QTCZ);
- As with the existing QTCZ provisions all applications for Controlled Activities can be advanced without the need for notification (unless special circumstances exist);
- Retail activities in the Isle Street sub-zone will be managed by a new zone standard that seeks to prevent large format retail (by providing for a maximum gross floor area of 400m^2 per tenancy) so as to ensure the sub-zones complement rather than detract from the existing QTCZ and the retail areas at Frankton/Remarkables Park; and
- Height limits for the sub-zone have increased to enable an additional storey for buildings (maximum building height is 12 metres above ground level), and two additional storeys in certain situations.[4]

(iii) Transportation Section (Chapter 14)

- The parking provisions specific to the Lakeview sub-zone will be incorporated into Chapter 14 of the District Plan. A detailed breakdown of the proposed parking ratios for the Lakeview sub-zone is set out in the AEE.[5] There is no minimum car parking requirement applicable to the Isle Street sub-zone or the Beach Street site, which is in line with the current provisions for the QTCZ.

- The ITA prepared by Traffic Design Group makes a recommendation on a wide-ranging parking strategy, which is consistent with the 2005 Future Link parking strategy that was prepared to investigate parking supply for the QTCZ, including the Lakeview sub-zone and the Isle Street sub-zone.[6]

(iv) Subdivision Section (Chapter 15)

- A new Discretionary Activity rule is promoted for any subdivision within the Lakeview sub-zone that is not in general accordance with structure plan.

5.2 The Plan Change 50 provisions as summarised above were amended by Mr Bryce in his Section 42A report, and were further amended in the planning evidence of Mr Kyle in response to matters raised during the course of the hearing by various parties. The final changes to the provisions notified by Council were appended to Mr Kyle's further supplementary planning evidence dated 18th February 2015, which was made available to all submitters. The final suite of provisions was also posted on the Council's website.

5.3 The Commission confirms that it has considered Plan Change 50 on the basis of the amended provisions attached to Mr Kyle's further supplementary planning evidence dated 18th February 2015, together with the additional amendment in relation to the Beach Street Block provision set out in Council's closing legal

[4] Where a site within the Isle Street sub-zone has boundaries facing both Isle Street and Man Street, and has a site area greater than 2,000m^2, the provisions supporting this sub-zone allow a maximum building of 15.5m as a discretionary activity.
[5] Refer page 14 of the AEE.
[6] Hereafter referred to as '**TDG**'.

submission.[7] We also note, for completeness, that Mr Bryce confirmed in his verbal right of reply that he had considered and agreed to the planning provisions appended to Mr Kyle's further supplementary evidence.

5.4 The Commission has had the opportunity to review and consider the Section 32 evaluation report supporting Plan Change 50 and the various technical reports and other documents that accompanied the Proposed Plan Change. This includes consideration given to the Landscape and Visual Effects report prepared by Dr Marion Read (dated 8th October 2014) and the additional photomontages prepared by Fearon Hay Architects (dated October 2014), which were made available on the Council's website prior to close of submissions.

5.5 Key amendments made to the QTCZ provisions advanced by Plan Change 50 as a result of this decision include:

(i) A reduction in the extent of Plan Change 50 area to be rezoned QTCZ. The western end of the Lakeview sub-zone, confined to that area of land referred to as the 'Lynch Block', has been excluded from the Town Centre zoning and the High Density Residential zoning that currently applies to this area has been retained, with the exception that the Lakeview sub-zone bulk and location requirements will continue to apply over this area;[8]

(ii) A revised zone map reflecting an amendment to the western-most part of the Lakeview sub-zone has been proposed;

(iii) Amendments to Objective 10.2.4.3 and the supporting policy framework to more appropriately reflect ancillary retail and ancillary commercial activities that support the predominant uses within the Lakeview sub-zone have been made;

(iv) A new definition of "ancillary retail and ancillary commercial uses" has been introduced into the Lakeview sub-zone policy and rule framework;

(v) A revised rule framework for predominant uses located within the Lakeview sub-zone has been formulated by combining the three previous Restricted Discretionary Activity rules proposed by Council. The predominant use rule now governs (i) a convention centre, (ii) visitor accommodation and (iii) commercial recreation and/or tourist activities with a gross floor area of more than 400m^2. Matters of discretion have been expanded to give clear guidance in relation to matters that are to be considered;

(vi) A new rule framework for non-ancillary retail and commercial activities within the Lakeview sub-zone that fall below 400m^2 gross floor area per tenancy and commercial activities with a gross floor area of more than 400m^2 has been recommended to manage impacts on the viability of the existing Queenstown Town Centre (including the management of the cumulative effects of non-ancillary retail and commercial activities where these exceed a maximum gross floor area of 6,500m^2 across the Lakeview sub-zone);

(vii) The Isle Street sub-zone has been split into two areas, with revised planning provisions supporting the Isle Street sub-zone (West) and the Isle Street sub-

[7] At paragraph 5.4, where amendments are recommended to Rule 10.6.3.2A(iii).
[8] Mr Kyle's further supplementary planning evidence dated 18th February 2015, noted that this change was agreed during the planning and urban design conference. The JWS recorded the parties' agreement that the western extent of the Lakeview sub-zone land (generally described as the Lynch Block) should retain the High Density Residential Zone (the HDRZ) in order to manage "edge effects". It was agreed that this change would be subject to retaining the height, bulk and location requirements promoted for buildings erected on this land via Plan Change 50.

zone (East) introduced. A revised zone map reflecting the amendment to the Isle Street sub-zones has been proposed;

(viii) Amended rules supporting the Isle Street sub-zone (West and East), which are more responsive to the underlying resource management issues that apply to each sub-zone area, have been introduced. This includes the ability for development to be increased to a height of 15.5 metres within the Isle Street sub-zone (East) as a Controlled Activity where sites are greater than 2,000m^2 and front either Man Street or Isle Street;

(ix) The height limit for any buildings on 34 Brecon Street as a Controlled Activity has been increased to a total of 15.5 metres (plus a small roof bonus);

(x) Any future re-alignment of Cemetery Road (as reflected within amended Site Standard 10.6.5.1(xiii) Lakeview sub-zone Structure Plan) has been exempted from having to advance through a specific consent process;

(xi) An exemption from providing a veranda has been introduced in the Beach Street block, unless building works take place on the road boundary.

6.0 STATUTORY REQUIREMENTS

6.1 Section 73(1B) of the Act provides that a district plan may be changed by a territorial authority in the manner set out in Schedule 1 to the Act. Ms Campbell, counsel for the Council, confirmed that this was the process advanced by the Council.

6.2 Clause 10 of the First Schedule to the Act requires that a local authority give a decision on the matters raised in submissions, and the reasons for accepting or rejecting the submissions, although it is not required to give a decision that addresses each submission individually. The decision may also include making any consequential amendments necessary to the proposed plan change arising from submissions.

6.3 Section 75 of the Act prescribes the contents of district plans. Subsection (3) states:

(3) a district plan must give effect to-
- *(a) any national policy statement; and*
- *(b) any New Zealand coastal policy statement: and*
- *(c) any regional policy statement*.

6.4 Subsection (4) goes on to state that a district plan must not be inconsistent with a water conservation order or a regional plan on any matter specified of regional significance.

6.5 Section 74 requires that a territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32 and any regulations.

6.6 Sections 74(2), (2A) and (3) are set out as follows:

(2) In addition to the requirements of sections 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

(a) Any—

- *(i) Proposed regional policy statement; or*
- *(ii) Proposed regional plan of its region in regard to any matter of regional*

significance or for which the regional council has primary responsibility under Part 4; and

(b) Any—

(i) Management plans and strategies prepared under other Acts; and
(ii) [Repealed]
(ii) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and; and
(iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing) — to the extent that their content has a bearing on resource management issues of the district; and

(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

(Emphasis added by underlining)

6.7 The Commission is only empowered to make a recommendation to the territorial authority in terms of the limits of its delegated authority under section 34A (1) of the Act.

7.0 PROCEDURAL ISSUES

7.1 A number of procedural issues were raised as a consequence of submissions received and matters identified during the hearing process. These fall within the following general matters:

- Acceptance of late submissions;
- Whether certain submissions are “on” Plan Change;
- Scope issues relating to the expansion of the QTCZ over the Isle Street East Block;
- Issues relating to the validity of current survey lines in relation to 165 Antrim Street; and
- Termination of lease agreements with cabin owners.

Each procedural issue is discussed in detail below.

Acceptance of Late Submissions

7.2 The Commission, by way of delegated authority, is able to waive timeframes under section 37(1)(b) of the RMA in relation to the receipt of submissions filed out of time. Mr Bryce’s Section 42A report discusses the relevant requirements of section 37A and makes a recommendation as to whether or not the late submissions should be accepted.

7.3 Section 37A requires the Commission to take into account;

"(a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver;
(b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
(c) its duty to avoid unreasonable delay."

7.4 The following submissions were received after the closing date specified in the public notice:

- Ms Rebecca Richwhite ((50/54) original submission received 14 October 2014);
- Mr Les and Ms Bev Dawson ((50/52) original submission received 13 October 2014);
- Mr Carl Loman (50/53) original submission received 14 October 2014);
- Mr Al Angus (original submission received 30 October 2014);
- Mr Basil Walker (original submission received 31 October 2014);
- The further submission Berry & Co (further submission received 3rd November 2014 after the close of the further submission period).

7.5 Mr Bryce recommended that the late submissions from Ms Rebecca Richwhite (50/54), Mr Les and Ms Bev Dawson (50/52), Mr Carl Loman (50/53) be accepted on the basis that they were all received prior to notifying the Summary of Decisions Requested.

7.6 The further submission by Berry & Co was received two working days late; however this party confirmed that they have an interest greater than the public generally on the basis that the family holds two leases for cabins on Antrim Street, and their submission is in support of an original submitter. Mr Bryce recommended acceptance of this late further submission.

7.7 The submission by Mr Al Angus, which raised general opposition to the proposed plan change and convention centre, was received on 30th October 2014, some two weeks following the close of primary submissions. The Section 42A report considered that Mr Angus's submission did not raise any new issues and, as such, refusing to accept it would not prejudice the interests of the community in terms of aiding community understanding of the effects of the proposed plan change. Mr Bryce recommended that acceptance of the submission by Mr Angus be refused on this basis, particularly as it was received well outside the submission period.

7.8 The submission by Mr Basil Walker states that his original submission was not included within the published summary; however, in his words his expanded submission "was actioned by an increase in scope and property being included in proposed plan change". Mr Walker commented on a separate earlier consultation exercise around the Plan Change (a non-RMA process). He believed that he had lodged a formal submission on the notified version of the proposed plan change. The Commission confirmed on 5th November 2014 that it was prepared to accept his late notice of these concerns during the further submission process, in accordance with Mr Walker's genuinely held belief that he had lodged such a submission.

7.9 On 9th December 2014, the Commission received late submissions from Mr and Ms Zaki and Mr and Ms Holt (50/56 and 50/57), who own properties located within the Beach Street site. The Commission considered the Section 37 application and determined that the late submissions by both parties be accepted on the basis that no party was considered prejudiced by the filing of these late submissions, and that neither submitter was seeking an adjournment to the hearing process as a

consequence of their late submission. The Commission allocated Mr Thomsen time to speak to the Holt and Zaki submissions at the reconvened hearing on 16th January 2015. Mr Williams, a planning consultant for Mr and Ms Holt and Mr and Ms Zaki, was also present and participated in the expert urban design and planning conferencing undertaken on 9th and 10th February 2015.

7.10 Further, on 6th January 2015, the Commission received a late submission from Ms Lucy Bell (50/58), resident of 163 Antrim Street, Queenstown. The late submission was supported by a section 37 application filed by Ms Bell. The Commission allocated Ms Bell time to speak to her submission at the reconvened hearing on 16th January 2015.

7.11 The Commission formally resolved to accept the following late original submissions received by the following parties:

- Rebecca Richwhite (50/54);
- Les and Bev Dawson (50/52);
- Carl Loman (50/53);
- Basil Walker (50/55);
- Adam and Kirsten Zaki (50/56);
- Carl and Lorraine Holt (50/57);
- Lucy Bell (50/58); and
- Further submission of Berry and Co (F50/60).

7.12 For the reasons set out in the Section 42A report, the Commission has not accepted the late submission of Mr Angus. We note that this submitter did not appear in support of his application for late submission.

Whether certain submissions are "on" the Plan Change

7.13 A central issue raised at the commencement of the hearing was whether or not there was scope for submitters' land outside the plan change boundary to be included within the proposed plan change by way of submission. This matter was discussed in the Section 42A report at section 6.18.

7.14 Ms Campbell submitted that the Commission must consider whether or not it has jurisdiction to hear and decide the following submissions:

(a) Submission 50/03 by Reid Investment, to the extent that it seeks to delete the TCTZ from the District Plan;
(b) Submission 50/08 by Robins Road Ltd, to the extent that it seeks to extend the QTCZ to include the Gorge Road and Robins Road corridors;
(c) Submission 50/10 by BSPL, to the extent that it seeks to increase the height limit applying to 34 Brecon Street from 12 metres to 26 metres;
(d) Submission 50/38 by QGL, to the extent that it seeks to alter the zoning of Lot 1 DP306661 and Lot 2 DP27703 to Isle Street Sub-Zone or QTCZ;
(e) Submission 50/25 by Mr Tim McGeorge, to the extent that it seeks to extend the proposed plan change area to include the block of land bounded by Lake Street, Man Street, Thompson Street and Brunswick Street;
(f) Submission 50/27 by MSPL, to the extent that it seeks to amend the height limit rules in the District Plan that apply in the TCTZ;
(g) Submission 50/35 by Kelso and Chengs, to the extent that it seeks to extend the QTCZ to the area bound by Shotover Street, Stanley Street, Gorge Road, Horne Creek and Designation 232;
(h) Submission 50/43 by Ms Joy Veint, to the extent that it seeks to extend the QTCZ to the Gorge Road area;

(i) Submission 50/44 by Mr Douglas Veint, to the extent that it seeks to extend the QTCZ to the Gorge Road area; and
(j) Submission 50/45 by Ms Janet Sarginson, to the extent that it seeks to extend the QTCZ to the Gorge Road area.

7.15 In Ms Campbell's submission the submissions in question fall into three distinct categories:

a. Submissions seeking for additional areas to be rezoned – the "Area Submissions" (submissions 50/08, 25, 35, 38, 43, 44 and 45);
b. A submission seeking an increased height limit for a parcel of land within the boundary of the proposed plan change – the "Height Submission" (submission 50/10); and
c. Submissions seeking to amend or delete an element of the operative District Plan that the proposed plan change does not propose to amend – the "Amendment Submissions" (submissions 50/03 and 27).

7.16 Ms Campbell stated that in the Council's view, none of these categories of submissions are "on" the proposed plan change; accordingly, the Commission has no jurisdiction to hear and consider the issues raised.

7.17 A secondary issue of scope arose during the expert witnessing conferencing held in February 2015, where a rezoning of the Isle Street East block to the current QTCZ was supported. This issue was addressed by Ms Campbell in her closing submissions and will be considered in our analysis below.

7.18 Ms Campbell, Mr Todd (on behalf of Kelso and Chengs, MSPL, and QGL) and Mr Bartlett QC (for BSPL) presented comprehensive legal submissions addressing the Commission on this jurisdictional matter, referring in detail to the legislative framework and the applicable case law, for which we are very grateful.

Consideration of legal principles on scope

7.19 The most recent High Court decision on the issue of scope, and arguably the current leading authority, is *Palmerston North City Council v Motor Machinists Ltd.*[9] In his decision Kos J considered the legislative history and previous case law as to when a submission is "on" a plan change,[10] referring in particular to the leading authority on this issue for many years, *Clearwater Resort Ltd v Christchurch City Council*,[11] and a second more recent High Court authority, *Option 5 Inc v Marlborough District Council*.[12] Kos J noted that all of the previous authorities predated the 2009 amendments to the Act, which had the effect of restricting persons who could respond by further submission on a plan change, although not in the case of persons directly affected by a submission.[13]

7.20 In *Motor Machinists* Kos J affirmed the principles in *Clearwater*, which he summarised as follows:

> *[53] In adopting the third approach William Young J applied a bipartite test.*
>
> *[54] First, the submission could only fairly be regarded as "on" a variation "if it is addressed to the extent to which the variation changes the pre-*

[9] [2013] NZHC 1290 ("*Motor Machinists*").
[10] Ibid at [46] to 83].
[11] HC, Christchurch AP34/02, 14 March 2003, William Young J ("*Clearwater Resort*").
[12] HC Blenheim CIV 2009-406-144, 28 September 2009, Ronald Young J ("*Option 5*").
[13] *Motor Machinists* at [47].

existing status quo". That seemed to the Judge to be consistent with the scheme of the Act, "which obviously contemplates a progressive and orderly resolution of issues associated with the development of proposed plans".

[55] Secondly, "if the effect of regarding a submission as "on" a variation would be to permit a planning instrument to be appreciably amended without reasonable opportunity for participation by those potentially affected", that will be a "powerful consideration" against finding that the submission was truly "on" the variation. It was important that "all those likely to be affected by or interested in the alternative methods suggested in the submission have an opportunity to participate". If the effect of the submission "came out of left field" there might be little or no real scope for public participation. In another part of paragraph [69] of his judgment William Young J described that as "a submission proposing something completely novel". Such a consequence was a strong factor against finding the submission to be on the variation.

7.21 In the discussion that followed his analysis of the authorities, Kos J made several observations that are both relevant and instructive:

(i) To be "on" a plan change, any further variations advanced by way of submission should be adequately assessed in the Section 32 evaluation.[14]

(ii) For a submission to be "on" a plan change it must address the status quo brought about by the proposed plan change. Kos J considered that: "*In this respect, the first limb in Clearwater serves as a filter, based on direct connection between the submission and the degree of notified change proposed to the extant plan*". He considered this to be the "dominant consideration": "*a submission must reasonably be said to fall within the ambit of the plan change*".[15] [Emphasis added]

(iii) Kos J proposed two means of assessing the degree to which a submission reasonably falls within the ambit of a plan change. First, does the submission raise matters that should have been considered in the Section 32 analysis? If not, the submission is unlikely to fall within the plan change. Secondly, is the management regime in the district plan for a particular "resource" (such as a lot) altered by the plan change? If not, then a submission seeking a new management regime is unlikely to be "on" the plan change. However, incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no further substantial Section 32 analysis is required to inform affected persons of the comparative merits of the proposed variation.[16]

(iv) There is a real risk that persons directly or potentially affected by changes to a plan change proposed by way of submission may be denied an effective response to those changes. Accordingly, it is necessary to take a "*precautionary approach to jurisdiction*",[17] particularly as there are other options available to parties who seek changes that are not within the ambit of the plan change.[18] This approach is consistent with that of Ronald Young J in *Option 5*, where he stated: "… *if the result of accepting a submission as on (a*

[14] Ibid at [76].
[15] Ibid at [80] – [81].
[16] Ibid at [81].
[17] Ibid at [82].
[18] Kos J noted at [78} that these options include seeking a resource consent, a privately initiated plan change or lobbying for a Council promulgated plan change, all of which provide safeguards for persons directly or potentially affected.

variation) would be to significantly change a proposed plan without a real opportunity for participation by those affected then that would be a powerful argument against the submission as being 'on'".[19] Kos J commented that this risk is lessened if the changes are merely consequential or incidental and have been adequately assessed in the Section 32 analysis, or if the submitter ensures direct notification of those likely to be directly affected.[20]

Are the submissions in question "on" the plan change?

7.22 Dealing first with the Area submissions as described by Ms Campbell and summarised above, we have concluded that none of these submissions are "on" the plan change. Having carefully considered the legal submissions, in which the *Clearwater* tests were applied to the specific submissions in some detail, we have formed the view that the Area submissions collectively fail both limbs of the *Clearwater* test.

7.23 First, each of these submissions cannot reasonably be said to fall within the ambit of the proposed plan change. The submitters' land does not fall within the area of the district plan that is subject to the proposed plan change and the submissions ostensibly raise issues that, if each parcel of land had been included, should properly have been addressed in the Section 32 report. The changes requested do not appear to be incidental or consequential, particularly in terms of the extent of the rezoning proposed by each submission, although we note that we have not had the benefit of any expert evidence in this regard.

7.24 Secondly, and most importantly, there is a real risk that persons directly or potentially directly affected by the proposed changes would be denied an effective response to what is essentially an extension of the Plan Change 50 zoning proposed through the plan change process. In reaching this conclusion we have necessarily adopted a precautionary approach, particularly given the importance of the town centre and its potential expansion to not only those directly or potentially affected (which includes residential neighbourhoods) but also to the wider community, who have legitimate concerns in relation to, inter alia, nuisance and traffic effects. It is likely that substantial further Section 32 analysis would be required to properly inform affected persons of the effects of rezoning these blocks of land, particularly in relation to the Kelso and Chengs property.

7.25 Notwithstanding this perhaps inevitable conclusion based on the applicable legal principles, it is plain that the current zoning of these blocks of land is potentially inappropriate, particularly given the principles and breadth of Plan Change 50, and that this matter should be addressed with some urgency by Council to ensure that future town centre development occurs in a structured and managed way in which optimum environmental outcomes are promoted.

7.26 Similarly, we have concluded that the two Amendment submissions both fail the Clearwater Tests and, accordingly, are not "on" the plan change. Both submissions propose quite substantial amendments to the current TCTZ rules, which fall outside the ambit of the plan change. There is a risk that persons directly or potentially affected would be denied the opportunity to submit on the proposed changes for the reasons set out above. However, we note that the rezoning of the TCTZ was supported by all of the planning and urban design witnesses involved in the expert conferencing, and is a matter that should be addressed by Council as part of the current District Plan review.

[19] *Option 5* at [34].
[20] *Motor Machinists* at [83].

7.27 Ms Campbell submitted (for Council) that the "Height" submission raised by BSPL, which requested an increase in the maximum permissible height from 12 metres to 24 metres, is not "on" the proposed plan change. Having assessed this submission in relation to the tests in *Clearwater*, we disagree. First, the land that is the subject of the submission (34 Brecon Street) plainly falls within the area contemplated by the proposed plan change. Matters of height in relation to the proposed plan change area generally were addressed in some detail in the Section 32 report and subsequently by expert witnesses, including in relation to this particular block of land. Indeed, height was one of the more contentious aspects of this proposed plan change as evidenced by the number of general submissions that addressed this issue in some detail.

7.28 In these circumstances we consider a proposed alteration to the maximum height permitted on a particular site to be a consequential extension of the changes contemplated by the proposed plan change, in particular the proposed rules. Accordingly, the first limb of the *Clearwater* test, which serves as a "filter" to ensure that there is a direct connection between the submission and the degree of notified change proposed to the plan, is passed. In our view it is plain that Kos J did not intend the first limb to be imposed as a strict gateway or threshold test in relation to submissions that address identified issues within the proposed plan change area and which have a direct connection to the resource management issues at the heart of the proposed plan change. If that was the case it would be arguable whether there is jurisdiction to consider any changes proposed by submitters in these circumstances, irrespective of the merits, unless they are plainly insignificant or inconsequential, which in turn potentially defeats the purpose of the Act. This is not in our opinion a submission that has an effect that has "come out of left field" or "a submission proposing something completely novel", given that the proposed plan change promotes a maximum height of 26 metres on another part of the subject land.[21]

7.29 In relation to the second limb of the Clearwater test, we are satisfied that there is very little risk that any persons directly or potentially directly affected by the proposed height change would have been denied an opportunity to be heard given the location of this property within the proposed plan change area and the public interest that has been raised by the height issues generally. The Brecon Street height issue was extensively canvassed by expert opinion and was debated at length during the hearing and conferencing processes, and as a result has been the subject of a very thorough assessment.

7.30 Accordingly we have found that the Height submission is within scope.

Scope Issues relating to extending the Queenstown Town Centre Zone over Isle Street sub-zone (East)

7.31 Some concerns relating to scope were raised in the Planning and Urban Design JWS as to the ability for the eastern block of the Isle Street sub-zone to be rezoned QTCZ, and generally relates to the narrow relief sought by submitters to this aspect of Plan Change 50.

7.32 The Planning and Urban Design JWS recorded the parties' agreement to the potential rezoning of the eastern block of the Isle Street sub-zone to QTCZ. Mr Kyle's further supplementary planning evidence stated that this rezoning *"would be an efficient way of enabling more intensive commercial development to occur on this land, which is generally consistent with the relief sought by a number of the landowners within this area who filed submissions".*

[21] See *Clearwater* at [69].

7.33 In her closing submissions, Ms Campbell raised the issue of scope in relation to the potential rezoning of the eastern Isle Street block to QTCZ, submitting that there was no jurisdiction to consider such a change, as it was not within the ambit of Plan Change 50. It is not entirely clear from her submissions whether she considered the specific amendments to the rules proposed by various submitters (an increase in the maximum site coverage to 80%, the removal of the requirement for a rear yard, the removal of the daylight control rule and the reinstatement of the height limit to 15.5 metres where sites are amalgamated) to be out of scope either individually or collectively, although she does pass the *Clearwater* ruler over each of these proposed changes.

7.34 As we are not proposing to alter the zoning of the eastern Isle Street sub-zone to QTCZ, we do not need to determine whether such a change would be within our jurisdiction. In relation to the specific relief sought by submitters for land within the eastern Isle Street sub-zone, we have concluded that these issues are within scope, for the same reasons as the 34 Brecon Street height issue addressed above. In our view Ms Campbell's application of the *Clearwater* test to issues that have been squarely raised within the proposed plan change area, and which are a direct consequence of the provisions and rules of the plan change proposed, is too fine-grained and would, if accepted, potentially result in suboptimal resource management outcomes. We note that some of the meritorious changes proposed by Council during the course of the hearing would also be excluded on jurisdictional grounds if Ms Campbell's' reasoning was applied consistently to all issues raised.

7.35 Accordingly, each of the proposed amendments will be assessed in Section 9 of this decision on the basis of the evidence and submissions before us, and in accordance with Part 2 of the Act.

Issues Relating to Boundary Lines associated 165 Antrim Street

7.36 Ms Lucy Bell (50/58) submitted that the boundary lines of Plan Change 50 as they relate to her property at 165 Antrim Street are incorrect. Ms Bell's late submission included a Minute (dated 22 December 2014 and appended to her late submission as Attachment G) relating to an application for an Enforcement Order from the Environment Court. The Minute recorded that any issue relating to doubts about the area covered by proposed Plan Change 50 be raised before the Commission. During the re-convened hearing on 16th January 2015 and again on 23rd February 2015, the Commission explained to Ms Bell that any surveying errors with regard to the plan change boundaries, and whether specific properties fell within or outside the proposed boundary, would be a matter for Council to remedy and that the Commission does not have jurisdiction in relation to this issue. As a consequence, we have made no ruling on this aspect of Ms Bell's submission.

Issues Relating to Lease Agreements with existing Cabin Tenants

7.37 Ms Lucy Bell (50/58), Mr Tai Ward-Holmes (50/07) and the further submission of Mr Geoff McPhail (F50/59) in support of an original submission by Mr Tai Ward-Holmes (50/07) all raised issues relating to lease agreements between existing Cabin owners and Council.

7.38 The Commission made it very clear to all submitters who have raised issues of relevance to lease arrangements with Council that we do not have jurisdiction to address matters such as the termination of cabin leases, which is a matter between the Council as landowner and the lessees. The Commission's delegation is confined to

jurisdiction under the Act to hear and determine the proposed plan change.[22] As a consequence, we have made no ruling on those submissions (50/07, 50/58, F50/59) that requested relief specific to existing lease issues.

8.0 THE EVIDENCE

Evidence of Council

8.1 **Ms Janette Campbell** presented comprehensive opening legal submissions for the Council.

8.2 In addition to the jurisdictional issues set out in section 7.2 above, Ms Campbell also raised concerns relating to trade competition. She noted that several submissions on Plan Change 50 had expressed concerns that any additional commercial activities provided for by the town centre expansion may detract from commercial activities in the existing QTCZ.[23]

8.3 Ms Campbell noted the distinction the courts have drawn between submissions raising trade competition issues between competing businesses, and submissions that allege more significant effects on communities. In the Supreme Court's decision in *Westfield (New Zealand) Ltd v North Shore City Council*, Blanchard J explained the benchmark for such submissions:[24]

"… social or economic effects must be "significant" before they can properly be regarded as beyond the effects ordinarily associated with trade competition on trade competitors."

8.4 Ms Campbell submitted that any submissions raising concerns about the effect of added competition on existing town centre businesses as a consequence of the proposed town centre expansion need to be examined in this light. Issues that do not satisfy the *Westfield* benchmark of social or economic significance should be disregarded.

8.5 Ms Campbell discussed heritage issues, specifically addressing the submissions that sought retention of the "cribs" or cabins presently located on Council-owned land in the Lakeview site, on the basis of their historic heritage.

8.6 In relation to the evidence presented by Council witnesses, we record a brief summary of the evidence presented by each witness below, and expand on the issues raised in the Commission's analysis of Plan Change 50 at section 9.0 of this decision.

8.7 **Mr Paul Speedy,** the manager of strategic projects for Council, presented evidence in chief and supplementary evidence. Mr Speedy provided an overview on a range of matters pertaining to Plan Change 50, including the processes in the Reserves Act 1977 to be adopted as part of the Lakeview sub-zone, land tenure issues, the consultation undertaken to date and affordability initiatives.

8.8 Mr Speedy's supplementary evidence addressed matters raised during the hearing, including (i) the percentage of land that is permitted a maximum height of 26 metres on the Height Limit Plan, (ii) clarification as to the scale of the proposed plan change (including a breakdown of the respective areas contained within the Lakeview sub-

[22] In terms of the Commission's jurisdiction provided to it under Section 34A(1) of the Act.
[23] Submissions 50/11, 15, 31, 40, 49 and 50.
[24] [2005] 2 NZLR 597; (2005) 11 ELRNZ 346; [2005] NZRMA 337 (SC), at para 120.

zone, Isle Street sub-zone and the Beach Street Block), (iii) background information relating to the siting of a convention centre and its preferred location, and (iv) land tenure issues located within the 'Lynch Block'.

8.9 **Mr Clinton Bird,** an urban design consultant for Council, prepared evidence in chief and supplementary evidence, and further supplementary evidence following expert witness conferencing undertaken on 9th and 10th February 2015.

8.10 Mr Bird explained his involvement with an iterative peer review of the urban design framework that underpins the Lakeview Structure Plan.[25] He considered that the Lakeview sub-zone, including the Structure Plan and the Height Limit Plan, is based on a very sound urban design analysis of both the natural and built Queenstown environments.

8.11 In broad terms Mr Bird, in responding to submissions, recommended that within the Lakeview sub-zone:

(a) Building heights be retained as notified, including the 12 metre maximum permitted building height at 34 Brecon Street that adjoins the public open space associated with the historic Queenstown cemetery;
(b) Cemetery Road be realigned in association with a land swap with 34 Brecon Street;
(c) The maximum permitted building height on the reserve site at the corner of Thompson Street be retained at 4.5 metres (and not increased to a maximum of 8 metres);
(d) The minimum ground floor 4.5 metre 'floor-to-floor' heights be retained, however in his supplementary evidence Mr Bird agreed that this could be reduced to 3.5 metres; and
(e) All proposed site coverage controls, view shafts and active frontages be retained within the Lakeview sub-zone.

8.12 For the Isle Street sub-zone, Mr Bird recommended that:

(a) The maximum permitted height limit be retained at 12 metres (plus the 2 metre roof bonus);
(b) The 15.5 metre maximum building height limit for sites in excess of 2,000m^2 and with frontages to both Isle and Man Streets be deleted;
(c) The front yard 1.5 metre maximum depth be retained, except that no front yard setbacks should be permitted on Brecon Street;
(d) No car parking be permitted in the front yard;
(e) All side yards be abolished;
(f) The 5 metre plus 45 degree recession plane on all boundaries (with the exception of the northern and north-eastern boundaries) be deleted and replaced with a requirement for a setback of 3.2 metres for all buildings where they are higher than 8 metres on all boundaries (with the exception of the northern and north-eastern boundaries where a 12 metre high building on the boundary is considered acceptable); and
(g) A minimum rear yard setback of 6 metres should be imposed.

8.13 Mr Bird's supplementary evidence specifically addressed the evidence of Mr Gibbs (urban design) and Mr Munro (planning), witnesses for BSPL (50/10). Mr Bird considered that a 12 metre high building would sit comfortably alongside the cemetery, whereas a 24 metre high building (which is twice the height) would begin to visually dominate the cemetery. Mr Bird's supplementary evidence included a

[25] The Lakeview Structure Plan is set out at Figure 2 of the proposed Plan Change 50 provisions.

number of photomontages that illustrated how "doubling" of the height of a building on the 34 Brecon Street site would create an abrupt and visually truncated right hand (eastern) end to the enabled development silhouette/profile of the Lakeview and Isle Street sub-zones against the backdrop of the Ben Lomond Scenic Reserve.

8.14 Mr Bird's supplementary evidence also addressed the alternative building height limit rule advanced by Mr Nigel Brown (50/23) for the western-most block in the Isle Street sub-zone during the conferencing undertaken on 9th December 2014.

8.15 Mr Bird participated in the Joint Witness Conferencing sessions on 9th January and 1st February 2015.

8.16 **Mr Phil McDermott**, an independent development/planning consultant for Council, addressed the Commission on the relevance of the oversupply of commercial land in Frankton as it relates to the proposal to extend the QTC through the implementation of Plan Change 50. Addressing the different roles between Frankton and the QTC, Mr McDermott noted that the two centres serve distinctly different markets, with QTC heavily dependent on tourist spending. While visitors from other parts of New Zealand are an important component of the Frankton market mix, the area remains primarily dependent on local residents.

8.17 Mr McDermott concluded that Plan Change 50 should be treated independently of commercial developments that are currently in existence, under development or planned for Frankton. He considered that the extension of the town centre would complement rather than undermine existing activity in the current town centre, and that it would facilitate new investment in the tourism sector. In his opinion this would boost tourism activity and income to the benefit of the town centre and Queenstown as a whole, recognising that the plan change makes provision for additional residential development close to the centre.

8.18 **Mr Fraser Colegrave** is an economist consultant for Council. Mr Colegrave analysed the likely economic effects of Plan Change 50 relative to the status quo, which comprises High Density Residential zoned land. In doing so he considered the potential future uses of the Lakeview site both with and without the proposed plan change. While future developments, in the absence of the plan change, would have some adverse economic effects, Mr Colegrave concluded that these mainly relate to construction and would therefore be short-lived. In his opinion future developments under the proposed plan change are likely to deliver a wide range of enduring economic and strategic benefits, even without the convention centre (with visitor accommodation potentially taking its place, should a convention centre not be developed). In summary, Mr Colegrave concluded that development enabled by Plan Change 50 would appropriately respond to the resource management issues facing the District, particularly a lack of commercial CBD land.

8.19 **Dr Marion Read** is a landscape architect consultant for Council. Dr Read addressed the landscape and visual amenity effects of Plan Change 50 and was the only witness to provide landscape evidence before the Commission.

8.20 Dr Read addressed the visual effects of the proposed plan change and noted that, in her opinion, the quality of views from the Queenstown foreshore and the Botanic Gardens would be impacted to the greatest extent. She accepted, on balance, that while development occurring within the spatial limits proposed in the plan change may diminish the fine grain and quaint appearance of the urban component of this area when viewed from wider areas such as Queenstown foreshore and the Botanic Gardens, the level of the alteration beyond that anticipated in the HDRZ would not be significant, and would not significantly reduce the picturesque quality of the

overall views.[26]

8.21 A key concern raised by Dr Read was the interface between the plan change area and the Queenstown cemetery. Dr Read considered that the proposed 12 metre height limit on the cemetery boundary would have an adverse effect on views from the cemetery, and would "divorce it" from its landscape connections. She concluded that the visual dominance of a 12 metre building at 34 Brecon Street could be mitigated by the provision of a 20 metre setback along the southern boundary of the cemetery (provided for by the realignment of Cemetery Road).

8.22 Dr Read raised a specific concern with regard to the height increase sought by BSPL (50/10) in relation to 34 Brecon Street. She concluded that a development of 24 metres in height would be excessively dominant over both the adjoining Queenstown cemetery and in the wider context of urban development at the foot of Bowen Peak. In her opinion, the effect of a building of 24 metres in height on views from the cemetery would be significant.[27]

8.23 **Dr Hayden Cawte** is an archaeologist consultant for Council. Dr Cawte carried out a heritage impact assessment for the land subject to the proposed plan change. He addressed the presence or absence of heritage and archaeological sites, as well as the threats posed to these sites should the plan change be advanced.

8.24 **Mr Denis Mander** is the transport policy and stakeholder manager at Council. Mr Mander described the background to the Queenstown Town Centre Transport Strategy, currently being developed and expected to be finalised for consideration by Council in June 2015.

8.25 **Mr Nigel Lloyd** is a civil and environmental engineer for Council. Mr Lloyd's evidence summarised his findings from an initial desktop review and preliminary geotechnical assessment of land contained within the Lakeview subzone, including 34 Brecon Street. Mr Lloyd concluded that the site is generally suitable for development with low liquefaction risk and a low probability of alluvial fan hazards.

8.26 **Mr Glenn Davis,** an environmental scientist for Council, undertook a Preliminary Site Investigation for the proposed Lakeview sub-zone. Mr Davis's evidence concluded that no contaminants were identified at the Lakeview sub-zone that present a risk to human health. As a consequence, Mr Davis concluded that the site's soils are suitable for high density residential, recreational and commercial industrial land uses.

8.27 **Ms Andrea Jarvis,** a senior civil project engineer for Council, provided evidence to the Commission addressing service infrastructure. Ms Jarvis concluded that land subject to the plan change is well served by both water and wastewater infrastructure; however, minor upgrading to the servicing infrastructure will be required as the Lakeview sub-zone site is developed. Mr Jarvis also noted that some infrastructure upgrading would be required in the Isle Street sub-zone; in particular, the stormwater pipe network would require upgrading to accommodate additional stormwater discharges resulting from an expected decrease in permeable surfaces.

8.28 **Mr John Kyle,** a resource management-planning consultant for Council provided primary planning evidence, supplementary planning evidence and further supplementary planning evidence. Mr Kyle confirmed that his firm, Mitchell Partnerships, was appointed by Council to provide advice in relation to Plan Change

[26] At paragraph 6.15 of Dr Read's primary evidence.
[27] At paragraph 7.3 and 7.4 of Dr Read's primary evidence.

50, including preparation of the Section 32 evaluation for the proposed plan change and its provisions. He summarised the main features of Plan Change 50 and discussed the key resource management issues raised, including those addressed in the Section 32 evaluation and supporting technical assessments.

8.29 Mr Kyle addressed the proposed District Plan provisions for Plan Change 50, which he identified would make key changes to Chapter 10 (Town Centre) and the Transportation Section of the District Plan. He also addressed changes to the proposed plan change to resolve issues raised by both the submitters and the Section 42A report. Mr Kyle produced supplementary and further supplementary planning evidence during the course of the hearing, which introduced the following proposed amendments to the planning provisions:

a) A reduction in the extent of the Plan Change 50 area to be rezoned QTCZ was proposed. The western end of the Lakeview sub-zone (confined to that area of land referred to as the 'Lynch Block') is to be excluded from the Town Centre zoning. The High Density Residential zoning applying to this area is to be retained, with the exception that the Lakeview sub-zone bulk and location requirements will continue to apply over this area;[28]
b) A revised zone map reflecting the amendment to the western-most part of the Lakeview sub-zone was proposed;[29]
c) The activity status for a convention centre in the Lakeview sub-zone was amended from Controlled Activity to Restricted Discretionary and requires an Integrated Transport Assessment as part of the consent process;[30]
d) The activity status for visitor accommodation activity in the Lakeview sub-zone is to be Restricted Discretionary and requires an Integrated Transport Assessment as part of the consent process;[31]
e) Commercial activities over 400m^2 in area in the Lakeview sub-zone are to be assessed as a Restricted Discretionary Activity and require an Integrated Transport Assessment as part of the consent process;[32]
f) Commercial and visitor accommodation activities over 400m^2 in area in the Beach Street Block are to be assessed as a Restricted Discretionary Activity and require an Integrated Transport Assessment as part of the consent process;[33]
g) Retail, licenced premises and commercial office activities in the Lakeview sub-zone are limited to 6,500m^2 in area unless a 'predominant use' is first established in the Lakeview sub-zone.[34]
h) Amendments to the bulk and location requirements relating to the Isle Street sub-zone, including:
    - Insertion of a new site standard precluding front yard setbacks for buildings fronting Brecon Street;
    - Removal of the internal boundary setback requirement and replacement with a rear yard setback requirement of 6 metres;
    - Removal of the recession plane requirements and replacement with a rule that allows buildings to be erected on the side boundary, but then requires a step back of 3.2 metres where the building height reaches 8 metres. The building can continue up to 12 metres (plus the roof bonus) when stepped in 3.2 metres from the boundary;
    - Removal of the proposed Zone Standard (10.6.5.2 (i) (a) (bullet point 7))

[28] Mr Kyle's further supplementary planning evidence dated 18th February 2015, recorded that this change was agreed during the urban design and planning conference. The JWS identified agreement that the western extent of the Lakeview sub-zone land (generally described as the Lynch Block) could retain the High Density Residential Zone (the HDRZ) in order to manage "edge effects". It was agreed that this change would be subject to retaining the height, bulk and location requirements promoted for buildings erected on this land via Plan Change 50.
[29] Attached as Appendix 2 of Mr Kyle's further supplementary planning evidence dated 18th February 2015.
[30] As set out at paragraph 12 of Mr Kyle's supplementary evidence dated 19th December 2014.
[31] As set out at paragraph 12 of Mr Kyle's supplementary evidence dated 19th December 2014.
[32] As set out at paragraph 12 of Mr Kyle's supplementary evidence dated 19th December 2014.
[33] As set out at paragraph 17 of Mr Kyle's supplementary evidence dated 19th December 2014.
[34] As set out at paragraph 9 to 19 of Mr Kyle's further supplementary planning evidence dated 18th February 2015.

that provides for additional height for a larger scale development in the Isle Street sub-zone to be considered as a Discretionary Activity.[35]

i) Exempting any future realignment of Cemetery Road (as reflected within amended Site Standard 10.6.5.1 xiii Lakeview sub-zone Structure Plan) from requiring a specific consent process;[36]

j) Within the Beach Street Block, an exemption from providing a veranda unless building works take place on the road boundary.[37]

8.30 The Commission acknowledges that the above summary represents only a brief account of matters traversed in the submissions and evidence presented by Council. It is not considered necessary to reproduce all points made as this would simply extend this document and result in duplication of matters discussed in Sections 9.1 – 9.14 of this report.

Council's Reply

8.31 The Council's closing legal submissions were received on 16th March 2015 and covered the following matters:

(a) Jurisdictional issues;
(b) Location of any convention centre;
(c) Consideration of alternatives;
(d) Restricted discretionary activities in the Beach Street block;
(e) Reduced rezoning proposals;
(f) The correct approach to traffic issues; and
(g) The use of different assumptions by Messrs McKenzie and Colegrave.

8.32 The Jurisdictional issues are addressed at section 7.0 of this report.

8.33 Ms Campbell submitted that the proposed plan change provisions attached to Mr Kyle's further supplementary evidence merely facilitate the provision of a convention centre (by providing for this to be consented as Restricted Discretionary Activity) – the rules do not give any assurance that one will be built. Council has been careful to evaluate Plan Change 50 on this basis, which included an assessment of the economic benefits without the convention centre. On the premise that the proposed plan change is not dependent on a convention centre, Ms Campbell supported our preliminary view, expressed on the last hearing day, that the location of the convention centre was not a matter for us to decide. It was the Council's submission that the Commission need not pay any further attention to this issue.

8.34 Council's legal submissions addressed Mr Wells' evidence for MPL, where he questioned whether the Council had given due consideration to alternatives when preparing Plan Change 50.[38] Mr Wells suggested a set of criteria for determining the order in which land should be included in the QTCZ.

8.35 Ms Campbell addressed the Commission on the relevant case law as to whether a site-specific plan change needs to be evaluated by reference to other potential sites. She submitted that there is no suggestion in the case law that Council has failed to adequately consider alternatives for the following reasons:

"(a) The Proposed Plan Change will not have a significant adverse effect on the environment or detract from any section 6 "matter of national importance";

(b) The Lakeview site's unique suitability for redevelopment and significant new activities, as a relatively "greenfield" site, is indisputable. There is no comparable site in the

[35] As set out at paragraph 8.35 of Mr Kyle's primary evidence dated 10th November 2014
[36] As set out at paragraph 8.23 of Mr Kyle's primary evidence dated 10th November 2014
[37] As set out at paragraph 42 of Mr Kyle's supplementary evidence dated 19th December 2014.
[38] As set out at paragraph 94-95 of Mr Wells' primary evidence.

vicinity of the QTCZ;

(c) The location of the Isle Street Sub-Zone and the Beach Street block is similarly indisputable, given its location between the existing QTCZ and the Lakeview site. No other site could provide the same connection."

8.36 Ms Campbell stated that there is no basis in any of the case law for the proposition that the Commission would have jurisdiction to rezone an alternative site if there was a "better" alternative. The only question for the Commission is whether the proposed plan change area should be rezoned.

8.37 In Ms Campbell's closing legal submission she stated that Council considers it lacks the jurisdiction to extend the QTCZ to the eastern Isle Street block. She noted that there were no submissions that sought that this block be rezoned QTCZ.[39]

8.38 Ms Campbell addressed the closing submissions for IHG and Carter, noting that the most recent version of the Plan Change 50 provisions, which had been circulated by Mr Kyle, proposed that all visitor accommodation or commercial activity be a Restricted Discretionary Activity. The conferencing statement, headed 'Conferencing Joint Statement to the Panel of Commissioners', dated 9 December 2014, addressed this issue at 4(b), which records:

"It was agreed that the LV ITA provision would be extended to the Beach Street block for VA, CC and commercial over 400m^2."

8.29 Ms Campbell submitted that the caucus statement is signed by various representatives, including Mr Edmonds, the planner for IHG and Carter.

8.40 The Council sought amendments to the wording of 10.6.3.2A(iii) to ensure that this would apply to commercial activities with a gross floor area of more than 400m^2, rather than commercial activities generally.

8.41 Ms Campbell then addressed the RJL closing legal submission, which criticised the way in which traffic issues have been considered and addressed. Ms Campbell responded to five submissions that the Council submits are misguided or wrong:

(a) RJL's submission that "Plan Change 50 is 'heavily reliant' on securing significant changes in travel behaviour";
(b) RJL's characterisation of Mr McKenzie's evidence as accepting that traffic is problematic, and stating that Plan Change 50 will only make it marginally worse;
(c) RJL's criticism that alternative modelling of different development scenarios has not been undertaken;
(d) RJL's submission that ITAs will not enable cumulative traffic effects to be considered;
(e) RJL's submission that there are parallels between Plan Change 50 and the circumstances in *Thurlow Consulting Engineers & Surveyors Ltd v Auckland City Council*.

8.42 In addressing RJL's response that Plan Change 50 is 'heavily reliant' on securing significant changes in travel behaviour, Ms Campbell argued that this is incorrect. The Transport JWS recorded that the assumed reduction of 20% referred to in evidence at the hearing relates to other work being undertaken with regard to the development of the transport strategy, and that there were no travel design management discounts applied to any of the Plan Change 50 traffic modelling scenarios. As such, both Mr Kelly and Mr McKenzie agreed that this leads to some conservatism in the modelling.

[39] As set out at paragraphs 2.22 to 2.30 of Ms Campbell's closing legal submission.

8.43 Ms Campbell considered RJL's characterisation of the effect of Plan Change 50 on traffic to be overstated and simplistic. She reiterated that Plan Change 50 would enable more people to live and work in close proximity to Queenstown's town centre. While there are inherent advantages and disadvantages, the Council considers it to be a beneficial strategy overall.

8.44 Ms Campbell highlighted the naivety in characterising any increase in congestion or parking difficulties as "negative outcomes" that need to be solved by Plan Change 50:

> *"(a) Plan Change 50 is facilitating growth around the town centre, which reduces travel and parking needs relative to growth elsewhere;*
> *(b) The inevitability of travel demand increasing alongside growth does not necessarily make growth undesirable. The Council would prefer to see the town centre area grow rather than see roads and parking spaces under-utilised;*
> *(c) Since at least 2007, traffic engineers have recognised that there can be a benefit in not solving congestion problems in order to incentivise changes in travel behaviour."*[40]

8.45 In assessing RJL's criticism of Council's reliance on a single future development scenario to underpin its traffic modelling, Ms Campbell noted that Mr McKenzie was satisfied that the traffic modelling, based on the expected future development scenario, is realistic. She advanced that it is not a "worst-case scenario"; neither is it a best-case scenario. She submitted the future scenario that was modelled does not factor in any change in the uptake of alternative modes of transport and provides a measure of additional conservatism, as recorded in the Joint Witness Statement of the traffic engineers.[41]

8.46 In addressing RJL's submission that ITAs will not enable cumulative traffic effects to be considered, the Council's closing legal submissions stated: *"Each ITA will involve consideration of the effect of adding the proposed activity to the activities in the existing environment. Thus in each ITA the cumulative effects, at that point in time, will be considered."*[42]

8.47 Ms Campbell argued that RJL misunderstands the role and place of the Transport Strategy and that such strategies fill a strategic and aspirational role. They are not static documents and are intended to evolve over time. She submitted that the Transport Strategy was not designed to only respond to Plan Change 50 but to other private and Council-initiated plan changes, including the upcoming District Plan review. As a consequence, Ms Campbell argued that there is no logical reason to defer Plan Change 50 pending finalisation of the Transport Strategy while other plan change initiatives proceed regardless.[43]

8.48 Ms Campbell submitted that the *Thurlow* case cautions councils to turn their minds to traffic issues and to ensure they have adequate evidence before them to perform their role. She stated the Council does not accept that the proposed plan change is deficient, and that it has based its approach to traffic issues on professional, peer-reviewed advice, which includes modelling of the predicted development enabled by Plan Change 50.

Submissions and Evidence for Submitters

8.49 **Mr Donald McDonald** (on behalf of Craig Stobo 50/21) presented a written

[40] At paragraph 7.7 of Council's closing legal submissions
[41] At paragraphs 7.9 to 7.12 of Council's closing legal submissions
[42] At paragraph 7.13 of Council's closing legal submissions.
[43] At paragraphs 7.13 to 7.1 of Council's closing legal submissions

response to the Commission.

8.50 Mr Stobo's submission highlighted that the existing QTC is not yet maximised to the full extent of the height limits permitted under the District Plan, and that it is currently uneconomic for landlords to provide for commercial offices above ground floor retail.

8.51 Mr Stobo noted that extensive areas of Frankton have been provided for redevelopment and that, in his opinion, this will draw commercial and retail activity away from the QTC. He provided an example of a 2014 Colliers International publication,[44] which showed a comparison between prime retail in the QTC (at $1,100 to $1,500 per m^2 per annum) versus fringe retail (Gorge Road) at $350 to $500 per m^2. By comparison, Frankton pays $250 to $700 per m^2 per annum. Coupled with car parking, Mr Stobo considered that it would be very difficult to prevent "the accelerating drift" of new commercial and retail activity towards the airport precinct. He did not consider that Plan Change 50 would prevent this drift to Frankton.

8.52 **Mr and Mrs McDonald** (50/31), who operate a local visitor accommodation business within the proposed Isle Street sub-zone, addressed the Commission in relation to concerns over the mixed use model proposed for the Isle Street sub-zone. The McDonalds also raised concern in relation to the proposed changes sought in the submission of MSPL, which they opposed.

8.53 **Mr Basil Walker (50/55)** presented to the Commission on a number of preliminary issues. He considered that the hearing should be rescheduled on the basis that (i) the Council has failed to provide timely and relevant evidence relating to the proposed Lakeview Holiday Park and altered boundaries relating to this area, (ii) the lack of master plan for the Lakeview Holiday Park and its associated designation, and (iii) the lack of detail relating to the new Lakeview Holiday Park management plan and a recent 25 year contract. Mr Walker also argued that the process adopted by the Council in advancing with proposed plan change did not accord with section 14 of the Local Government Act in relation to stewardship.

8.54 Mr Walker also raised concerns relating to the construction of a convention centre and the costs linked to this aspect of the proposed plan change. He considered that local consultants should have been utilised to assess Plan Change 50. Further concerns were advanced in relation to traffic generation. Mr Walker championed the provision of 500 car parks to support a convention centre, although he questioned whether the parking areas would eliminate the need for some of the commercial areas proposed within the Lakeview sub-zone. Mr Walker presented a development scheme of his own, which he considered to be superior to Council's proposed plan change.

Memorial Property Limited (50/39)

8.55 **Mr Holm's** opening legal submission for MPL (50/39) raised specific concern regarding the scale of Plan Change 50.[45] He submitted that the extent of the proposed plan change was unjustified. MPL raised specific concerns in evidence, principally in relation to the potential adverse effects of the scale of proposed development, which included traffic (congestion and parking) and the long-term impact on the economic wellbeing of the existing town centre.

8.56 Mr Holm raised issue with the haste at which Plan Change 50 has been advanced, and questioned whether this was directly related to the facilitation of the proposed

[44] Titled Market Review and Outlook 2014.
[45] At paragraph 1.4 of Mr Holm's opening legal submissions.

convention centre on the Lakeview site.

8.57 **Mr Dan Wells**, a planning consultant for MPL, presented planning evidence that addressed the Commission on the scale of Plan Change 50. Mr Wells stated that in his estimate approximately 170,000m^2 of potential floor space would be added to the QTCZ through the Lakeview sub-zone, by virtue of Plan Change 50.

8.58 Mr Wells' evidence addressed the preferred directions for the expansion of the QTC. He submitted that there was some commonality between the 2009 Queenstown Town Centre Strategy and the 2012 District Plan consultation in terms of the scale of town centre zoning contemplated, and the preferred directions of that expansion. Based on his own analysis, Mr Wells considered the approach that Council was taking to the proposed plan change to be fundamentally misconceived.

8.59 Mr Wells' evidence addressed the need for commercial space. He criticised the focus of the Section 32 and Section 42A reports, alongside the Council's evidence, which he considered appeared almost exclusively to be on the *retail* component of the 'commercial activity' definition. A key function of the town centre is to provide office space, an issue Mr Wells considered to have been given inadequate consideration in these reports.

8.60 Mr Wells provided the Commission with numerous examples of vacant or undeveloped sites within the existing QTCZ, and stated that a considerable amount of commercial development (including retail) could occur in these locations. He noted that each of these areas are, on their own, larger than the 0.5 hectares of total vacant land said to be available in the McDermott Miller Strategy Report and Section 32 report for commercial development in the Queenstown and Arrowtown Town Centres.[46] While not an economist, Mr Wells stated that there is a real risk that the shortage of commercially zoned land has been greatly exaggerated and that, in his opinion, there is no 'urgent' need to significantly extend the QTCZ, as has been argued in the Section 32 Report and the evidence of Mr Kyle.

8.61 **Mr Tim Kelly's** EIC provided a detailed analysis of the ITA submitted with the proposed plan change and raised specific concerns in relation to the potential transportation implications.

8.62 Mr Kelly addressed the Commission on the Inner Links project, which was developed to provide an alternative route for traffic to avoid the busiest parts of the inner road network. He submitted that the analysis undertaken by Council broadly suggests that, without additional road capacity, problems can only be avoided if aggressive Travel Demand Management (TDM) measures are introduced which shift 20% of car travel to other modes. Mr Kelly noted that he considered the level of change of this scale to be optimistic.[47]

8.63 Despite the reduction in bus fares, the numbers using bus services are low. For the 2014 year, Mr Kelly's analysis has indicated that 85% of people travelling into the town centre on the three main arterial routes did so by car, with only 2% travelling by bus, 1% cycling and 11% walking.[48]

8.64 Mr Kelly submitted that the ability of the network to accommodate the additional travel demands associated with Plan Change 50 appears heavily reliant on securing significant changes in travel behaviour if adverse effects are to be avoided. In reality, historical changes in travel behaviour have been modest, variable over time

[46] At paragraph 34 of Mr Wells' primary evidence.
[47] At paragraph 23 of Mr Kelly's primary evidence.
[48] At paragraph 18 of Mr Kelly's primary evidence.

and subject to a range of external economic factors.[49]

8.65 In Mr Kelly's experience, the effects of plan changes can be problematic to assess because the pattern of development enabled by their provisions may be quite different from the expected or actual outturn. As such, he considered the appropriate analytical approach would be to consider a range of credible development scenarios, and to assess the likelihood of the resulting effects at the limits of this range.[50]

8.66 Mr Kelly considered that the assumptions in support of Plan Change 50 would at best represent a lower-end estimate in terms of the amount of commercial development that might occur. In his view it would be prudent to test a scenario involving a higher proportion of land being developed for commercial purposes (perhaps more than 50% of the floor space made available by Plan Change 50).[51]

8.67 Mr Kelly submitted that plots from the traffic model included in the ITA illustrate that the baseline network will be subject to a number of operational problems by 2026, especially in the more critical PM peak period.[52]

8.68 **Mr Tony Butson**, a director of MPL, identified that office rentals in the CBD have experienced little growth in recent years, and there is consequently a significant amount of vacant space.

8.69 **Mr Johnny Stevenson**, a director of MPL, considered that there are sites in Queenstown that remain undeveloped as it is not economic to do so, and that there is a surplus of office space.

8.70 **Ms Cath Gilmour (50/48)** presented a written statement that addressed her earlier submission. The Commission notes for completeness that Ms Gilmour's submission records that she is a Queenstown Lakes District Councillor but that she was making her submission as an individual. Accordingly, we have considered Ms Gilmour's submission on this basis. In summary, Ms Gilmour addressed the Commission on four specific areas of concern: (i) a lack of evidence that the level of town centre expansion proposed is either necessary or beneficial, (ii) a lack of commitment to affordable housing, (iii) a lack of integration with the Town Centre objectives and rules that are proposed to form part of the District Plan review, and (iv) the lack of surety of good urban planning outcomes.

8.71 Ms Gilmour considered that incorporating such a huge swathe of land under the "town centre" banner risks diminishing the vibrancy of the downtown area to the same extent as if all of the activity had moved out to Frankton (as feared).

8.72 Given that the proposed plan change is enabling, Ms Gilmour was of the view that developers could, conceivably, establish retail and commercial activities on what is currently considered to be residential land. Similar concerns were raised with respect to the potential proliferation of office and retail activities in the Isle Street sub-zone area. Ms Gilmour questioned the urgency of the QTC expansion, and how much of this intensification could be provided as part of the proposed QTCZ changes to be advanced under the District Plan Review. She also raised concerns relating to the extent of additional floor space that could be enabled by Plan Change 50.

8.73 Ms Gilmour considered that the lack of commitment to affordable housing is contrary

[49] At paragraph 19 of Mr Kelly's primary evidence.
[50] At paragraphs 33 and 35 of Mr Kelly's primary evidence.
[51] At paragraph 60 and 61 of Mr Kelly's primary evidence.
[52] At paragraph 46 of Mr Kelly's primary evidence.

to three very explicit Council resolutions, as set out in her original submission. In terms of mitigating "adverse effects", Ms Gilmour noted that the site currently provides affordable housing for 300 people, whereas the proposed plan change does not provide any affordable housing (contrary to the policy direction in Plan Change 24), nor does it include a commitment to providing opportunities for low and moderate income households to reside in the proposed plan change area.

8.74 Another issue raised by Ms Gilmour was the lack of provisions to support good urban outcomes. In her view there is a need for future development to be subject to strong design guidelines (which would include a height restriction of 12 metres in the Isle Street sub-zone). Ms Gilmour submitted that the Lakeview sub-zone should be supported by an outline plan designating actual land use, as well as further provisions governing the level of urban design, and affordable/community housing. She considered that the outline plan and structure plan should be subject to an Urban Design Panel review process. Furthermore, Ms Gilmour advanced that little attention has been paid to the purposes of public reserves in the proposed plan change.

8.75 **Ms Laura McPhail** presented a statement on behalf of Mr Geoff McPhail (a further submitter in support of an original submission by Mr Tai Ward-Holmes (submission number 50/07)). Ms McPhail explained that her family has a lease in perpetuity for Cabin Site 159 (originally Cabin Site 148) and a fixed term lease for Cabin Site 162, both of which are located on Antrim Street. The McPhail family is opposed to the inclusion of Antrim Street and Earnslaw Street (of the Lynch Block) in the plan change, and requested that this area to be exempted. The cabins provide affordable accommodation for many direct and wider family members.

8.76 **Mr Tim McGeorge** (50/25) sought the expansion of the Plan Change 50 to include the block of land bounded by Lake Street, Man Street, Thompson Street, and Brunswick Street, including 48 and 52 Man Street. Mr McGeorge argued that excluding the subject land from the proposed plan change is illogical.

Mr Christopher Mace and Queenstown Trust (50/17)

8.77 **Mr Holm** appeared for Mr Mace, who is the owner of 15 Brunswick Street, and the Queenstown Trust, which owns 3, 5, 9 and 11 Brunswick Street. Mr Holm raised general concerns with regard to road safety and traffic generation, and discussed the need for the realignment of Man Street. He submitted that Plan Change 50 should be based on solid evidence that the roading network, public parking provision and on-site parking rules are adequate to accommodate the land use activities proposed, and that the amenity of neighbouring residences can be protected. Mr Holm submitted that CMQT supports the evidence of Mr Kelly for MPL (50/39) in relation to clause (b) of his client's submission. He noted that the Commission did not need to consider the relief sought within clause (c) of his client's primary submission.

Mr John Thompson (50/24)

8.78 **Ms Baker-Galloway** and **Mr Goldsmith** presented a joint written legal submission on behalf of their client, Mr John Thompson. Mr Thompson's property interests relate to 5, 7, 11 and 15 Man Street and 19 Brecon Street, which form a contiguous plot of land comprising 2,644m^2 in area. This land is wholly contained within the area that forms the eastern block of the Isle Street sub-zone.

8.79 Ms Baker-Galloway argued that given the largely commercial make-up of adjoining properties, the eastern block of the Isle Street sub-zone warranted special consideration to ensure that the planning provisions both enable and encourage the

expansion of the QTC to this vicinity.

8.80 Ms Baker-Galloway addressed the Commission on the key differences between the two Isle Street sub-zone blocks, and sought the following specific amendments to the planning provisions supporting the eastern Isle Street sub-zone:

- That the maximum site coverage be increased to 80% to enable flexibility (from 70% under Site Standard 10.6.5.1(i)(e)). Ms Baker-Galloway considered that limiting site coverage to 70% to protect residential uses should be given limited weight, particularly as the eastern block is unlikely to be developed for residential purposes.
- The deletion of the 1.5 metre side yard setback (under Site Standard 10.6.5.1(iv)(g)), which Mr Bird had recommended be removed in his primary evidence.
- The 6 metre rear yard set-back recommended in Mr Kyle's supplementary evidence (Site Standard 10.6.5.1(iv)(g) in Mr Kyle's Appendix C) be deleted on the basis that it would restrict the future development of Mr Thompson's land. The Commission also notes that Ms Baker-Galloway questioned whether there was scope for the Council to make this change on the basis that no submitter specifically requested this amendment;
- The recession plan (under Site Standard 10.6.5.1(xi)(i)) was opposed on the basis that it would create poor design outcomes. The alternative stepped height setback proposed by Mr Bird (as set out in Mr Kyle's Appendix C) was not supported on similar grounds. Ms Baker-Galloway considered that the justification for the stepped height setback was not relevant to Mr Thompson's land.
- Mr Thompson had submitted in support of the height uplift for the Isle Street sub-zone, which provides for an increase in the height of buildings to 15.5 metres in height (under standard 10.6.5.2(i) as notified), and does not support its deletion as recommended by the Section 42A reporting officer or Council witnesses.
- Mr Thompson also supported amendments to existing assessment matters on the basis that many do not reflect the character of this changing and developing environment.

8.81 Ms Baker-Galloway discussed the various amendments sought to the planning provisions in support of Mr Thompson's submission, which are recorded at paragraphs 40, 41, 52 and 53 of her legal submissions.

New Zealand Institute of Architects Southern Branch (50/15)

8.82 Ms Macleod and Mr Stevens presented a joint statement of evidence addressing the submission of NZIASB (50/15) and raised issues in relation to (i) the use of community reserve land, (ii) the need to expand the town centre, (iii) the location of the conference centre and (iv) numerous technical concerns relating to the proposed plan change objectives, policies and rules and (v) the role of the urban design panel.

8.83 In broad terms, the NZIASB (50/15) submission addressed three specific concerns: the extent of the town centre expansion, where this should occur and the methods that support and seek to ensure that future built form enabled by the proposed plan change replicates or is in harmony with the existing QTC.

Skyline Enterprises Limited (50/22)

8.84 Mr Staniland, the CEO of Skyline, presented a statement setting out the company's support for the proposed plan change. He considered that it was a sensible approach to increase the height of buildings at the base of the Ben Lomond Reserve,

as there would be no environmental impacts and the increased height is more likely to be attractive to developers. Mr Staniland submitted that Skyline supports a convention centre in principal, and that its location on the Lakeview site will increase the appeal and product offering of Queenstown, as well as acting as a catalyst to underwrite the likely success of the proposed plan change.

IHG Queenstown Ltd and Carter Queenstown Ltd (50/32)

8.85 **Mr John Edmonds**, an experienced planning consultant, presented evidence on behalf of IHG and Carter (50/32). IHG and Carter is the owner of 7,228m^2 of land, located within the rectangular block bounded by Lake Esplanade (Beach Street), Lake Street, Man Street and Hay Street, part of which comprises the Crowne Plaza hotel building. This land forms part of the Beach Street Block, which comprises part of the proposed plan change area. Mr Edmonds identified four specific issues raised in the IHG and Carter submission, including: (i) the inclusion of the submitter's area of interest within the QTCZ, (ii) building height, (iii) rules relating to noise and verandas, and (iv) the location of the convention centre.

8.86 **Mr Michael Wyatt**, an experienced local Queenstown architect, presented evidence on his preferred location for a proposed convention centre. He described his "ideal location" as the land at the corner of Man and Hay Streets, which is contained by the James Clouston Memorial Park. One of the reasons given was that this area is visually and physically well connected to the existing CBD.

HW Holdings Ltd (50/37)

8.87 **Mr John Edmonds** presented evidence addressing the HW Holdings (50/37) submission. He explained that HW Holdings owns nine contiguous parcels of land at 23 to 29 Thompson Street adjoining the western edge of the proposed Lakeview sub-zone. The property owned by the submitter comprises a land area measuring 4,530m^2 in area, and is currently zoned HDRZ. Mr Edmonds addressed the Commission on a number of issues relevant to HW Holdings' primary submission, including (i) that Restricted Discretionary Activity status should apply to the future resource consent for a convention centre in the Lakeview sub-zone, (ii) the location of the adjoining 'view shaft' in relation to the HW Holdings land and the potential for this to be utilised as a service lane, and (iii) issues in relation to the future widening of Thompson Street and the lack of any detail relating to future widening on the Lakeview sub-zone structure plan.

Watertight Investments Limited (50/33) and Mr C Hockey (50/36)

8.88 Mr Edmonds addressed the submissions of Watertight (50/33) and Mr Hockey (50/36) on behalf of these parties. Both submitters own land in the eastern block of the Isle Street sub-zone.

8.89 Watertight is the owner of land at 50, 52 and 54 Camp Street. The combined land area of these sites totals approximately 1,500m^2. Mr Hockey is the owner of land at 4 and 8 Isle Street, and has an interest in 2 Isle Street. The combined land area of these sites totals 1,700m^2.

8.90 Mr Edmonds confirmed that both Watertight and Mr Hockey support the intention to rezone their respective land holdings to QTCZ.

8.91 Both submitters made further submissions (Watertight FS50/33/01 and Hockey FS50/36/01) in support of Mr Thompson's primary submissions.

8.92 Mr Edmonds did not support the proposed 6 metre rear yard setback proposed for

the Isle Street sub-zone, as he did not consider this to be an efficient use of this land resource.

Reid Investment Trust (50/03)

8.93 **Mr Paul Arnesen**, an experienced planning consultant, presented evidence on behalf of Reid Investment, the owner of the properties at 65 to 67 Shotover Street and 5 to 15 Hay Street, Queenstown. These sites adjoin the proposed plan change boundary.

8.94 Mr Arnesen considered that Plan Change 50 should be amended to include the removal of the TCTZ. In his opinion, some controls on retail and restaurant activities in the proposed Lakeview sub-zone would be necessary to avoid creating a disparate town centre environment. Without amendments to address these matters, he considered that Plan Change 50 would not meet the sustainable management purpose of the Act.

8.95 Mr Arnesen endorsed the legal submissions of Mr Todd on behalf of MSPL, which concluded that proposed rezoning of the TCTZ falls within the scope of Plan Change 50. In Mr Arnesen's opinion, there is no reason for retaining the TCTZ should Plan Change 50 be adopted, as the land subject to the TCTZ will no longer form a transition between the QTCZ and the HDRZ.

8.96 Mr Arnesen sought the removal of the TCTZ. Without that outcome, he considered that Plan Change 50 is fatally (and unnecessarily) flawed, and that the proposed plan change should be rejected.

8.97 In addressing the Lakeview sub-zone, Mr Arnesen noted that the only restraint on commercial activities is the requirement that retail tenancies not exceed 400m^2. He voiced concern in relation to the lack of control with regard to the overall quantum of retail development in the zone, or the scale or quantum of potential restaurant and entertainment facility activities. In his opinion, the lack of appropriate controls would enable the establishment of a retail centre within the Lakeview sub-zone.[53] Mr Arnesen was less concerned with the development of a retail centre (or strip) in areas such as the Isle Street sub-zone, given that this is less likely due to multiple land holdings.

8.98 In Mr Arnesen's opinion, the establishment of two separate centres in downtown Queenstown would represent poor urban form. The division of the potential 'centres' by a less pedestrian-friendly and vibrant area would, in turn, create an 'awkward' space. In his view the Lakeview sub-zone should be subject to additional controls to avoid the possibility of the creation of two separate town centres, and to encourage the establishment of retail and restaurant facilities in closer proximity to the established centre of Queenstown.

Queenstown Lakes Community Housing Trust (50/42)

8.99 **Mr Stephen Brent** for the QLCHT submitted a statement requesting the need for Plan Change 50 to be amended to reflect the Council's intention to implement and give effect to Plan Change 24. The Trust sought that the provision of affordable and community housing be included within the proposed plan change.

8.100 Mr Brent provided the Commission with an overview of Objective 1, including the associated definitions for 'community housing' and 'retention mechanisms' that were introduced by Plan Change 24 into the 'District Wide' and 'Definitions' sections of

[53] At paragraph 5.3 of Mr Arnesen's evidence.

the District Plan. Mr Brent submitted that Objective 1 is disjunctive and offers a choice between two forms of housing outcome. Only one option seeks to provide for a retention mechanism, whereby a binding agreement is established that protects the long term affordability of community housing.

8.101 Without such mechanisms as the 'retention mechanism' being entrenched within the proposed plan change, Mr Brent considered that there is the potential for the proposed plan change area to be developed without community housing and, accordingly, any benefits to the community would not be delivered.

Mr Allan Huntington (50/30)

8.102 **Mr Huntington**, an experienced local architect, presented a statement that addressed the lack of consideration by Plan Change 50 to the loss of residential land adjacent the town centre. Mr Huntington's statement was focused on the Lakeview sub-zone, which he did not consider was required for town centre expansion.

8.103 Mr Huntington submitted that there are still substantial redevelopment opportunities within lower Beach Street and Shotover Street, as well as new commercial areas such as the Henry Street precinct. Potentially Brecon, Isle, and Hay Streets could also be considered, along with Gorge Road and Robins Roads, as areas for long-term town centre growth.

8.104 Mr Huntington stated that the Lakeview land development and convention centre is geographically isolated from the CBD by distance, elevation and a main traffic thoroughfare (Man Street), and that it will be difficult to draw people to the Lakeview area. As an example, Mr Huntington submitted that when the Steamer Wharf development was first established, the majority of tenancies were direct retail; however it was found that shoppers would not extend themselves to the 125 metre walk across Earnslaw Park.

8.105 Mr Huntington considered that there is a risk that developers may favour either cheaper or more greenfields land for property development, as opposed the upgrade or redevelopment of the existing town centre. As a consequence, Plan Change 50 may dilute the QTC and weaken the viability of existing retail tenancies. He also considered that there is a high risk that Lakeview will slow the rejuvenation and vibrancy of the existing town centre.

8.106 Mr Huntington submitted that the proposed convention centre location and underlying land should be retained for high density residential development. He considered there was an "enormous opportunity" to develop Lakeview and adjacent land for residential purposes. He also presented the Commission with a plan identifying the availability of up to 42,000m^2 of residential land (based on a 50% coverage, which would allow a gross building footprint of 21,000m^2 and, at three stories, a maximum of 63,000m^2 of building area). Mr Huntington considered that this level of development would provide for 500 to 600 residential units, or 1500 to 1800 residents.

Mrs Margaret Walker (50/19)

8.107 **Mr Colin Walker** presented a statement on behalf of his mother, Mrs Margaret Walker, who has lived at 36 Man Street for 63 years. Mrs Walker was concerned about the proposed planning changes to the Beach Street Block, which her land forms a part of.

8.108 Mrs Walker is opposed to the re-zoning of the Beach Street Block to QTCZ, as in her view this would potentially change the nature of land use within the Beach Street

Block. Ms Walker considered it important that the Beach Street Block remain residential, and not become a commercial aspect of the QTC. Alternatively, Ms Walker sought amendments to the height, bulk and location requirements to ensure that her amenity is adequately protected. The Commission addresses Ms Walker's submission points at section 9.12 of this report.

8.109 Mrs Walker was also concerned that re-zoning the Beach Street Block to QTCZ would result in the removal of the requirement to provide for onsite car parking, and as a consequence could result in further traffic and parking congestion on neighbouring streets that are already highly congested.

Ngai Tahu Tourism Ltd (50/34)

8.110 **Mr John Edmonds** addressed the Commission on the NTTL submission to increase the height provisions applicable in the Lakeview sub-zone. He also addressed the implications of the existing protected trees and discussed the car parking relief sought by NTTL. The Commission addresses Mr Edmonds' submissions at section 9.5 and 9.10 in more detail.

8.111 **Mr Tai Ward-Holmes (50/07)** is a resident of 161 Antrim Street. His submission represented a group of long-time residents, and a project development company, Queenstown Heritage Cottages. Mr Ward-Holmes was opposed to the proposed plan change and the potential removal of the existing cottages on Antrim Street.

8.112 Mr Ward-Holmes raised specific concerns relating to the underlying lease arrangements for the Lynch Block, which were expanded on by Mr David Stringer (50/06) in a written statement appended as Appendix A to Mr Ward-Holmes' statement. Both submitters raised concerns over the demise of the cottages on Antrim Street, and are opposed to the removal of the 'kiwiana' cribs or batches. Mr Ward-Holmes provided the Commission with an overview of an alternative proposal advanced by Queenstown Heritage Cottages. His proposal sought to retain the existing cottages in the Antrim Street/Earnslaw Street area and to provide for the retention of a nine cottages to facilitate a unique historical working model accommodation precinct.

8.113 Mr Ward-Holmes considered that the Lakeview site should be developed as a park and recreation facility for use by future generations. He considered that the convention centre, if it proceeds, should be developed by private enterprise rather than Council. He also submitted that Queenstown is adequately catered for with conference facilities.

8.114 **Mr Michael Legge (50/01)** raised a specific concern relating to the scale of the high-rise development proposed as part of Plan Change 50. Mr Legge considered that the public should be provided more information about the proposed plan change, and that a referendum should be held for ratepayers to determine whether the scale of development is acceptable to the community.

Maximum Mojo Holdings Limited (50/16), The Dairy Guesthouse 2003 Limited (50/26), Any Old Fish Company Holdings Limited (50/28)

8.115 **Mr Graeme Todd** and **Mr Scott Freeman** appeared for MMHL (50/16), Dairy Guesthouse (50/26), and Any Old Fish (50/28).

8.116 Mr Todd, counsel for Dairy Guesthouse (50/26) and Any Old Fish (50/28), briefly addressed the Commission on the issues of concern to his clients. Dairy Guesthouse is located on the corner of Brecon Street and Isle Street. Any Old Fish is the registered owner of the property located at 37 Man Street. Both submitters

have raised concerns relating to the provisions for the Isle Street sub-zone as notified.

8.17 Mr Freeman is a planning consultant, as well as a director and shareholder of MMHL, which has owned 19 Man Street since late 2003. Mr Freeman acknowledged that he was not appearing before the Commission as a planning expert, due to his conflicted interest as a property owner affected by Plan Change 50. Mr Freeman acknowledged that any weight placed on his views would be at the discretion of the Commission.

8.118 Mr Freeman, together with Mr Todd's clients, considered that the two rectangular shaped blocks located to the north of Man Street (within the proposed Isle Street sub-zone) should be included in the expansion of the QTCZ as proposed by Plan Change 50. He stated that without the Isle Street sub-zone, the Lakeview sub-zone would be an isolated area of commercial zoning, separated from the QTCZ. In the submitters' view, both sub-zones are intricately linked in terms of their function and are an appropriate location for the expansion of the QTCZ. The submitters' believe that the two sub-zones cannot and should not be separated.

8.119 Mr Freeman specifically addressed the Commission on the planning provisions that were of specific concern to the submitters, and areas where he considered that further amendments were required. The Commission discusses these in more detail in Section 9.11 of this decision.

Man Street Properties Limited (50/27)

8.120 Mr Freeman addressed the Commission in an expert capacity on behalf of MSPL as the registered proprietor of the podium level site located on top of the Man Street car parking building and comprising 3,961m^2 in area, which is located within the TCTZ. His evidence addressed various concerns, including the District Plan provisions applying to the MSPL site, the amendments sought by MSPL (which related to building height/coverage and building setback from Man Street) and the rationale for the amendments sought by MSPL.

8.121 On the basis of the increase in building height proposed by Plan Change 50, Mr Freeman considered that a specific rule for the MSPL site allowing an increase in building height should be investigated. Using the podium as the 'original' ground level, Mr Freeman put forward a proposal to establish four 'zones', consisting of:

- Zone A: Maximum building height of 12 metres (area 1,370m^2);
- Zone B: Maximum building height of 12 metres (area 1,405m^2);
- Zone C: Maximum building height of 4 metres (area 455m^2);
- Zone D: Maximum building height of 4 metres (area 95m^2)

8.122 The proposed height zones were illustrated on the plans compiled by Aurum Survey Consultants Limited attached to the MSPL submission, as well as to Mr Freeman's primary evidence.

8.123 Mr Freeman considered it appropriate to increase the building coverage for the site from 70% to 80%. By way of comparison, the building coverage proposed for the Lakeview and Isle Street sub-zones is 80% and 70% respectively, while the majority of the existing QTCZ provides a building coverage of 80%.

8.124 Mr Freeman submitted that the TCTZ provides for a 4.5 metre setback from Man Street. He noted that in the proposed Isle Street sub-zone a maximum setback of 1.5 metres has been recommended for sites that adjoin Man Street. Mr Freeman

submitted that on a comparative basis it would be appropriate to reduce the TCTZ building setback to 3 metres.

8.125 With the introduction of commercial zoning within the Isle Street sub-zone (and the commercial zoning to the west), Mr Freeman noted that the primary purpose of the TCTZ (and the specific controls that apply to this land) was now redundant. He submitted that this was a view also shared by Mr Kyle, in addition to the views expressed in the Reid Investment submission and the evidence provided by Mr Arnesen.[54]

For Kelso Investments Limited and Chengs Capital Investment Limited (50/35), Queenstown Gold Limited (50/38)

8.126 **Mr Graeme Todd**, counsel for submitters (50/35) and (50/38), and **Mr Edmonds** addressed the Commission with respect to the submissions of these entities.

8.127 Mr Edmonds presented evidence on behalf of Kelso and Chengs (50/35), and noted that the submitter owns 1, 3 and 5 Shotover Street, 67 Stanley Street (with the exception of one unit), and 2 and 4 Gorge Road. The sites are currently zoned High Density Residential sub-zone A.

8.128 Mr Edmonds provided a very useful overview of the history of the zoning in this locality and considered that the existing zoning does not reflect the historical or existing character of this area. In his opinion, the sites represent a more logical and natural extension of the QTCZ compared to the majority of what is proposed by Plan Change 50 as (i) the sites are located within immediate proximity of the existing QTCZ, and (ii) the sites already reflect a character that is consistent with typical town centre uses (as acknowledged in Council's 2009 Queenstown Town Centre Strategy), having been historically established. Mr Edmonds then addressed the Commission on the implications of rezoning the sites to QTCZ.

8.129 Mr Edmonds also presented evidence on behalf of QGL. He submitted that his client sought that the area to the east of Brecon Street currently zoned High Density Residential with a 'Commercial Precinct' overlay be rezoned to QTCZ. Mr Edmonds noted that QGL opposed the 24 metre height limit sought by BSPL (50/10/05) by way of their further submission F50/38/01.

For Remarkables Jet Limited (50/49)

8.130 **Ms Jenny Carter,** planner for the Porter Group Limited, and **Mr Alistair Porter,** a director of RJL, presented statements to the Commission addressing the relief sought by RJL.

8.131 Ms Carter raised concerns regarding the timing of Plan Change 50, and noted that this had been advanced before Council's District Plan review. She commented that the Section 32 report had addressed the supply issues raised in the report prepared by McDermott Miller,[55] and noted that the direction and size of the proposed plan change is contrary to the "walkability" concern addressed in the Town Centre Review adopted by Council on 30 October 2014. Ms Carter stated that there are tensions between the Growth Management Strategy, the Queenstown Town Centre Strategy, and Plan Change 50, which have not been adequately addressed in the Section 32 evaluation. She did not consider the proposed plan change to be the most appropriate means of achieving the purpose of the Act, as it failed to evaluate the alternative promoted by Council in the Queenstown Town Centre Strategy, which

[54] At paragraph 36 of Mr Freeman's evidence.
[55] Attached as Appendix A to the Section 32 evaluation report.

recommended expansion to the north of the existing QTC.

8.132 Ms Carter expressed concern in relation to traffic and transportation, relying on the evidence of Mr Kelly. She then addressed the Commission on the Controlled Activity status applying to the convention centre, and concerns relating to the need to submit an integrated travel assessment.

8.133 Amongst other matters, Mr Porter considered that any extension of the QTC could be more appropriately located on the existing Wakatipu High School site by Gorge Road, given that the school is being relocated to Remarkables Park in the near future.

For Brecon Street Partnership Limited (50/10)

8.134 **Mr Russell Bartlett QC**, counsel for BSPL, addressed the Commission on the preliminary jurisdictional issue raised by BSPL's increased height relief. He concluded that there is no authority for the proposition that a submission on a proposed height rule is not "on the proposed plan change".

8.135 Mr Bartlett addressed the Commission on issues raised in Mr Bird's evidence relating to the effects of BSPL's proposed height relief. He was particularly critical of Mr Bird's evidence, which he contended provided no analysis of the difference in effect between a 12 metre and a 19 metre structure. Further, there had been no assessment of visual dominance from areas such as the Queenstown recreation grounds, Queenstown Primary School playing fields or parts of the QTC. Mr Bartlett raised similar concerns regarding Dr Read's evidence.

8.136 **Mr Graham Wilkinson**, a director of BSPL, presented a statement that described his interest in 34 Brecon Street and provided an overview of earlier preliminary design work by Warren & Mahoney in relation to a mixed use commercial and accommodation model for the site, as referred to in Mr Gibbs' evidence. Mr Wilkinson considered that the site is one of Queenstown's "best" for various land uses, such as a hotel, high-density residential accommodation, a form of moderate commercial activity or a mixture of all three. He considered that the 12 metre height limit proposed represents a lost opportunity, which in his opinion has no logic or fairness.

8.137 **Mr David Gibbs**, an urban designer at Construkt Architects Ltd, submitted that 34 Brecon Street and the Isle Street sub-zones are exceptionally well suited to an expansion of the town centre, by virtue of proximity, established pedestrian links, and an established pattern of foot traffic to and from the Skyline gondola. In his view Plan Change 50 does not appropriately recognise the importance of this area in this regard.

8.138 Mr Gibbs considered that Plan Change 50 is inappropriately restrictive with regard to the development controls that are to be applied to the eastern end of the Lakeview sub-zone and the Isle Street sub-zone, which, in his opinion, would hamper the efficient utilisation of the site.[56] He considered that Plan Change 50 places an inappropriate emphasis on the effect that the development of 34 Brecon Street will have on the Queenstown cemetery.

8.139 Mr Gibbs addressed the Commission on the Queenstown Town Centre Strategy (December 2009), which recognised the appropriateness of the Isle Street and Brecon Street areas for town centre expansion. Mr Gibbs considered that the 12 metre height limit proposed by Plan Change 50 for the Brecon Street and Isle Street

[56] At paragraph 5(d) of Mr Gibbs' primary evidence.

areas would preclude the construction of "moderate sized hotels" because it would be uneconomic to build them at that height.

8.140 By way of example, Mr Gibbs referred, with approval, to an earlier development scheme prepared by Warren and Mahoney for 34 Brecon Street, which provided for five semi-independent blocks arranged around a courtyard. The buildings comprising the development varied in height up to a maximum of 23.5 metres.

8.141 Lastly, Mr Gibbs addressed the Commission on the evidence of Council witnesses and issues raised in the Section 42A officer's report.

8.142 **Mr Ian Munro,** a planning consultant with Urbanism Plus, provided planning evidence in support of the BSPL submission, in particular the District Plan policy framework and the proposed rule framework.

8.143 A key issue raised by Mr Munro was his contention that the Council's design experts favoured preserving the existing environment and views around Queenstown, supporting change only where there would be no or only very minimal adverse "change" effects on the visual environment and their assessment of locals' appreciation of it.[57] Mr Munro considered that Dr Read and the earlier Height Limit Study were preoccupied with maintaining a predominantly low-rise environment. In his opinion, excessive importance was placed on this issue, rather than maximising the potential of land within convenient walking distance of Queenstown's town centre to facilitate development; for instance, assisting to consolidate and reinforce Queenstown and reducing car dependence.[58]

8.144 Mr Munro preferred an alternative approach to Plan Change 50, as contained in the BSPL submission. This involved maximising the development potential on land close to the town centre in such a way that it would not have significant "change" effects, while preserving the maximum possible concentration of Queenstown. Such a strategy would, in his view, ideally contribute to the stated aims in the District Plan of slowing the spread of growth "outwards" where that can be avoided.

8.145 Mr Munro provided an overview of the proposed rule framework supporting BSPL's submission, which provides for a building of 15 metres in height (total) at the cemetery boundary, additional height up to 19 metres as a Controlled Activity and 22.5 metres as a Restricted Discretionary Activity – each with up to 2 metres as habitable roof shape and plant space above. The additional height would be required to be set back by either a realigned Cemetery Road (as would the lower part of such a building), or by a cemetery setback of 17 metres.[59]

8.146 **Mr Trevor Shrieber** provided the Commission with a brief overview of the survey that he undertook from users of the adjoining cemetery.

<u>For Mr Adam and Ms Kirsten Zaki (50/56) and Mr Carl and Ms Lorraine Holt (50/57) (late submitters)</u>

8.147 **Mr Chris Thomsen**, counsel for Mr and Ms Zaki and Mr and Ms Holt, addressed the Commission on key issues of concern to his clients. Mr Thomsen's clients lodged late submissions, and as a consequence Mr Thomsen's legal submissions were presented at the reconvened hearing on 16 January 2015.

8.148 Mr Thomsen addressed the rezoning of the Beach Street Block, submitting that the proposed plan change failed to adequately respond to properties to the rear of the

[57] At paragraph 2.7 of Mr Munro's primary evidence.
[58] At paragraph 2.7 of Mr Munro's primary evidence.
[59] At paragraph 6.31 of Mr Munro's primary evidence.

existing Crowne Plaza Hotel, which include both Mrs Walker's and his clients' land. Mr Thomsen stated that if Plan Change 50 were to achieve a consistent response, it would make sense to rezone Lot 1 DP 15037 (comprising the existing Crowne Plaza Hotel) to QTCZ, with the remainder of the Beach Street Block to be retained as HDRZ.[60] In the alternative, Mr Thomsen requested specific amendments to the side-yard setback, height, noise and building coverage. These are expanded on in section 9.12 of this report.

Ms Lucy Bell (50/58)

8.149 At the re-convened hearing dated 16 January 2015, we accepted a late submission from Ms Lucy Bell, who addressed us on 165 Antrim Street and its ownership issues. Ms Bell discussed the accuracy of the plan change boundary line around 165 Antrim Street, and submitted that at least four cabins were located outside of the proposed plan change boundary.

Submitter's Reply

IHG Queenstown Limited/Carter Queenstown Limited (50/32)

8.150 **Ms Lauren Semple**, for **IHG and Carter,** lodged written closing submissions raising concerns that the most recent version of the Plan Change 50 provisions circulated by Mr Kyle would make all visitor accommodation and commercial activity a Restricted Discretionary Activity. Ms Semple submitted that her client did not, and would not, have supported any amendment to the proposed zoning had it considered that such amendment would alter the activity status to its detriment. Ms Semple sought the deletion of Rule 10.6.3.2A(iii) insofar as it applies to the submitter's land.

Memorial Property Limited (50/39) and Mr Christopher Mace and Queenstown Trust (50/17)

8.151 **Mr Holm** submitted that MPL and CMQT had recommended that the town centre zoning proposals of Plan Change 50 be declined. He stated that despite caucusing, there remained:

(a) No convincing rationale for the scale or direction of the Plan Change 50 expansion of the existing town centre; and

(b) Potentially adverse impacts, which he submitted had not been adequately addressed in considering an expansion of such magnitude and long term significance. In particular, the evidence of Mr Kelly had demonstrated that traffic and parking effects have received only the most superficial evaluation. There remain unnecessary risks posed by the scope of Plan Change 50 to the existing (and future) town centre character and amenity.

8.152 Mr Holm addressed the Commission on the alternative High Density Residential zoning approach, set out at paragraph 16(a) to (l) of his closing legal submissions (including Attachments 1 to 5). The alternative HDR zoning approach advanced by MPL would provide for a proposed convention centre (and associated hotels and commercial development) by creating a sub-zone or precinct within the existing HDRZ, which also applies to the Council's Lakeview site. The "Lynch Block" would have its own sub-zone to enable a greater scale of development than it currently possesses.

[60] Refer paragraph 22 of Mr Thomsen's opening legal submissions tabled during the reconvened hearing dated 16th January 2015.

8.153 At paragraph 16(k), Mr Holm addressed the proposed controls for commercial activities, which would be subject to Controlled Activity status under the alternative rule framework attached to his closing legal submissions. The total amount of retail would be limited to 6,500m^2, with an additional rule limiting retail to 10% of the total floor space within the sub-zone (the rationale for this '10%' figure is identified in footnote 7 of the evidence of Mr Wells[61]). This would ensure the implementation of the position agreed in expert conferencing and echoed in the recommended policy that commercial activities be of a nature and scale that support other predominant activities.

8.154 Mr Holm submitted that the MPL alternative zoning approach would be far more integrated and aligned with the settled objectives and policies of the existing District Plan in relation to protecting the character, function and amenity of the town centre, than Plan Change 50. He stated that the key element of the amendments requested to the plan change by MPL was the exclusion of the future scale and growth of the town centre, leaving this to be dealt with in the forthcoming District Plan review.[62] Such an approach would allow Council sufficient time to develop coherent proposals for the future town centre that would take into account the Council's key traffic and parking strategy, which was not available until after the hearing had concluded.

8.155 The Commission notes that the alternative HDR zoning option advanced by MPL is addressed in section 9.1 of this report.

Remarkables Jet Limited (50/49)

8.156 The closing legal submissions for RJL (50/49) addressed a number of specific issues relating to traffic effects and the Transport Strategy, relevant case law, the Plan Change 50 process generally and the principles of the Act.

8.157 Mr Young and Ms Davidson, for RJL, submitted that Plan Change 50 must be rejected because it has failed to adequately address critical transportation and traffic issues. A detailed overview of Mr Kelly's evidence was provided.

8.158 It was submitted that Sections 5 and 7 of the Act are highly relevant to Plan Change 50. In discussing the Supreme Court decision in *Environmental Defence Society v New Zealand King Salmond Company Ltd*, the RJL submission stated that Section 5 of the Act needs to be read as an integrated whole in term of its sustainable management purpose. Accordingly, the Commission must be sure that Plan Change 50 manages traffic and transport effects "immediately". Council's proposal to deal with those effects later must fail to achieve the purpose of the Act.

8.159 Mr Young and Ms Davidson raised specific concern with regard to the absence of the Council's Transport Strategy, and argued that the orthodox approach to such a significant expansion of the town centre would be to prepare and include a CBD wide transport strategy from the outset.

8.160 RJL's closing submissions raised specific concerns relating to the evidence on traffic effects and the reliance on single development options. The conclusions of Mr Kelly (for MPL) were supported and the assessment of traffic effects considered inadequate for the following reasons:

(a) The ITA assessments were reliant upon a range of "critical assumptions" that

[61] Which reads "… the definition of Visitor Accommodation includes the following 'May include some centralised services or facilities, such as food preparation, dining and sanitary facilities, conference, bar and recreational facilities if such facilities are associated with the visitor accommodation activity' which I [Mr Wells] understand is often accepted to include internal shops etc. The transport section makes reference to up to 10% of visitor accommodation sites being used for related on site activities before this has an effect on car parking requirements, which is often used as a guide as to the scale of 'centralised services or facilities' which are acceptable".

[62] At paragraphs 8, 10 of Mr Holm's closing legal submissions.

are unclear and have not been subject to sensitivity testing or peer review;
(b) There is no recognition that other credible development scenarios exist;
(c) Traffic analysis is predicated on a significant shift in travel behaviour;
(d) The measures to achieve such a shift were to be outlined in the Transport Strategy, and the Transport Strategy does not include any measures on how this shift will be achieved; and
(e) Reliance on a shortage of car parking as a means to encourage a change in travel behaviours is poorly placed and has not been informed by any relevant supply/demand assessment.

8.161 RJL's closing submission then addresses the *Thurlow Consulting* case, which concerned an inadequate transport assessment and related issues.

8.162 Lastly, RJL's closing submission reinforced that RJL is not a trade competitor, rather it is a CBD investor in wharf, future jet boating and tourism facilities. RJL submitted that while it shares the same directors as Remarkables Park Limited ('RPL'), which is advancing its own convention centre, the outcome of Plan Change 50 has no bearing on the proposed convention centre on RPL land.

Brecon Street Properties Limited (50/10)

8.163 **Mr Bartlett QC's** closing submissions, lodged on behalf of BSPL, addressed the submitter's primary submissions points and the relief sought, as well as further submissions to the 30 primary submissions.

8.164 Mr Bartlett confirmed that BSPL supports the extension of the town centre zoning, and the express provision being made in the District Plan for the development of a large scale convention centre. He drew attention to BSPL's evidence that the seven-storey height sought in the primary submission could be achieved within a limit of 22.5 metres, as long as provision was made to allow for habitable space to be permitted within the 2.5 metre roof bonus.

8.165 BSPL accepted the evidence and submissions of Council that despite its present locational preferences, the Lakeview sub-zone provisions are not designed to favour any particular site for the establishment of a convention centre. Mr Bartlett recorded that BSPL, from a commercial point of view, is indifferent as to where a conference centre may be located within the Lakeview sub-zone.

8.166 Through BSPL's further submissions (F50/10/09 and F50/10/10) in response to the Queenstown Chamber of Commerce (F50/10/13) and the NZIASB primary submissions, BSPL queried the present need for an expansion of the town centre to the scale proposed by Council. Mr Bartlett submitted that the Commission has now heard the further evidence of Mr Kyle and Mr Gibbs, in which each suggested a reduction in the extent of the Lakeview sub-zone with respect to commercial and retail activities.[63]

8.167 Mr Bartlett's closing submission set out Mr Munro's response as to what practical restrictions on retail activity could be imposed in respect of the Lakeview sub-zone. Based on Mr Munro's advice, the following definition of ancillary retail and ancillary commercial activity was proposed:

"Ancillary Retail or Ancillary Commercial activity means a subordinate retail or commercial activity proposed to serve the needs of users of a primary activity occurring on that site. Examples include a restaurant or souvenir shop in association with a hotel. Ancillary Retail or Ancillary Commercial activities must:

- *be less than 10% of the gross floor area of the primary activity (individually or cumulatively); and*

[63] At paragraph 11 of Mr Bartlett's closing legal submissions.

- *have no means of customer access other than through the primary activity; and*
- *have no signage or branding other than inside the primary activity."*

8.168 Mr Bartlett submitted that limiting the extent of future retail and office development within the Lakeview sub-zone (in terms of Mr Gibbs' evidence) would not constrain the choices available for the location of a convention centre, but would alleviate concern surrounding the risk of a disconnected retail node establishing within an oversized commercial expansion area.

8.169 In relation to the height of a future development at 34 Brecon Street, Mr Bartlett submitted that Council experts' initial concerns included a shading of the adjoining area, and views from the presently adjacent cemetery. As a consensus of caucusing, an agreement was reached amongst the planners, designers and architects present that shading would not, of its own, be sufficient reason to disallow the height recommended by Mr Gibbs.

8.170 Mr Bartlett submitted that any building at 34 Brecon Street would obstruct views to some extent. He stated that the Commission's legal assessment in terms of Part 2 of the Act and sections 31 and 32 involve not treating that view as an end in itself, but in the context of:

- Other views readily available from public places in and around Queenstown; and
- Acknowledging that the land at 34 Brecon Street is a significant physical asset that should be developed in a sustainable way.[64]

8.171 Mr Bartlett stated that determining the appropriate development intensity for 34 Brecon Street requires the exercise of an overall judgement and the application of a sense of proportion as to the issues raised by the submitters' respective experts. He submitted that the visual analysis provided by BSPL established that the site is capable of absorbing buildings significantly higher than the 12 metres provided for in the proposed plan change. Mr Bartlett concluded that the long to medium distance visual impact of providing for a 24 metre maximum height is not significant, and that the effects on the cemetery could be mitigated by the roading realignment proposed by BSPL.

8.172 Mr Bartlett concluded that even a "significant" adverse effect on what is an approximately 300-degree arc of view from the cemetery should, in the final evaluation, be subordinate to the Part 2 duty to establish rules allowing for the sustainable development of 34 Brecon Street.[65]

The Officer's Report

8.173 **Mr Bryce's** Section 42A report dated 6th November 2014 discussed the matters raised by submitters and further submitters to assist the Commission in our consideration of these matters.

8.174 Mr Bryce addressed the Commission following the presentation of evidence and submissions and prior to the conclusion of the hearing to address matters that had been raised by the parties who appeared before us. He stated that his fundamental views and recommendations on Plan Change 50 have not changed through the course of the hearing. Mr Bryce confirmed that he agreed with the proposed amendments to the Plan Change 50 planning provisions set out in the further supplementary evidence submitted by Mr Kyle dated 18th February 2015.

[64] At paragraph 24 of Mr Bartlett's closing legal submissions.
[65] At paragraph 30 of Mr Bartlett's closing legal submissions.

9.0 ASSESSMENT

9.0.1 The Act requires that submission points be addressed by grouping them according to the provisions of the proposed plan change to which they relate, or the matters to which they relate. For convenience, we have followed the general format set out in Mr Bryce's Section 42A report, which is to group submission points on the basis of 14 general issues raised:

- Process issues related to consultation and the Section 32 evaluation;
- The need for the plan change;
- Impacts on the existing Queenstown Town Centre;
- Appropriateness of a convention centre within Lakeview sub-zone;
- Transportation, traffic effects, walking and cycling and connectivity;
- Loss of affordable housing;
- Effects on landscape and visual amenity values;
- Effects on Infrastructure;
- Effects on heritage values;
- Resource management issues raised by planning provisions proposed for the Lakeview sub-zone;
- Resource management issues raised by planning provisions proposed for the Isle Street sub-zone;
- Resource management issues raised by planning provisions proposed for the Beach Street Block;
- Consistency with the District Plan and Regional Policy Statement; and
- Consistency with Part II of the Act;

9.0.2 The full list of the submitters and further submitters to Plan Change 50 is provided in **Appendix 3.**

9.0.3 Our evaluation in relation to each of the issues raised is structured as follows:

- A general summary of the issue and the main points raised in the submissions and further submissions.
- A discussion that reflects our assessment of the submission points relating to the issue and which form the basis of our recommendations.
- Our recommendations on the submission points in relation to each issue. The recommendations state whether each submission point is to be **accepted, accepted in part** or **rejected.**

9.0.4 We attach at **Appendix 1** Plan Change 50 as amended by our recommendations.

9.0.5 The Commission acknowledges that the submission points represent a summary only of each submission and that the actual submission or further submission concerned may contain additional material. Submission points are identified by three numbers (for example, 50/01/1) in the summary at **Appendix 2** and in our recommendations in Sections 9.1 – 9.14 of this report.

9.0.6 The Commission confirms that it has given consideration to the full contents of all submissions and further submissions, copies of which were provided to the Commission prior to the hearing.

9.1 PROCESS ISSUES RELATED TO CONSULTATION AND THE SECTION 32 EVALUATION

The Issues and Decisions Requested

9.1.2 This section includes issues and concerns raised by submitters in relation to:

- Consultation processes; and
- The adequacy of the Section 32 evaluation.

9.1.3 Each is discussed in turn below.

Discussion & Reasons

The adequacy of the consultation processes

9.1.4 Robins Road Limited (50/8/02) submitted that there has been a failure to consult with parties located within wider areas on the periphery of the Town Centre. This submission was supported by the further submission by RJL (F50/49/04). The Commission was not presented any further evidence on this matter from either the original submitter or by RJL.

9.1.5 An overview of the consultation process adopted as part of the preparation stage of Plan Change 50 is set out in section 4.0 of the Section 32 report. At section 6.2 of the Section 42A report Mr Bryce outlined the consultation processes adopted by Council with respect to landowners and key stakeholders associated with the proposed plan change. The Section 42A report records that:

- The proposed plan change was publically notified in three separate newspapers, including the Otago Daily Times on 13th September 2014, and the Mirror and The Wanaka Sun (in the week of 17th September 2014);
- All of the information supporting Plan Change 50 was made available on the Council's website on 13th September 2014;
- The notification of Plan Change 50 was undertaken in accordance with Part 2 of the First Schedule of the Act, with 639 parties consulted as part of this notification process;[66]
- The period of 20 working days provided as part of the notification process for original submissions complied with the statutory timeframes under the Act, as did the maximum number of 10 working days provided for further submissions.[67]

9.1.6 The Commission notes that Clause 3 of the First Schedule to the Act sets out the requirements with respect to consultation where a local authority prepares a plan change. The Commission has also had regard to the requirements of consultation listed in Section 82 of the Local Government Act 2002.

9.1.7 We are satisfied that Council, in advancing this plan change, undertook an appropriate level of consultation prior to lodging the proposed plan change and that the correct processes in terms of consultation with affected parties was followed. Further, the Commission is satisfied that interested parties have had an opportunity to respond to Plan Change 50 via the statutory process that has underpinned this plan change process, including the submission and further submission processes and throughout the subsequent hearing.

[66] Including 382 owners of land within or adjoining Plan Change 50, 105 occupiers, 127 parties linked with the existing cabins on the Lakeview site, and 25 statutory parties
[67] At page 12 of the Section 42A report.

The adequacy of the Section 32 evaluation

9.1.8 Plan Change 50 was notified following the amendments to the Resource Management Amendment Act 2013 that came into effect on 4 December 2013. The proposed plan change was accompanied by a comprehensive Section 32 evaluation, which included an analysis of various options.

9.1.9 The Section 42A report addressed the adequacy of the Section 32 evaluation under the following sub-headings:

- Identification of reasonably practicable options (or alternatives);[68]
- Consideration of other alternative zoning options;[69] and
- Adequacy of the benefits and costs of the effects of the provisions.[70]

9.1.10 The Commission has considered the adequacy of the Section 32 evaluation and associated submissions in the context of the above headings.

1. Identification of reasonably practicable options (or alternatives)

9.1.11 Addressing the 'identification of reasonably practicable options (or alternatives)', the Section 42A report noted that Section 32(1)(b)(i) of the Resource Management Amendment Act 2013 introduced a new requirement in relation to an evaluation report. When examining whether the provisions are the most appropriate way to achieve the objectives of the plan change, an evaluation report must identify reasonably practicable options for achieving those objectives. However, all that is required is that any other reasonably practicable options are identified.

9.1.12 The Commission has given consideration to four alternative planning options that the Section 32 evaluation considered to address the identified resource management issues. These options included:

1. *Inserting new provisions in the HDRZ of the District Plan to provide for commercial activities, a convention centre and fewer restrictions on residential activities and buildings within the plan change area; or*
2. *Rezoning the plan change area to QTCZ with no changes to these provisions; or*
3. *Maintaining the status quo (the "do nothing" approach); or*
4. *Rezoning the site to the QTCZ but including sub-zones for the Isle Street and Lakeview sites to provide specific built outcomes for these areas, and to provide specific provisions for the Beach Street site that manages built form and noise at this site.*

9.1.13 The original submission of MPL (50/39/08) questioned whether QTC zoning would be the most appropriate zoning for the Lakeview area.[71] It considered that alternative zoning that more precisely controls the range of activities enabled is likely to be more appropriate, and that a sub-zone or precinct in an amended HDRZ could provide for a proposed convention centre (together with associated hotels and commercial development). This alternative zoning option is discussed in the evidence of Mr Wells,[72] and is expanded on in MPL's closing legal submissions.

9.1.14 The Commission has considered the key changes proposed to the HDRZ by MPL as set out at paragraph 16(a) to (l) of Mr Holm's closing legal (including Attachments

[68] 50/39/08 and 50/39/09, 50/30/02, 50/43/07, 50/44/01, 50/45/01, 50/49/02.
[69] 50/43/07, 50/44/01, 50/45/01, 50/49/02, 50/08/01.
[70] 50/18/02, 50/24/11, 50/19/03, 50/49/05
[71] Opposed by Man Street Properties (F50/27/09), Any Old Fish Company (F50/28/09), The Diary Guest House (F50/26/09), and supported by RJL (F50/49/05).
[72] Refer to the planning evidence of Mr Wells (paragraphs 115-117, page 33).

1 to 5). We note that the alternative option advanced by MPL essentially reflects Option 1 of the Section 32 evaluation, albeit with further refinements to address issues raised during the hearing. The Section 32 evaluation discounted Option 1 on the basis that the objectives of the HDRZ are focused on residential activities and provide for residential amenity values. While the submitter's alternative provisions seek to advance the objectives of Plan Change 50 through further amendments to the objectives, policies and supporting methods, we are not persuaded that the alternative option advanced by MPL is the most effective or efficient option to address the resource management issues identified by Plan Change 50. In reaching this conclusion, we have taken into account the following:

(i) While we acknowledge that the key element of the change requested to Plan Change 50 by MPL is the exclusion of the future scale and growth of the town centre, (leaving it to be dealt with in the forthcoming District Plan Review), the alternative option only addresses the Lakeview sub-zone and, as a consequence, does not appropriately respond to the broader urban design and resource management issues that Plan Change 50 seeks to provide for.

(ii) The majority of experts present during conferencing on 10th February 2015 agreed that both Isle Street sub-zone blocks (east and west) should be rezoned "commercial", rather than HDRZ.[73] We note that MPL's planner, Mr Wells, stated that he did not consider the re-zoning of the Isle Street sub-zones to be necessary if the Lakeview sub-zone was not rezoned.[74] However, he identified during conferencing that he supported some limited town centre re-zoning of the Beach Street block, the Isle Street sub-zones (excluding the western block[75]) and Brecon Street (both sides) to QTCZ.[76]

(iii) The alternative option introduces a "disconnect" between the scale of buildings proposed within the existing QTCZ and the Lakeview sub-zone. While Mr Holm submitted that it would be more appropriate to advance any change to the planning provisions for the Isle Street blocks through the impending District Plan Review, we consider it more effective and efficient for these areas to be addressed as part of Plan Change 50, given the potential disconnect should these areas not be successfully rezoned as part of the District Plan Review.

(iv) The submitter's alternative option has the potential to promote a very poor urban design and resource management response. Evidence has identified the importance of the Isle Street sub-zone in linking the Lakeview sub-zone to the existing QTCZ.[77] In his evidence, Mr Bird stated that Plan Change 50 seeks to transform the typically suburban character of the two Isle Street blocks into an integral part of a much more urban Town Centre, and to create a relatively continuous urban character link to the Lakeview sub-zone.[78] Mr Bird concluded that the two Isle Street blocks and the Beach Street block have very good connections to the existing town centre and can legitimately claim to

[73] Refer Item 5 - Isle Street sub-zone paragraph (i) of the Planning and Urban Design JWS dated 12th February 2015, John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce, David Gibbs, Scott Freeman and Gillian MacLeod agreed that both Isle Street sub-zone blocks (east and west) should be rezoned commercial, rather than HDRZ.
[74] At paragraph 107 of his evidence.
[75] Refer Item 3 - Extent of Town Centre Zoning paragraph (vii) of the Planning and Urban Design JWS dated 12th February 2015, where Mr Wells states that he remains unconvinced as to the appropriateness of the Isle Street sub-zone extending westward from those properties that front Brecon Street.
[76] Refer Item 3 - Extent of Town Centre Zoning paragraph (vii) of the Planning and Urban Design JWS dated 12th February 2015.
[77] Page 32 of the Section 32 evaluation identifies the importance of the Isle Street sub-zone enables a connection through to the commercial overlay on Brecon Street, and then to the Lakeview site. The primary evidence of Mr Kyle at paragraph 5.5 identified that the rezoning of this land will provide additional space for the enablement of a mixed of activities, including visitor accommodation, residential, and commercial activities, which reflect the location of this land proximate to the town centre.
[78] Refer paragraph 10.50 of Mr Bird's primary evidence.

be "very good candidates" for extension of the town centre[79], with both Mr Bird and Mr Gibbs favouring some 'up-scaling' of development within the Isle Street sub-zone.

(v) The alternative option would result in the deletion of the Lakeview sub-zone Structure Plan and height limit requirements, which essentially negates the "master plan" approach advanced by Council for the Lakeview sub-zone. We consider that this creates the potential for the Lakeview sub-zone to be developed in a less integrated and potentially more ad hoc manner. This outcome is echoed in Council's closing legal submissions where it was submitted that: *"None of the urban design considerations that have informed the Council's proposal and that strive to produce a welcoming precinct with vibrancy, bustle and a sense of place has informed the [MPL] proposal"*.[80]

(vi) The alternative option proposed by MPL limits building height to 12 metres within the HDRZ sub-zone E (Lakeview), total building coverage for all buildings to 35% across the HDRZ sub-zone E (Lakeview) and places a cap on commercial activity floor space to 6,500m^2 in the HDRZ sub-zone E (Lakeview). The Commission does not consider this approach, in its entirety, to be an efficient or effective approach to the utilisation of this scarce land resource.

9.1.15 As a consequence, the Commission does not fully support the alternative option advanced by MPL in its closing legal submissions. We do, however, note that we have recommended further amendments to the planning provisions to address issues relating to scale of commercial office and retail activities within the Lakeview sub-zone, which respond directly to the concerns raised by MPL.

9.1.16 The original submission of Mr Allan Huntington (50/30/01, 50/30/02, and 50/30/06)[81] sought the retention of the HDRZ but proposed an increase in the height rule with respect to the Lakeview sub-zone to 10 metres, plus a roof bonus of 2 metres. Mr Huntington also submitted that both the convention centre zoning on the Lakeview site and the proposed plan change in its entirely be withdrawn. The Commission notes that the relief sought reflects Option 1 set out above, which was discounted on the basis that the objectives of the HDRZ are focused on residential activities and providing for residential amenity values, and that this option would not address the capacity issues underpinning the need for expansion of the QTCZ. Accordingly, we do not support the relief sought by Allan Huntington in its entirety, however note that subsequent amendments to Plan Change 50, in particular the deletion of the QTCZ over the Lynch Block and retention of the HDRZ with respect to this area, will accommodate part of the relief sought by this submitter.

2. Consideration of Other Alternative Zoning Options

9.1.17 The Section 42A report identified five submissions (Joy Veint (50/43/07), Douglas Veint (50/44/01), Janet Sarginson (50/45/01), RJL (50/49/02), Robins Road Limited submission (50/08/01)) that proposed that any expansion of the town centre would more appropriately be located in the area between the existing town centre and extending outwards towards Gorge Road. IHG and Carter, and Kelso and Chengs both provided further submissions (F50/35/01 and F50/32/03)[82] explaining that in their opinion the most logical areas for expansion of the town centre are those areas adjacent to the existing QTCZ, including the area to the east bordering Gorge Road.

[79] Refer paragraph 48 of Mr Gibbs' primary evidence.
[80] At paragraph 6.3 of Council's closing legal submissions.
[81] Opposed by Brecon Street Partnership Limited (F50/10/30), and supported by Remarkables Jet Limited (F50/49/03).
[82] In support of original submission 50/49/02.

9.1.18 Mr Edmonds, on behalf of Kelso and Chengs (50/35), submitted that the 2009 Town Centre Strategy had identified areas for possible expansion of the QTC, including areas adjacent to Brecon Street (part of which is included within the Plan Change 50 zone boundary) and an area extending towards Gorge Road.[83] Similarly, Mr Porter, on behalf of RJL (50/49), submitted that the QTC extension should include the existing Wakatipu High School site on Gorge Road, given that the school is being relocated to Remarkables Park.

9.1.19 The Commission notes that these alternative options were not assessed as part of the Section 32 evaluation. While there may be some merit in the alternative options, in our view they are more appropriately advanced as part of the District Plan Review. We note, for completeness, that we have no jurisdiction to include additional areas into our evaluation of Plan Change 50.

9.1.20 The Commission is satisfied that the Section 32 evaluation attached to the notified plan change was adequate to enable potential submitters to understand the likely issues and effects arising from the plan change and to determine whether they agreed or disagreed with the provisions of the plan change. Submitters have had an opportunity to respond to issues raised through the plan change process, including but not limited to the submission and further submission processes, and during the hearing process.

3. Adequacy of the benefits and costs of the effects of the provisions

9.1.21 A number of submitters raised concerns with respect to the adequacy of the benefits and costs of the effects of the relevant provisions supporting Plan Change 50. John Thompson (50/24/11)[84] submitted that the benefits and costs of the effects of the provisions relating to the Isle Street sub-zone have not, in some cases, been adequately quantified. Similarly, Marjory Pack and John Allan (50/18/02) raised specific concerns about the adequacy of the Section 32 evaluation in this respect.

9.1.22 The Commission has considered the evidence in relation to the majority of the changes that were introduced to the Isle Street sub-zone in Mr Kyle's supplementary planning evidence, including the evaluation of the benefits and costs of the amended planning provisions.[85] We are satisfied that the benefits and costs of the revised planning provisions, to the extent that they relate to the Isle Street sub-zone, have been adequately evaluated and that the changes that have been made to the Isle Street sub-zone appropriately respond to the issues raised by these submitters.

Commission's Recommendations

1. That the submissions by Allan Huntington (50/30/01 and 50/30/02) and the further submission by Remarkables Jet Limited (F50/49/03) be **accepted in part**, on the basis that amendments made to the Lakeview sub-zone (retention of the 'Lynch Block' as HDRZ) seek to address part of the relief sought by these submitters.

2. That the submissions by John Thompson (50/24/11) and Marjory Pack and John Allan (50/18/02) and the further submissions by The Dairy Guesthouse 2003 Limited (F50/26/11), Man Street Properties Limited (F50/27/11), Any Old Fish Company Holdings Limited (F50/28/11), Watertight Investments Limited (F50/33/01), C Hockey (F50/36/01) be **accepted in part** on the basis that the

[83] At paragraph 3.6.
[84] Supported by Watertight Investments (F50/33/01), C Hockey (F50/36/01), Man Street Properties (F50/27/11), Any Old Fish Company (F50/28/11) and The Diary Guest House (F50/26/11).
[85] With the Section 32AA evaluation included as Attachment 2 to Mr Kyle's supplementary planning evidence dated 19th December 2014.

amendments that have been made and subsequently evaluated in terms of the benefits and costs, have, in part, addressed the issues raised by these submitters**.**

3. That the submissions by Robins Road Limited (50/8/02) and Memorial Property Limited (50/39/08), and Remarkables Jet Limited (F50/49/04) be **rejected** for the reasons set out above.

4. That the submissions by Joy Veint (50/43/07), Douglas Veint (50/44/01), Janet Sarginson (50/45/01), Remarkables Jet Limited (50/49/02), Robins Road Limited (50/08/01), Brecon Street Partnership Limited (F50/10/30), Memorial Property Limited (50/39/08), Kelso Investments Limited and Chengs Capital Investment Limited (F50/35/01) and IHG Queenstown Ltd and Carter Queenstown (F50/32/03) be **rejected** for the reasons set out above.

9.2 NEED FOR PLAN CHANGE

The issues and Decisions Requested

9.2.1 Seven original submissions raised a concern as to whether the proposed additional town centre zoning is 'needed' in Queenstown.[86] The relief sought by these submitters ranged from rejection of the proposed plan change in its entirely, to its approval subject to revisions to address the concerns raised with respect to various provisions. The issues raised included:

- There has been no analysis of empty office space or land in the existing QTC, given that there appears to be office space within the town centre still to be built or empty;
- Frankton is now the hub for residents and Queenstown is the centre for tourists. This is the direction the community took some time ago with the development of Remarkables Park, the location of the Events Centre and Alpine Aqualand, as well as the large adjacent residential subdivisions. The concern that Frankton's success will diminish Queenstown's potential is unfounded;
- The supporting report by McDermott Miller substantially underestimated the amount of unutilised commercial development capacity in the QTC;
- The rationale for extending the QTCZ is ill-founded;
- The primary justification for the size of the Plan Change 50 town centre extension is to incorporate the proposed convention centre site; however, the submitter queries if this is the most efficient, cost effective solution for households and businesses in the district;
- The proposed plan change is at odds with its position and evidence for Plan Change 19, which indicated that there was enough town centre/commercial land available to meet demand for the next 20 to 30 years;
- At no stage have the consultants proved a point of need, success or requirement for the proposed plan change.

Discussion & Reasons

9.2.2 The Section 32 evaluation identified that the key resource management issue that Plan Change 50 seeks to address is a shortage of commercially zoned land in the QTC, as established by McDermott Miller Strategies Ltd in their report dated

[86] 50/15/03, 50/39/04, 50/48/05, 50/49/03, 50/55/01.

November 2013.[87] MMS identified that there is only 0.5 hectares of town centre-zoned land available in the Wakatipu area and Arrowtown. The MMS report also identified an oversupply of land zoned for business in the Frankton area.

9.2.3 We first address the ostensible oversupply of commercially zoned land in Frankton, and then respond to the existing supply of land in the QTC.

9.2.4 The Commission has received evidence from both Mr McDermott and Mr Colegrave on the need for the proposed plan change. Theirs was the only expert economic evidence that comprehensively addressed retail and commercial land supply presented during the course of the hearing; however, as set out below, a number of submitters presented statements on this issue, together with relevant planning evidence.

9.2.5 Mr McDermott told the Commission that he was asked to peer review the MMS Report for the Council. Notwithstanding a District Wide oversupply of commercial land as a result of commitments made to additional commercial zoning in the Frankton area, the MMS Report nonetheless recommended the expansion of the QTC. Mr McDermott considered that this reflected the QTC's importance as the heart of alpine and adventure tourism in New Zealand, and fully supported the conclusions reached.

9.2.6 Mr McDermott stated that he had been requested by Council to examine more closely the proposition underpinning his conclusion that the two main centres (Queenstown Town Centre and Frankton) could be differentiated in functional terms and, accordingly, whether they were subject to different drivers of growth. If so, planning for their respective land uses could be undertaken more or less independently.

9.2.7 The Commission has summarised the following key points raised in Mr McDermott's evidence:

- An analysis of relevant data with respect to the QTC and Frankton area supported the conclusion that the centres fulfil different functions;[88]
- Frankton remains the focus of light industry and is developing significant large scale retail capacity, with an emphasis on goods and services for households;
- QTC and the rest of central Queenstown still dominate total retail figures, but with a greater emphasis on sales of goods and services to individuals and on service employment with a District wide orientation;
- QTC is more diverse and more focused on visitor facilities and services, which underpin Queenstown's growth. It also remains the centre of high order business and community services;
- A review of retail spending patterns from MarketView[89] indicates that spending in QTC was 1.75 times greater than the spending in Frankton. Some 73% of spending in the town centre was visitor-related, with almost half of that (47%) attributable to overseas visitors and the balance to visitors from elsewhere in New Zealand. In contrast, only 6% of card-based spending in Frankton was by overseas visitors, with local (QLDC) residents accounting for 66% of sales and visitors from other parts of New Zealand for 27%;[90]
- The main result of any over-zoning of commercial land in Frankton is most likely to be strong competition within Frankton itself.[91]

[87] Attached as Appendix A to the Section 32 report and referred to hereinafter as the "**MMS Report**".
[88] Paragraph 25 of Mr McDermott's evidence.
[89] based on BNZ card and Paymark EFTPOS transactions for the year ending September 2014 for core retail spending (excluding automotive categories but including hospitality).
[90] Paragraph 31 of Mr McDermott's evidence.
[91] Paragraph 45 of Mr McDermott's evidence.

9.2.8 The Commission questioned Mr McDermott further in relation to the potential for competition between the two centres, and the likely impact of the surplus of commercially zoned land in Frankton on the QTC. Mr McDermott considered that at its highest level the two centres are likely to be complementary to each other, rather than in direct competition. While there is an over-supply of commercial land in Frankton, given the different functions that the Frankton and Queenstown centres fulfil, the land capacity issues identified in relation to the QTC have the potential to constrain the ability for future investment in activities directly related to tourism. Accordingly, irrespective of the supply of land available for development in Frankton, the evidence before the Commission was that an undersupply of land in the QTC would ultimately constrain economic growth in the tourism industry due to the specialist tourism role that QTC provides and which is favoured by the tourism industry.

9.2.9 Mr Colegrave, during questioning by the Commission, stated that there is a shortfall of 20,000m^2 of retail gross floor area across the District, and that the 22,000m^2 of retail development currently under construction at Frankton will start to fill this gap. The Commission understands that on the back of strong tourism growth, the 20,000m^2 gross floor area of commercial/retail space provided for by the proposed plan change is required to address the current and future capacity of the QTC and to support the future growth of the tourism sector.

9.2.10 RJL (50/49/03), in its original submission, considered that the proposed plan change is at odds with the Council's position and evidence for Plan Change 19, which indicated that there was enough town centre/commercial land available to meet demand for the next 20 to 30 years. This was a matter discussed in the Section 42A report, in which Mr Bryce stated: *"[t]he retail caucus statement*[92] *that formed part of Plan Change 19 provided a table that set out the main areas that were currently zoned and available for retail purposes, and identified that 41,100m^2 was available before the implementation of PC19. Most of this was located within the Frankton zoned business areas. Importantly, no additional zoned land was identified as being available to service the Queenstown Town Centre."*[93] The Commission therefore accepts that the Plan Change 19 process did not identify any land available in the QTC in addition to what has already been zoned.

9.2.11 Based on the evidence of Mr McDermott, as well as the supporting technical reports to the Section 32 evaluation, we are satisfied that the QTC functions very differently to Frankton in that there is a much greater focus on tourism related investment, development and the provision of services associated with tourism. The Commission accepts, based on the evidence before it, that the Queenstown and Frankton centres can be differentiated in functional terms and that the proposed plan change is unlikely to have any negative impact on the growth of the Frankton centre. Rather, the two centres are complementary in their purpose and function and both remain important to the economic growth of the District generally.

9.2.12 Turning to the issue of the supply of commercial land available in the QTC, the Commission notes that a number of parties questioned whether there was evidence of an under supply of commercial land in the QTCZ.

9.2.13 In its original submission (50/39/04),[94] MPL considered that the supporting report by McDermott Miller substantially underestimated the amount of unutilised commercial and development capacity in the QTC. Mr Wells, the planning consultant for MPL,

[92] At paragraph 38, page 11 of the retail caucus statement.
[93] At page 23 of the Section 42A report.
[94] Supported by Remarkables Park Limited (F50/49/05).

was of the view that office space is a key function of the QTC and he considered that there had been inadequate consideration given to commercial capacity in the MMS report. Mr Wells stated that he had been advised that there is a "large" amount of vacant space in Queenstown above ground floor that could be utilised for offices, or other uses such as visitor accommodation, and that many buildings are not built to the maximum height permitted under the District Plan. Mr Stevenson, a director of MPL, submitted that there are sites in Queenstown still undeveloped because "it is not economic to do so", and that there is currently a surplus of office space. Similarly, Mr Butson, a director of MPL, identified that office rentals in the CBD have had little growth in recent years and that there is an abundance of vacant space.

9.2.14 The NZIASB submission (50/15/03)[95] raised similar issues to MPL. It noted that there has not been any analysis of existing empty office space or land in the town centre, and that there appeared to be office space within the town centre that was either vacant or yet to be constructed. As a result, the NZIASB considered that expanding the area of the town centre to the extent proposed by Plan Change 50 has the potential to grossly undermine the economic viability of the existing town centre.

9.2.15 Ms Macleod and Mr Stevens, for the NZIASB, presented evidence at the hearing explaining the organisation's concerns in relation to the extent of the proposed town centre expansion. Ms Macleod provided an overview of her understanding of commercial space and the difficulties that some sites on the outer fringes of the QTC have had in achieving viable development outcomes. Examples discussed included the Church Lane development (with existing vacant land fronting Earl Street) and Steamer Wharf, which Ms Macleod highlighted as an example of a successfully designed development that has struggled to maintain viable tenancies. The NZIASB's submission raised the valid inference that if existing development within the existing QTC has found it difficult to achieve viable development outcomes over the last 20 years, the proposed expansion may not be required.

9.2.16 While the Commission appreciates the concerns raised by parties such as MPL and the NZIASB, the Section 32 evaluation signalled a clear need for the QTC to consolidate and enliven Queenstown in order to facilitate growth. The report concluded that this would require the provision of additional capacity to facilitate the development of new hotels, together with the establishment and upgrading of tourist facilities (such as a convention centre) and businesses to broaden the range of tourism offerings and to facilitate growth in the important tourism sector.[96]

9.2.17 The Commission notes that a number of witnesses considered that the proposed plan change appropriately provided for the long-term growth of the QTC and the District. Mr Kyle's supplementary evidence stated: *"[w]hile District Plans are intended to have a typical shelf life of 10 years, it is my view that fundamental zoning questions such as this one should adopt a much longer perspective (in the order of 50 years). A failure to take such a longer term view in the context of the growth that Queenstown has and continues to experience, would inevitably mean that land located around the established town centre will be developed for other purposes, and opportunities to provide for a town centre with a more diversified range of core functions would likely be foreclosed."* Mr Munro accepted that the proposed plan change could have a 60 year development phase.

9.2.18 It is clear from the evidence before the Commission that while there may be surplus office floor space and undeveloped land within the QTC currently, these areas are unlikely to accommodate or, more importantly, enable the growth that is required in the QTC to support future tourism activities. Mr McDermott commented that the Colliers 2014 "Market Review and Outlook"[97] predicted that prime CBD property

[95] Supported by Remarkables Park Limited (F50/49/02) and Brecon Street Partnership Limited (F50/10/14).
[96] At page 6 of the Section 32 evaluation.
[97] Page 9, Colliers International, Queenstown, Dunedin and Wanaka, Market Review and Outlook, 2014.

would continue to be scarce and to trade at low yields, and anticipated rental growth for prime ground floor retail CBD property.[98] Further, Mr Colegrave, in responding to questions from the Commission, stated that a detailed audit of every shop in the QTC had identified that there was less than a 2% vacancy rate, which he indicated was extremely low.

9.2.19 Touching on the issue of QTC capacity, the Commission received a statement from Mr Jeff Staniland, the CEO of Skyline. Skyline owns and operates seven properties and has around 80 tenants in the CBD. Mr Staniland submitted that in the view of Skyline, which is an experienced property owner, landlord, tenant and tourism business operator, the CBD is reaching capacity and that there is presently an unmet demand for both retail and food and beverage space to lease. Mr Staniland considered that in view of the recent rapid increase in visitor numbers (including domestic, Australian, and growth in Asian visitor markets such as China and India) it is vital that the CBD is expanded to provide room for growth.

9.2.20 Mr Staniland's comments about the potential growth in international tourism were supported by the evidence of Mr McDermott. Mr McDermott highlighted the strong passenger growth that has occurred at Queenstown Airport since 2009, with average compound growth of 12.8% a year over the ensuing five years. He noted that according to the Annual Review 2013-2014 published by Queenstown Airport Limited in 2014, 1.25 million passengers arrived at or departed from the airport, of which international arrivals accounted for 25% of the total.[99] Since the Global Financial Crisis the Australian market in particular had increased significantly and has recently accelerated as a result of increasing numbers of direct flights to the east coast of Australia. He indicated that based on current airline intentions, this market is expected to continue to expand as more direct flights are offered, potentially boosted by securing the capacity to offer evening flights.[100]

9.2.21 In addressing new visitor accommodation opportunities to support tourism growth, Mr McDermott highlighted that given the age and character of existing hotel stock in Queenstown, new accommodation on a substantial site in this locality could well include a five star hotel, catering for a segment of the market not particularly well served at the moment. Mr McDermott's evidence included an attached report,[101] which stated:

> *"The distribution of recent investment in accommodation has been examined using building consent data covering the period 2006 to 2013. The construction of the Kawarau Hilton Hotel in the Kelvin Heights area dominates the value of new construction during a period where little capacity was otherwise added outside the traditional Queenstown Hill centre of tourist accommodation. … Refurbishment and extensions (represented by building consents for additions and alterations) were greater in the central area… . The relatively high level of alterations in the centre relative to new construction may reflect both the age of much of the existing tourism accommodation and the limited number of sites available for new development. The latter is an issue that the proposed plan change should correct, at least for the immediate future.[102]"*

9.2.22 Mr Walker (50/55/01) questioned the need for the proposed plan change more broadly. Mr Porter, for RJL (50/49), questioned the need for land to be rezoned to accommodate future expansion of visitor accommodation facilities when many of the existing hotels around the periphery of the QTCZ are located within the existing

[98] Paragraph 50 of Mr McDermott's evidence.
[99] Paragraph 57 of Mr McDermott's EIC.
[100] Paragraph 58 of Mr McDermott's EIC.
[101] McDermott Consultants Ltd Report, titled "The Case for Zoning Additional Commercial Space in Queenstown Town Centre (dated 12th September 2014)
[102] Refer page 19-20 of McDermott Consultants Ltd Report, titled "The Case for Zoning Additional Commercial Space in Queenstown Town Centre (dated 12th September 2014)

HDRZ. He further noted that some of the existing demand for higher quality accommodation will be met by the recent approval of the Eichardt's Stage 2 development, which is to be developed as a boutique hotel and retail premises fronting Marine Parade. However, the evidence before the Commission is plainly that there is a need for expansion of the QTCZ to accommodate a wider range of land use activities that cannot currently be located within the existing QTCZ or, without rezoning, on land that is in close proximity to the existing QTC.

9.2.23 When asked by the Commission about what would happen if the proposed plan change did not proceed and the proposed expansion of commercial capacity was not provided for, Mr Colegrave stated that it would mainly be a case of "missed opportunities". He emphasised that the District's economy is only strong because of tourism, and that tourism is only as strong as its weakest link. He indicated that currently the weakest link is the airport; however, once "constraints" are "loosened" and airport capacity grows (for example, with the planned introduction of evening flights), the next constraint will be the CBD and the tourism-related activities that can be accommodated there.

9.2.24 Plan Change 50 is one of the Council's preferred strategic responses to the capacity issues facing the QTC. We accept the evidence of Mr Kyle and Mr Munro that in the development of a robust and defensible plan for the QTC, a long-term horizon is required.[103] The Commission has considered the information before it and, based on the evidence of Mr Colegrave and Mr McDermott, has concluded that there is a very real risk that without further expansion of the QTCZ, the currently limited capacity of the QTC will constrain future tourism growth to the detriment of the local economy. The Commission considers that there is a very clear need for Plan Change 50 to enable further ongoing investment opportunities in support of the tourism industry and to underpin the future growth and viability of the QTC. In reaching this conclusion, however, we note that this growth must be managed in a way that ensures that the viability and vibrancy of existing QTC is not undermined, which is discussed in the next section of this report.

Commission's Recommendation

1. That the submissions by NZIA Southern Branch (50/15/03), Mr Allan Huntington (50/30/03), Memorial Property Limited (50/39/04), Craig Stobo (50/21/01), Mr Basil Walker (50/55/01), Remarkables Jet Limited (50/49/03), Cath Gilmour (50/48/05) and the further submissions by Remarkables Park Limited (F50/49/02, F50/49/05) and Brecon Street Partnership Limited (F50/10/14) **be rejected**.

9.3 IMPACT ON THE EXISTING QUEENSTOWN TOWN CENTRE

The Issues and Decisions Requested

9.3.1 The potential impact of Plan Change 50 on the viability and vitality of the existing QTC was one of the key issues raised in submissions and was the subject of extensive discussion and conferencing during the course of the hearing. Three original submissions specifically addressed this issue or matters directly linked to this issue.[104] The points raised included:

- The need to strategically stage the release of commercial capacity so that it

[103] In this respect we note that some of the submissions were very short term in their perspectives.
[104] 50/11/03, 50/39/01, 50/39/02, 50/39/06, 50/49/02, 50/49/02.

does not compete with the existing Queenstown CBD;

- The risk of a competing rather than complementary retail and office precinct emerging, which could undermine the vitality of the existing town centre;
- The risk that both public and private investment could be diverted away from the existing town centre as a result of Plan Change 50;
- The proposed expansion would undermine the character and heritage of Queenstown's downtown and surrounding area, and as a result adversely impact on its tourism appeal;
- The proposed plan change in its current form would seek to draw people away from the existing CBD;
- The proposed plan change has failed to consider the sequencing of the town centre expansion to ensure consolidated development of the CBD takes place, as opposed to the negative effects of sporadic development.

9.3.2 The Commission notes, for completeness, that the staging outcome sought in the original submissions of the Queenstown Chamber of Commerce (50/11) and RJL (50/49) were, in turn, supported by a further submissions from BSPL (50/10), Kelso and Chengs (50/35), and IHG and Carter (50/32).

Discussion & Reasons

Scale of the Town Centre Extension

9.3.3 The Commission notes that the scale of the town centre expansion introduced by Plan Change 50 was a central issue raised by submitters during the hearing process, particularly in relation to the potential impacts of additional traffic and related effects on the existing QTC.

9.3.4 In its original submissions MPL (50/39/01, 50/39/02 and 50/39/06)[105] submitted that much of the proposed extension of the QTC is significantly separated by distance, elevation changes and street layouts. Accordingly there is a risk of a competing, rather than complementary, retail and office precinct emerging as a disconnected commercial node, which could undermine the vitality of the existing town centre. In his opening legal submission Mr Holm, for MPL, raised specific concerns with regard to the rationale for the scale of Plan Change 50.[106] These related to the potential adverse effects of the proposed scale of development, including traffic (congestion and parking) and the longer term impacts, in particular the economic wellbeing of the existing town centre. The Commission has addressed transportation issues at section 9.5 of this report.

9.3.5 MPL's principal concern was essentially that the expanded area of town centre proposed is too large and has the potential to grossly undermine the existing QTC unless development is managed in a sympathetic and appropriate way, particularly with regard to commercial and retail development.

9.3.6 The Commission received a range of evidence relating to the scale of Plan Change 50. In addressing the economic impacts, Mr Colegrave identified a default scenario for the proposed plan change, which comprised the following land use scenario:

(a) 4 hotels (410 rooms in total)
(b) 2 blocks of high density residential (310 dwellings)
(c) 1 block of medium density residential (6 dwellings)
(d) 3 blocks of commercial and retail use (total GFA of 20,230m^2), and

[105] Opposed by Man Street Properties (F50/27/09), Any Old Fish Company (F50/28/09), The Diary Guest House (F50/26/09, and supported in part by Brecon Street Partnership Limited (F50/10/36) and Kelso Investments Limited and Chengs Capital Investment Limited (F50/35/06), and supported by Remarkables Jet Limited (F50/49/05).
[106] At paragraph 1.4 of Mr Holm's opening legal submissions.

(e) hot pools

9.3.7 The above default scenario was assessed without a convention centre to ensure that the proposed plan change could be supported in the event that a convention centre was not subsequently developed.

9.3.8 The Section 42A report[107] commented that Plan Change 50 has the potential to provide for a total of 19,309m^2 of retail and office space (between the Lakeview and Isle Street sub-zones) based on the various land use scenarios analysed by Insight Economics.[108] Based on the evidence of Mr Colegrave and the Section 42A report, the Commission considers, as a starting point, that the proposed plan change has the potential to accommodate between 19,309m^2 and 20,230m^2 of commercial and retail development.

9.3.9 A key concern of MPL was that other than the existing limitation over large format retail activities (the 400m^2 floor space limit on individual tenancies), Plan Change 50 is not supported by a rule framework that seeks to control the level of commercial activities that could occur across the Plan Change 50 zoned land.

9.3.10 During the course of the hearing there were a number of issues identified with respect to the scale of the plan change proposed that the Commission considered required further consideration by experts. The principal issue was that the overall scale of development advanced by Plan Change 50 was ambiguous and needed to be clarified. Another issue was whether the methods supporting Plan Change 50 effectively address the potential for commercial and retail activities that are not complementary to the anticipated predominant activities, such as hotels or a convention centre (should this be advanced), to establish in the Lakeview sub-zone. As noted previously, this issue was focused on the fact that the supporting method only sought to restrict large-scale retail units (over 400m^2 GFA per tenancy) and did not mitigate the potential proliferation of commercial offices and sub-400m^2 GFA retail units. As will be discussed further below, this became a matter of some focus at the hearing.

9.3.11 The Council subsequently sought to clarify the scale of development, which was partly addressed in Mr Speedy's supplementary evidence. Mr Speedy submitted that of the total 10.7ha Lakeview site, 3.6ha is proposed as development land (excluding the preferred convention centre site), with the majority (59%) of the Lakeview land area to be retained for reserves and a road/pedestrian network. Table 3 of Mr Speedy's supplementary evidence identified that the total developable land equates to 41% of the total Lakeview site, with a convention centre site comprising 0.9ha (or 8% of this total). He noted that the total capacity for development in terms of gross floor area that could be established on the development land was uncertain until such time as the Council undertakes a market engagement process with potential developers.[109] However, depending on the level of market uptake, Mr Speedy noted that retail and related activities proposed within the Lakeview site are expected to accommodate approximately 6,500m^2 GFA. The property advice that Council has received to date suggests this scale of retail/commercial development is appropriate and will be necessary to complement the larger (additional) anchor activities proposed. The Commission notes, for completeness, that the 6,500m^2 GFA figure referred to by Mr Speedy excludes any

[107] The Section 42A report (at page 25) discusses the breakdown of floor space provided for within the Insight Economics report. Mr Bryce noted that the report provides indicative commercial and retail uses comprising 6,500m^2 for the Lakeview sub-zone (which was split evenly between three uses: boutique office space, high-end retail, and high-end cafes/restaurants/bars as well as tourism and recreational activities). Insight Economics included potential development at 34 Brecon Street in its analysis, and assessed one development scenario providing for a total gross floor area of 8,209m^2 spread across three levels: the bottom floor housing retail, and the upper floors housing office space. Our interpretation of the rule framework proposed by MPL is that it would restrict all commercial activities across the entire HDR sub-zone E (Lakeview), including 34 Brecon Street, to 6,500m^2.
[108] As part of this conferencing process, the commission understands that 19,000m^2 of commercial floor space (retail and office) was used as the basis for discussion of the potential scale of commercial and retail activities.
[109] At paragraphs 4 to 15 of Mr Speedy's supplementary evidence.

commercial or retail development on 34 Brecon Street, as this was provided with its own indicative land use scenario.[110]

9.3.12 The economic evidence of Council's experts presented at the beginning of the hearing specifically addressed the issue of scale; however we note that this evidence was particularly focused on larger scale retail activities. In essence, the evidence satisfied us that it is highly unlikely that larger scale retail and commercial activities would prefer the Lakeview sub-zone to the existing QTC. We accept this to be a reasonable assumption.

9.3.13 Mr Colegrave considered the scope for potential adverse effects, particularly flow-on effects on other centres, which may result from Plan Change 50. Overall, he concluded that any significant adverse effects are highly unlikely for several reasons, including:

(a) Retail development is unlikely to occur at a scale that would undermine the health and vitality of other centres; and
(b) Based on detailed desktop studies and site visits, other centres are trading well with few vacancies and high footfall. As a result, these existing centres should be well placed to withstand any trade impacts caused by the plan change.[111]

9.3.14 Mr Colegrave addressed the perceived risk of public and private investment being diverted from the QTC as a result of the proposed plan change. He concluded that any such risks are minor, mainly because future development on the Lakeview site is likely to differ from the kind of development that would normally occur in the CBD.[112] In Mr Colegrave's opinion, this is because existing CBD businesses are oriented towards tourism activities, whereas the anticipated activity mix at Lakeview comprises the predominant uses: a proposed conference centre and large scale visitor accommodation, commercial recreation and tourism activities. This, in turn, reflects Lakeview's more remote location and walkability.[113]

9.3.15 The Commission questioned Mr Colegrave further on this issue given that he had highlighted the pressing need for the CBD to expand, yet considered that the development that would occur on the Lakeview sub-zone would differ from the kind of development more appropriately located in the CBD. In responding to this matter, Mr Colegrave noted that he considers the CBD and the Lakeview sub-zone as "precincts", and that within the CBD there are different parts with different functions. The parts of the CBD that form the very core are there because "that is where they need to be, and where they want to be". In his view the Lakeview sub-zone will attract other forms of commercial operation that would either choose not to or, due to size, be physically unable to locate in the CBD core. Through questioning, Mr Colegrave highlighted that the Lakeview site is more likely to attract high end hotels and ancillary activities, together with some very high end small destination retail and offices; whereas in his view the CBD is driven by food and beverage, restaurants, bars and cafes (with 60% of all CBD retail employment associated with food and beverage). Importantly, Mr Colegrave considered that development at Lakeview would be the catalyst for growth more generally in the CBD and the wider District. He explained that hotels and increased levels of activity on the Lakeview site would almost certainly be beneficial to the CBD and that the development anticipated would be complementary, not in substitution.

9.3.16 Similarly, the Commission questioned Mr McDermott on the kind of retail businesses

[110] Which the Insight Economics report identified as being subject to an indicative land use scenario providing for a total gross floor area of 8,209m^2 over the 34 Brecon Street site.
[111] At paragraph 6.6 of Council's closing legal submissions.
[112] At paragraph 1.3 of his primary evidence.
[113] At paragraph 5.2 of his primary evidence.

likely to be attracted to the proposed plan change areas. Mr McDermott considered that any such activities would likely comprise primarily relatively small service/convenience stores to service the local visitor or resident population. He did not consider that the proposed plan change is likely to attract existing businesses out of the existing core into an area that will have its own distinctive character, primarily as the continuous nature of foot traffic in the core would be much more appealing to a retailer than what is being advanced by Plan Change 50. In Mr McDermott's opinion it is more likely that if a convention centre or hotels were developed on the Lakeview site, trade would flow into the QTC rather than be enticed to relocate to the proposed plan change area. By way of example Mr McDermott cited the quality and diversity of catering and hospitality that currently exists in the core, which he considered would be difficult to replicate, as many people prefer to leave their hotels to dine in restaurants. Mr McDermott was of the view that the kind of development anticipated by Plan Change 50 would have a positive impact on businesses in the existing CBD core.

9.3.17 The Commission, at the reconvened hearing dated 16th January 2015, requested that the extent of the proposed re-zoning of the Lakeview sub-zone be the subject of further witness conferencing specifically focused on whether methods are required to control unanticipated commercial and retail development that is not associated with a predominant use, and the management of edge effects on the Lakeview sub-zone.[114] Conferencing was undertaken on 9th and 10th February 2015.

9.3.18 During the expert witness conferencing, a number of witnesses considered that the Lakeview sub-zone should be reduced in scale towards the western end of the Lakeview site, and that the proposed convention centre be located closer to the eastern end of the site (or towards the Brecon Street end of the sub-zone).

9.3.19 At item 3(vii) of the Planning and Urban Design JWS, Mr Wells, relying on the evidence of Mr Kelly, considered that the transport effects of commercial and retail activities exceeding 19,000m^2 (which he understands has been assumed in the transport modelling) are unknown and could be significant. He considered that the most appropriate means by which to appropriately control the anticipated 19,000m^2 of commercial activity (retail and office) would be to limit the town centre zoning (QTCZ provisions) to:

- The Beach Street Block;
- The Isle Street sub-zone blocks (except that Mr Wells remained unconvinced as to the appropriateness of the Isle Street sub-zone extending westward from those properties that front Brecon Street); and
- Brecon Street (both sides).

9.3.20 In Mr Wells' view, the eastern part of the Lakeview sub-zone should be rezoned specifically to accommodate a convention centre and an appropriate scale of commercial activity, with the balance of the Lakeview sub-zone to be retained as HDRZ with additional height provisions.[115]

9.3.21 Similarly, Ms Macleod, Mr Edmonds and Mr Gibbs supported the re-zoning of the Beach Street, Isle Street sub-zone blocks and Brecon Street (both sides) to QTCZ, and the re-zoning of the eastern part of the Lakeview sub-zone to accommodate a convention centre and an appropriate scale of related commercial activity. These witnesses considered that the balance of the Lakeview sub-zone should be retained as HDRZ with additional height provisions. As we will note shortly, BSPL provided a formal response to this proposed zone reduction in the further supplementary

[114] As reflected in Item 3 of the Direction issued by the Commission dated 16/1/2015.
[115] This rezoning was also supported by Gillian MacLeod, John Edmonds and David Gibbs, as set out at Item 3(v) of the Planning and Urban Design JWS.

evidence of Mr Munro and Mr Gibbs and as part of BSPL's closing legal submissions.

9.3.22 Conversely, Mr Kyle,[116] responding directly to Mr Wells' recommended relief, considered that placing a limitation (whether a cap or reduction in the zone area) over commercial development in the Lakeview sub-zone would not be sufficiently flexible to respond to the market conditions over the lifetime of the zone. In his view, such a limitation was not supported by the economic evidence (of Mr Colegrave and Mr McDermott).[117] Mr Kyle noted that any limitation would potentially result in first-in-time developers "hoarding" the commercial floor space allocation.

9.3.23 Experts involved in the conferencing all agreed that the western extent of the Lakeview sub-zone land (generally described as the Lynch Block) should be retained as HDRZ to (i) encourage more intensive residential development in the area, (ii) manage "edge effects" at boundaries of the plan change area and (iii) limit the extent of the commercial activities that could locate within the Lakeview sub-zone generally.[118] Mr Kyle's further supplementary evidence addressed the Commission on the necessary amendments to Plan Change 50 to enable this change, including suggested wording to be inserted into the District Plan rule framework at 7.5.2 (which governs the HDRZ). The Commission supports, in principle, the amendment proposed by Mr Kyle to the western end of the Lakeview sub-zone on the basis that this will appropriately respond to the potential adverse effects of commercial uses becoming established in close proximity to the adjoining residential zone to the west of Glasgow Street. Further, this amendment goes a considerable way to addressing the scale issues (in the worst case a second "mini town centre") raised by a number of submitters.

9.3.24 As a result of the planning and urban design conferencing, Mr Kyle was requested to consider the need to impose additional limitations on the potential establishment of multiple commercial activities that might be unrelated to predominant activities in the Lakeview sub-zone.[119] This issue was addressed in Mr Kyle's further supplementary evidence, where he suggested that a new method associated with predominant activities anticipated in the Lakeview sub-zone be introduced.[120] Essentially, the proposed method (a new zone standard) was intended to complement the existing limitation over large format retail activities (the 400m^2 GFA floor space limit on individual tenancies); however, it also sought to preclude the establishment of combined retail, licensed premises and/or office activities exceeding 6,500m^2 in gross floor area within the Lakeview zone in the event that such activities proceeded ahead of a defined predominant use.[121] The Commission notes, for completeness, that the method advanced by Mr Kyle sought to ensure that priority is given to a convention centre, visitor accommodation, commercial recreation and/or commercial tourist activities over retail and office uses within the Lakeview sub-zone. This contrasts with the overall commercial cap of 6,500m^2 advanced by MPL in its closing legal submissions.[122]

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[116] Planning and Urban Design JWS at Item 3 - Extent of Town Centre Zoning paragraph (viii) of the Planning and Urban Design JWS dated 12th February 2015,

[117] Insight Economics report (at page 10) supporting the Section 32 evaluation and concluded that in relation to the Isle Street sub-zone, retail caps are not only unnecessary, but unwise. First, there is minimal retail activity likely at the site and any retail that will occur cannot exceed 400m^2 maximum gross floor area per tenancy (in order to deter large format retail). Secondly, applying retail caps to the Isle Street Blocks is essentially hindering inter-CBD competition and this is not recommended. That is, by zoning this area as a sub-zone of the CBD it is no longer a development outside of the QTC, and should instead be treated as an extension of CBD activity.

[118] Refer to the Planning and Urban Design JWS.

[119] Mr Kyle was tasked to undertake this task due to time constraints during this conferencing session.

[120] A new definition of predominant uses is proposed which means: a convention centre, visitor accommodation, commercial recreation and/or commercial tourist activities within the Lakeview sub-zone area, but excludes the existing Queenstown Municipal Camping Ground.

[121] At paragraphs 9 and 10 of Mr Kyle's further supplementary evidence dated 18th February 2015.

[122] At paragraph 16(a) (k) of Mr Holm's legal submissions.

9.3.25 During the 23rd February 2015 reconvened hearing a number of concerns were raised by submitters, and also by the Panel, in relation to Mr Kyle's proposed method. In particular, there was concern that the new rule would not effectively address the potential for Plan Change 50 to facilitate a greater proportion of commercial activities than that established by the evidence, including the potential for proliferation of multiple sub-400m^2 GFA retail tenancies, once a predominant use had been established on the Lakeview sub-zone. Mr Munro questioned whether Mr Kyle's "cap" on the establishment of retail activities in advance of a defined predominant activity on the Lakeview site should be replaced with a control on the western half of the site requiring a discretionary resource consent for any retail activity that was not accessory or ancillary to the predominant activities.[123]

9.3.26 The Commission considers that the requirement to first establish the predominant uses, which comprise the key economic growth anchors as set out in Mr Kyle's further supplementary evidence, is prima facie appropriate. However, we are not persuaded that the proposed method advanced by Mr Kyle effectively addresses the key concerns, particularly as once the first predominant use has been established on the Lakeview site, the proposed zone standard would essentially become redundant and of no effect. Accordingly, the risk of proliferation of multiple sub-400m^2 GFA retail or commercial office units would remain to some degree, notwithstanding the establishment of an anticipated predominant use on the site.

9.3.27 The Commission notes that Mr McDermott considered that the only retail activities likely to be located in the Lakeview sub-zone would be ancillary or complementary to the visitor facilities, and perhaps local housing.[124] In this regard, the Commission notes that Mr Munro, Mr Wells and Mr Arnesen all advanced an approach which sought to ensure that commercial or retail activities that did occur within the Lakeview sub-zone were complementary or ancillary to defined predominant activities. On the basis of Mr McDermott's evidence, and that of the experts involved in the conferencing, the Commission considers it appropriate to explore the effectiveness of a rule framework that (i) limits the extent of retail and commercial activities on the Lakeview sub-zone to those that are ancillary to predominant activities, and (ii) imposes a 6,500m^2 maximum gross floor area threshold 'cap' on non-ancillary retail and non-ancillary commercial activities, beyond which the need for resource consent would be triggered.

Ancillary Retail and Ancillary Commercial Activities

9.3.28 In his further supplementary evidence Mr Munro supported the evidence of Mr Gibbs, who considered that the only way to address the risk of a disconnected retail node establishing within an "oversized" commercial expansion area was to limit its size.[125] Mr Gibbs considered that the most effective means of achieving a satisfactory limitation would be for the town centre expansion envisaged by Plan Change 50 to be contained to a realistic geographical extent and to link this area directly to the convention centre and hotels.[126] Mr Munro commented that there is a logical and defendable basis for expanding the QTCZ to accommodate growth, which in his view should be focused on the Isle St and Brecon Street areas (which he termed "Lakeview East") in accordance with the alternative zoning response promoted by Mr Gibbs.[127] The Commission understands Mr Gibbs' alternative zoning proposal to reflect the following key attributes:

- The area of Brecon Street already identified as having a commercial activity overlay, the Isle Street sub-zone, and the land west of Brecon Street be rezoned as per Plan Change 50 and identified as "Lakeview East";

[123] At paragraph 4.9 of Mr Munro's further supplementary evidence.
[124] At paragraph 6 of Mr McDermott's EIC.
[125] At paragraph 4.5.
[126] At paragraph 8 of Mr Gibbs's further supplementary evidence dated 20th February 2015.
[127] Appendix 1 of his further supplementary evidence dated 20th February 2015.

- The proposed Lakeview zone west of Mr Gibbs' town centre boundary (identified as "Lakeview West") is best suited for non-retail and non-commercial activities. Plan Change 50 as proposed should apply, except that any commercial or retail activity not ancillary to visitor accommodation or a convention centre should have fully Discretionary Activity status;
- The "Lynch Block" should be rezoned HDRZ as per Mr Kyle's recommendations.

9.3.29 During the 23rd February 2015 reconvened hearing the Commission invited a response from Mr Munro as to what practical restrictions on retail and commercial activity (not associated with a predominant use in the Lakeview sub-zone) could sensibly be imposed. Mr Munro proposed that any activity that did not meet the following definition of ancillary retail/ancillary commercial activities should be accorded fully Discretionary Activity status:

"Ancillary Retail or Ancillary Commercial activity means a subordinate retail or commercial activity proposed to serve the needs of users of a primary activity occurring on that site.

Examples include a restaurant or souvenir shop in association with a hotel. Ancillary Retail or Ancillary Commercial activities must:

- *be less than 10% of the gross floor area of the primary activity (individually or cumulatively); and*
- *have no means of customer access other than through the primary activity; and*
- *have no signage or branding other than inside the primary activity."*

9.3.30 In responding to Mr Munro's proposed definition, Council, in its closing legal submissions, argued that this very narrow definition would confine ancillary activities not only to no more than 10% of the gross floor area of the primary activity but would require that they have no means of customer access other than through the primary activity. Further, there could be no signage or branding outside the primary activity. The Council argued there is no demonstrable need to limit development in ways other than those already proposed, the consequence of which may be to curtail the economic benefits to Queenstown that Plan Change 50 has been designed to achieve.

9.3.31 The Commission notes that Mr Arnesen's evidence is also relevant to this issue. To avoid the possibility of the creation of two separate town centres and to encourage the establishment of retail and restaurant facilities in closer proximity to the established centre of Queenstown, Mr Arnesen considered that the Lakeview sub-zone should be subject to additional controls. In his opinion these controls should limit retail and restaurant activities to those ancillary to convention centres and hotels, with only two retail outlets and three restaurants permitted per premises, and with associated constraints on the scale of such ancillary activities. In this regard, Mr Arnesen considered that a gross floor area trading footprint of approximately 300m^2 would be appropriate. In his opinion, this would enable the establishment of a convention centre, hotels, and higher intensity residential development within the Lakeview sub-zone, while requiring expansion of core retail and restaurant activities in closer proximity to the existing town centre.[128]

9.3.32 We have considered the various reduced zone options promoted by submitters and the suggested methods advanced by Council to control inappropriate retail and commercial development within the Lakeview sub-zone. For BSPL, Mr Gibbs' stated preference was to "contain the geographical extent" of the Lakeview sub-zone to address the risk of a disconnected retail node establishing within an oversized commercial expansion area. Mr Wells, for MPL, reached a similar conclusion. While the alternative zoning options advanced by BSPL sought to

[128] At paragraph 5.6 of Mr Arnesen's evidence.

provide for a convention centre and associated visitor accommodation facilities, the Commission considers that the 'ancillary retail or ancillary commercial activity' definition provided by Mr Munro may be too prescriptive and inflexible to satisfactorily respond to this issue. That said, we do, however, support its central thrust and consider that the concept of "ancillary retail and ancillary commercial activities" linked to the anticipated predominant uses (as defined) to be an effective method of responding to the potential proliferation of non-ancillary retail and commercial activities within the Lakeview sub-zone. As a consequence, the Commission has introduced an alternative definition of 'ancillary retail and ancillary commercial activities' and integrated this into the Council's proposed Restricted Discretionary Activity rule framework by way of a bespoke rule that links all predominant uses, and their overarching matters of discretion, under the umbrella of one keystone method.

9.3.33 The Commission considers the definition of "ancillary retail and ancillary commercial activity" to be a fundamental component of the new rule framework. In developing a definition, the Commission has been guided by that proposed by Mr Munro. Our definition is as follows:

"Ancillary Retail or Ancillary Commercial activity means any retail or commercial use within the Lakeview sub-zone that is on the same site as a predominant use (as defined) or building housing a predominant use, and whose use is incidental to that predominant use. The Ancillary Retail or Ancillary Commercial activities must be consented at the same time as the predominant use.

Examples include a restaurant or souvenir shop in association with a hotel or retail activity associated with a commercial recreation and or tourist activity.

9.3.34 The requirement for ancillary retail and ancillary commercial activities to be consented at the same time as the predominant uses means that it is highly likely that these activities will be integrated in a comprehensive manner as part of the future development of the Lakeview sub-zone. We do not consider it either appropriate or necessary to introduce a threshold with respect to the floor area for an 'ancillary retail activity' or 'ancillary commercial activity' as recommended by Mr Munro, and we are not convinced that the use needs to be "internalised" for it to be ancillary or complementary in nature. These kinds of arbitrary restrictions were not justified by any of the evidence that we heard in relation to the establishment of predominant uses, supported by ancillary retail or commercial uses, on the Lakeview site.

9.3.35 The Commission agrees with Mr Munro that any commercial or retail activity that is not ancillary to the predominant uses in the Lakeview sub-zone should be addressed through a separate consent process. We consider this to be an effective response. However, as this is a town centre zone in relation to which some degree of commercial and retail activity is anticipated, we have adopted a Restricted Discretionary Activity status rather than fully Discretionary, with the matters of discretion appropriately focused on the impact of non-ancillary commercial and retail uses within the Lakeview sub-zone on the existing QTC. This aligns with the activity status preferred by Mr Kyle, and supported by Mr Bryce.

6,500m^2 Maximum Gross Floor Area Threshold for the Lakeview sub-zone

9.3.36 Notwithstanding the amendments set out above, the Commission has concluded that some form of limit on the establishment of commercial and retail activities within the Lakeview sub-zone that are not ancillary to the defined predominant uses is appropriate to address the concerns raised in relation to the potential proliferation of commercial and retail related activities in the Lakeview sub-zone. As set out in

paragraph 9.3.26, the Commission is not persuaded that the zone standard advanced by Mr Kyle would be effective, as it essentially becomes redundant once the first predominant use is established (which may be very small in nature and scale) and does not adequately respond to the potential for proliferation of sub-400m^2 retail or commercial activities. We accept the consensus of the planning experts that there remains an inherent risk that a disconnected retail node may be established on the Lakeview sub-zone if non-ancillary or non-associated commercial and retail uses that exceed a combined gross floor area of 6,500m^2 are not adequately controlled.

9.3.37 Rather than the imposition of an outright 'cap', which none of the economic evidence supported, we have introduced a further refinement to our Restricted Discretionary Activity rule framework to address the proliferation of non-ancillary commercial and retail development. This essentially establishes a gross floor area of 6,500m^2 as a 'threshold' beyond which the viability of the existing QTC must be considered as a matter of discretion. Importantly, the proposed rule framework does not preclude the establishment of non-ancillary retail and commercial activities on the Lakeview sub-zone. Rather, the Commission's method seeks to ensure that where this does occur it is assessed through a restricted discretionary consent pathway, where (i) impacts on the viability of the existing QTC must be appropriately assessed on a case-by-case basis, and (ii) the cumulative effects of non-ancillary retail and commercial activities are to be assessed in situations where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 across the sub-zone. The Commission also records that this limitation only applies to the Lakeview sub-zone, excluding 34 Brecon Street. It does not impact on the potential for the development of all forms of commercial and retail activities at 34 Brecon Street, in the Isle Street sub-zones, or the Beach Street Block (which remain, however, subject to other standards that apply to such activities within these respective areas).

9.3.38 Having considered all of the evidence before us, we have formulated an approach that in our view provides an adequate level of control over any undesirable expansion of non-ancillary retail and commercial activities on the Lakeview site. The alternative rule framework also seeks to retain sufficient flexibility for appropriate development to occur without unnecessary restriction in response to changing market conditions over the lifetime of the zone. The amended rule framework provides for the following:

- A definition of "ancillary retail and ancillary commercial activity" has been incorporated into the Lakeview sub-zone policy and rule framework;

- The consenting of ancillary retail and ancillary commercial activities associated with predominant activities is now linked to a revised Restricted Discretionary Activity rule that governs predominant uses within the Lakeview sub-zone. This amalgamates Council's proposed rule 10.6.3.2A(i), (ii) and part of (iii) into one rule governing predominant uses (and includes the addition of commercial recreation and/or commercial tourist activity with a gross floor area of more than 400m^2);

- Commercial and retail activities with a gross floor area of 400m^2 or less per tenancy that do not fall within the definition of "ancillary retail and ancillary commercial uses" must be assessed as a Restricted Discretionary Activity, with Council's discretion limited to (i) any impact on the viability of the QTCZ from non-ancillary retail and commercial activities establishing within the Lakeview sub zone, particularly where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 in the Lakeview

sub zone (34 Brecon Street is excluded from this 6,500m^2 assessment), and (ii) traffic generation, access, parking and loading.

- Commercial and retail activities with a maximum gross floor area in excess of 400m^2 per tenancy that do not fall within the definition of ancillary retail and ancillary commercial uses must be assessed as a Restricted Discretionary Activity, with Council's discretion limited to (i) any impact on the viability of the QTCZ from non-ancillary retail and commercial activities establishing within the Lakeview sub zone, particularly where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 in the Lakeview sub zone (34 Brecon Street is excluded from this 6,500m^2 assessment), and (ii) is subject to an ITA requirement similar to the predominant uses within the Lakeview sub zone.

- Retail activities that exceed a maximum gross floor area of 400m^2 per tenancy are defined as a Non-Complying Activity (rather than as a breach of a zone standard as had previously been recommended). This rule has been further amended to ensure that retail activities that fall within the definition of ancillary retail activity within the Lakeview sub-zone are exempt from this rule.

These amendments are set out in **Appendix 1** to this report.

9.3.39 We have excluded 34 Brecon Street (which forms part of the Lakeview sub-zone) from the application of the Restricted Discretionary regime set out above. It was plain from the evidence that the most logical and desirable area for the expansion of the QTC is towards Isle and Brecon Streets, or Lakeview "east" as it was described by Mr Munro. Accordingly, we have concluded that to ensure that development is both enabled and incentivised in this location, the rule regime applying to the Isle Street sub-zone (East) and 34 Brecon Street should be as consistent as possible, particularly as 34 Brecon Street already has the benefit of a commercial precinct overlay. However, this exemption does not apply to any application for a convention centre on the 34 Brecon Street site, as a convention centre was not contemplated by the commercial precinct rules and an ITA would be required in these circumstances for the reasons already discussed.

9.3.40 The Commission considers that the approach adopted represents an appropriate and sensible middle ground between imposing an outright development 'cap', which none of the economic evidence supported, and a method that seeks to ensure that the vibrancy of the existing QTC is appropriately provided for.

9.3.41 The Commission has already discussed the alternative zoning approach advanced by MPL at section of 9.1 of this decision. This provides some similarities to the approach advanced by BSPL, in that it sought to geographically limit certain commercial land use activities within the Lakeview site. As noted above, neither approach is considered to effectively respond to the resource management issues raised above. The additional methods that we have adopted will, in our view, effectively mitigate the risk of the potential proliferation of commercial activities and the formation of a disconnected retail and commercial node raised by both MPL and BSPL, and which remained a concern of these submitters in their closing submissions.

Staging Response

9.3.42 A number of submitters sought that Plan Change 50 be staged as a method to manage the nature and scale of development proposed by Plan Change 50. This issue was addressed in the Section 42A report.[129]

[129] At page 25 of the Section 42A report.

9.3.43 To ensure the commercial offering at the Lakeview site supports and complements (as opposed to competes with) the existing QTC, the Queenstown Chamber of Commerce (50/11/03) sought to strategically stage the release of commercial capacity. Staging of commercial land was a matter also raised by RJL (50/49/02), which considered that staging of the proposed Town Centre expansion has not been properly considered. In its view, sound planning would suggest that a staged development should occur, whereby the land closest to the current CBD would be developed first, and only then would a further stage of development be considered. The staging outcome sought in the original submissions of 50/11 and 50/49, were, in turn, supported by further submissions from submitters F50/10/09, F50/35/05, and F50/32/03, F50/49/01.

9.3.44 The Commission notes that during conferencing Mr Arnesen promoted the staging of those areas that are closest to the existing QTCZ (being the Beach Street Block and Isle Street sub-zone) before the development of Lakeview sub-zone. Mr Arnesen also recommended that the Lakeview sub-zone be staged and that this be advanced through reducing the size of the Lakeview sub-zone and by introducing provisions at the eastern end of the Lakeview sub-zone that are more enabling.

9.3.45 Mr Colegrave concluded that he considered a staging requirement to be unnecessary for two reasons.[130] First, he did not believe that the Lakeview area would compete directly with the CBD, but rather will complement and reinforce it for the reasons previously discussed. Secondly, it is, in his view, highly likely that future development will be "staged" for commercial reasons anyway.

9.3.46 Having considered the evidence in relation to staging, the Commission has formed the view that, particularly given the new rule framework adopted with respect to non-ancillary retail and commercial activities, formal staging of the Lakeview sub-zone is unnecessary and may limit the effectiveness of the proposed plan change. Accordingly we do not support the relief sought by submitters.

Commission's Recommendation

1. That the submissions by Memorial Properties Limited (50/39/01, 50/39/02, 50/39/06), Queenstown Chamber of Commerce (50/11/03), Remarkables Jet Ltd (50/49/02) and the further submissions of Brecon Street Partnership Limited (F50/10/09, F50/10/36), Kelso Investments Limited and Chengs Capital Investment Limited (F50/35/05 and F50/35/06), and IHG Queenstown Ltd and Carter Queenstown (F50/32/03) and Remarkables Jet Ltd (F50/49/01 and F50/49/05) be **rejected** for the reasons set out above**.**

9.4 APPROPRIATENESS OF A CONVENTION CENTRE WITHIN LAKEVIEW SUB-ZONE

The Issues and Decisions Requested

9.4.1 Thirteen submissions raised issues of relevance to the development and siting of a proposed convention centre within the Lakeview sub-zone.[131] The issues are summarised as follows:

[130] At paragraph 5.1 of his EIC.
[131] 50/04/09, 50/05/03, 50/11/01, 50/11/02, 50/09/03, 50/15/04, 50/22/02, 50/30/04, 50/39/07, 50/43/06, 50/48/09, 50/21/02, 50/37/03, 50/55/01.

- The Lakeview site should be developed as a park and car parking area instead of a convention centre.
- The private sector should build the hotel/convention centre by the airport where there is more room, parking and no 'taxpayer risks';
- International trends suggest there is no need for more convention centres. No convention centres should be built;
- The proposed convention centre is required to diversify the current economic base, and to provide for additional visitors outside of the seasonal peaks of summer and winter to support the existing businesses in the District;
- The location of the conference centre is too far from the town centre for walking and the associated commercial activity will "struggle";
- The development of a convention centre within central Queenstown will strengthen the commercial, social and civic role of this urban setting in the context of the Wakatipu Basin;
- The location of any convention centre permitted as a Controlled Activity should be limited to the area shown in the attached annotated Structure Plan (refer to MPL submission 50/39), or the activity status of a convention centre raised to restricted discretionary, with a matter of discretion listed as "*the suitability of the proposed location*";
- A convention centre should be easily accessible to all by road, with plenty of parking and no "danger zones" to contend with;
- The economic benefits of a convention centre (which ostensibly includes 466 full-time equivalents) in the District are too optimistic;
- Businesses (who will benefit) should be rated to pay for a convention centre, not residents;
- Any building or development within the adjoining Lakeview sub-zone, including a convention centre, should be a Restricted Discretionary consent process (rather than Controlled Activity);
- The convention centre should be redesigned and built immediately using community design and building expertise;
- The convention centre, commercial activities and visitor accommodation on the Lakeview site will diminish the opportunities for suitable long term residential accommodation in this area.

9.4.2 The relief sought by the original submitters ranged from the withdrawal of the convention centre on the Lakeview sub-zone, alternative siting of the convention centre within the Lakeview site, changes to the activity status applying to the development of a convention centre, and full support of the convention centre on the basis of the economic benefits that would be derived.

Discussion & Reason

<u>Economic Benefits of a Convention Centre</u>

9.4.3 Mr Bryce, in his Section 42A report, stated *"[i]n addressing the convention centre and the submissions to the same, it is important to reinforce here that the plan change, itself, only seeks to establish a policy and rule framework to guide the development of such a facility within the Lakeview sub-zone (it also provides for a rule framework for a convention centre outside of the Lakeview sub-zone). The actual development of the convention centre will be subject to a separate resource consent process, should Plan Change 50 be adopted."*[132] A similar conclusion was reached by Mr Kyle in the Planning and Urban Design JWS, where he noted that the plan change does not <u>require</u> a convention centre; rather, it simply enables its

[132] At page 29 of the Section 42A report.

provision by defining it as an activity and providing an appropriate rule framework.

9.4.4 The evidence before the Commission was that the plan change will deliver economic benefits with or without a convention centre. The Council has been careful to advance Plan Change 50 on the basis that the plan change is not dependent on a convention centre, given that no decision has yet been made as to whether a convention centre will be developed on the Lakeview site. Ms Campbell, in her closing legal submissions, explained that although most assessments were undertaken assuming the construction of a convention centre (because such a stance provided a "worst case" envelope of effects), two economic assessments were carried out: a default scenario (without a convention centre) and a second scenario that included the development of a convention centre.

9.4.5 Mr Colegrave concluded that even in the absence of a convention centre, the estimated economic impacts of construction for the default scenario would be:

"(a) $86 million of additional regional GDP,
(b) 1,650 additional full-time jobs for 1 year, and
(c) $65 million of additional household income."[133]

9.4.6 Further, Mr Colegrave estimated that the ongoing economic impacts of business operations would be:[134]

"(a) $177 million of additional regional GDP,
(b) 2,370 additional full-time jobs, and
(c) $121 million of additional household income."

9.4.7 Mr Colegrave estimated that the effect of regional impacts (including flow on effects) from a proposed Convention Centre would be:[135]

"(a) Construction impacts equal to a $10.2 million boost in GDP, and 118 fulltime jobs for 1 year.
(b) Annual operational impacts equal to GDP of nearly $31 million and full time jobs for around 460 people."

9.4.8 Mr Colegrave considered that in addition to these quantifiable economic impacts, a convention centre would also deliver a range of other enduring strategic benefits. These included:

(a) Smoothing of tourism seasonality;
(b) Enabling new networking and strategic alliance opportunities;
(c) Exposing local firms to new skills, technologies and technique;
(d) Increasing competition amongst the local network of conference venues; and
(e) Improving knowledge of the area generally through destination marketing."

9.4.9 The Commission received a number of submissions that supported the provision in Plan Change 50 for the location of a convention centre in the Lakeview sub-zone. The Queenstown Chamber of Commerce (50/11/01, 50/11/02) considered that a convention centre is important to diversify the current economic base of Queenstown, as it would cater for additional visitors outside of the seasonal peaks of summer and winter, and support existing businesses in the District. Similarly, Skyline (50/22/02) supported a convention centre from the perspective of increasing the appeal and product offering of Queenstown, and also on the basis that it would act as a catalyst for the success of Plan Change 50 by providing the impetus for complementary development activity.

[133] Paragraph 4.5 of Mr Colegrave's evidence.
[134] At paragraph 4.6 of Mr Colegrave's evidence.
[135] At paragraph 4.8 of Mr Colegrave's evidence.

9.4.10 The Commission is satisfied that the Section 32 evaluation has clearly articulated the environmental, economic, social and cultural effects of the proposed plan change and associated convention centre if this was to be developed, including the opportunities for economic growth and employment. The evidence presented by Mr Colegrave and Mr McDermott was that the plan change is not dependent on a convention centre to provide for economic growth and enhanced employment opportunities; however, should a convention centre be advanced: *"it is expected that this, together with associated visitor services and accommodation, will lift the income potential of tourism growth by attracting higher spending visitors and increasing the share of business travellers..."*[136]

9.4.11 The Commission also received a number of submissions and statements from submitters questioning the appropriateness of a convention centre. Mr Basil Walker (50/55/01) highlighted concerns that the convention centre options consulted on were not affordable using ratepayer funds. Similarly, Ms Cath Gilmour (50/48/09) raised questions about the voracity of the economic analysis in support of a convention centre, commenting that an independent report prepared by central Government (prepared by NZIER) sought their own assessment of the possible economic impact of a convention centre, including associated employment benefits. Mr D.J and Ms E.J Cassells (50/09/03) and Ms Daniela Bagozzi (50/05/03) also raised concerns with respect to the siting of a convention centre in the Lakeview sub-zone. Mr David Odell (50/04/09) considered that the Lakeview site should be developed as a park and for parking instead of a convention centre, and considered that the private sector should build the hotel/convention centre by the airport where there is more room, parking and no financial risk to taxpayers.

9.4.12 Responding to the concerns raised by Ms Gilmour (50/48/09), Mr Colegrave noted that the employment estimates in his own assessment were sourced directly from a Council commissioned report by BERL, which he considered provided a reliable estimate of potential effects. The BERL estimates differed from the NZIER employment figures due to differences in the underlying methodologies.[137] The Commission's assessment of the economic benefits of a convention centre has relied on Mr Colegrave's employment figures.

9.4.13 While the Commission has noted the submitters' concerns, it is not the function of the Panel to address the *viability* of a convention centre in our decision on this plan change. Whether the Council chooses to advance the development of a convention centre is subject to a separate consultation process under the Local Government Act 2002 and the Council Long Term Plan processes. As a consequence, viability and the means by which the Council elects to fund a convention centre (if it were to proceed) are not within the Commission's jurisdiction. As a consequence, the Commission has recommended rejection of these submissions.

Location of a Convention Centre

9.4.14 The siting of a convention centre was the subject of extensive evidence during the hearing process and much debate during expert witness conferencing. A number of submitters raised specific concerns about the proposed indicative location of the convention centre and potential issues with regard to its distance from the existing QTC (including NZIASB (50/15/04), MPL (50/39/07), Joy Veint (50/43/06)). A number of original submissions were supported by further submissions from IHG and Carter (F50/32/01) (to submission point 50/39/07, recommending that locating a proposed convention centre closer to the edge of the QTC would ensure that it is

[136] At paragraph 54 of Mr McDermott's evidence.
[137] Paragraph 5.4 of Mr Colegrave's evidence.

more accessible), and BSPL (F50/10/14) and RJL (F50/49/02) in support of the NZIASB submission (50/15/04), which considered that the proposed location for a conference centre is too far from the town centre for walking and that associated commercial activity will "struggle".

9.4.15 The NZIASB was represented by Ms McLeod and Mr Stevens at the hearing. The evidence of the NZIASB was that the proposed siting of a convention centre towards the western end of the Lakeview site has the potential to weaken, disperse and dilute the vibrant compact central town centre that has taken many years to consolidate. While Ms McLeod and Mr Stevens agreed that the Lakeview site generally was appropriate for a convention centre, they considered that it would be better located close to the existing reserve at the corner of Hay and Man Streets.

9.4.16 This alternative siting was also favoured by Mr Wyatt and Mr Edmonds for IHG and Carter (50/32) (who provided a further submission in response to MPL's submission promoting the same alternative location for a convention centre). In support of IHG and Carter's further submission, Mr Edmonds submitted that the Issues Section of the QTCZ promotes "the consolidation and maintenance of existing town centres" and that fragmentation can result in a loss of vitality, convenience and accessibility (further advanced under Objective 1 and Policy 1.1). Mr Edmonds noted that the plan change does not make any change to these provisions. In his opinion, the location within the Lakeview sub-zone for a convention centre that would achieve the urban consolidation objective of the District Plan is at the corner of Hay and Man Streets.

9.4.17 The position of various experts on the most appropriate location for a convention centre was distilled in the Planning and Urban Design JWS as follows:

- Mr Wells and Mr Edmonds considered that the location of a convention centre should be specifically identified in the plan change (and identified in the Structure Plan). Their preferred location, referred to in the MPL submission 50/39, is on the corner of Hay Street and Man Street (similar to Mr Gibbs' 'Site 3');

- Mr Gibbs also considered that the siting of a convention centre should be identified in the Structure Plan. His preferred location is 'Site 3' in the Fearon Hay and Populous Queenstown Lakes Development Master Plan, dated December 2013;

- Mr Kyle, Mr Bryce, Mr Bird and Mr Weir did not consider it necessary to identify a specific site for a convention centre in the Lakeview sub-zone Structure Plan. If a convention centre did not eventually proceed, in their view the integrity of the plan change would be undiminished, as it would only be necessary to find an alternative development occupying a footprint of approximately 7,500m^2 (such as a visitor accommodation or high density residential development). As a consequence, none of these witnesses or the reporting officer considered it appropriate or necessary to reduce the size of the Lakeview sub-zone on the premise that a convention centre may not proceed.

9.4.18 There appears to be an apparent nexus between those submitters and their witnesses that sought greater specificity over the siting of a convention centre, vis a vis the Council and its witnesses who have promoted limited control on the basis that the plan change simply seeks to provide for the policy and rule framework to enable a convention centre. In the end, as recorded during the reconvened hearing on 26th February 2015, the location of a convention centre is not something that the

Commission can ultimately determine, given that no decision has been made on this facility.

9.4.19 Ms Campbell in her closing legal submissions for the Council stated:

> *"The Plan Change is to enable subsequent development, all of which will need to be specifically considered through the resource consent process. The Plan Change provisions attached to Mr Kyle's February evidence facilitate the provision of a convention centre by providing Restricted Discretionary Activity status for it. They do not provide a convention centre or assure that one will be built. The Council has been careful to evaluate Plan Change 50 on this basis. Although most assessments were undertaken assuming the construction of a convention centre (because such a stance provided a "worst case" envelope of effects), importantly the economic assessments were made on the basis of a convention centre proceeding under the zoning and also on the basis of a scenario without a convention centre…."*[138]

9.4.20 As noted earlier in this decision BSPL, in its closing submission, acknowledged that the Lakeview sub-zone provisions are not designed to favour any particular site for the establishment of a convention centre, and that the eventual location of any convention centre will ultimately be determined by the market and through the resource consent process.[139]

9.4.21 For the reasons explored in this section, the Commission is not persuaded that it is either appropriate or necessary to specify a specific site for a convention centre in the Lakeview sub-zone, and accepts the evidence of the Council witnesses in this respect. Given that no decision has yet been made in relation to whether or not a convention centre will proceed or who the developer might be, to determine the specific site now would be premature. Accordingly, we reject those submissions that seek an alternative location for a convention centre.

Controlled Activity Status for a Convention Centre

9.4.22 The Commission received extensive evidence from submitters that considered a convention centre is more appropriately sited at the eastern end of the Lakeview sub-zone. The Council, through the evidence of Mr Speedy and Mr Weir, provided the Commission with an overview of the master plan approach to the Lakeview sub-zone, and explained why Council had selected a preferred location adjacent to the public square at the western end of the sub-zone.

9.4.23 The notified plan change proposed that any convention centre located in the Lakeview sub-zone be assessed as a Controlled Activity. The Commission notes that a number of submissions sought relief ranging from a change to the activity status for all building or development within Lakeview sub-zone; the requirement for a Restricted Discretionary Activity consent for any convention centre, or the complete withdrawal of provision for a convention centre from the Lakeview sub-zone in its entirety.

9.4.24 MPL (50/39/01, 50/39/7, 50/39/10) raised concern in relation to the proposed Controlled Activity status of a convention centre and the associated lack of any real control over its location within the Lakeview area. Although MPL, in principle, supported the development of a convention centre near the QTC, it requested that the convention centre either:

> *(i) "be limited to the location allowed via a Controlled Activity for a convention centre to the site within the submission (located immediately adjoining Man Street) within the*

[138] At paragraph 3.2 of Council's closing legal submissions.
[139] At paragraph 6 of BSPL closing legal submissions.

Lakeview sub-zone";

or

(ii) "that the activity status of a convention centre be raised to a restricted discretionary, with a matter of discretion listed as 'the suitability of the proposed location' with associated assessment matters included to address, amongst other matters, the consideration of the benefits that may be afforded to the existing town centre as a result of factors such as the walking distance for conference delegates to the existing town centre."

9.4.25 HW Holdings submitted that building or development within the adjoining Lakeview sub-zone should be assessed as a Restricted Discretionary Activity (rather than as a Controlled Activity). The Committee notes, for completeness, that the issues raised by HW Holdings relating to the siting of outdoor storage areas have been addressed through amendments to Rule 10.6.3.2A(i) Restricted Discretionary Activities (a) Convention Centres located within the Lakeview sub-zone.

9.4.26 Mr Allan Huntington (50/30/01 and 50/30/04) opposed the provision of a convention centre as a Controlled Activity and sought that the proposed convention centre be withdrawn. He considered that a convention centre, together with associated commercial and visitor accommodation on Lakeview, would diminish the opportunities for suitable long-term residential development in this area. The Commission notes that the retention of the 'Lynch Block' as HDRZ may go some way to addressing the concerns of this submitter. We also note that residential activity is, in fact, enabled by the Plan Change 50 provisions within the Lakeview sub-zone.

9.4.27 Mr Kyle's supplementary evidence stated that the revised rule framework for the Lakeview sub-zone proposes that convention centres, visitor accommodation and large scale (over 400m^2 in gross floor area) commercial activities in the Lakeview sub-zone be assigned Restricted Discretionary Activity status. We accept Mr Kyle's recommendation that a convention centre in the Lakeview sub-zone should be assessed as a Restricted Discretionary Activity, noting that if a convention centre was to be located outside the Lakeview sub-zone (but in the QTCZ) it would be assessed as a fully Discretionary Activity. While the matters over which the Council's discretion would be limited do not extend to the location of a convention centre under the proposed rule framework, the Commission considers that the revised activity status addresses in part the original submissions of Mr Huntington (50/30/01 and 50/30/04) and MPL (50/39/01, 50/39/7, 50/39/10).

Commission's Recommendation

1. That the submissions by Queenstown Chamber of Commerce (50/11/01, 50/11/02) and Skyline Enterprises Limited (50/22/02) be **accepted**.

2. That the submissions by H W Holdings Limited (50/37/03), and Memorial Property Limited (50/39/07 and 50/39/10) be **accepted in part**.

3. That the submissions by Mr Allan Huntington (50/30/01 and 50/30/04), NZIA Southern Branch (50/15/04), Ms Gilmour (50/48/09), Mr Walker (50/55/01), Mr DJ and Ms EJ Cassells (50/09/03), Daniela Bagozzi (50/05/03), David Odell (50/04/09) and further submissions IHG Queenstown Ltd and Carter Queenstown (F50/32/01), Brecon Street Partnership Limited (F50/10/14 and F50/10/15) and Remarkables Jet Limited (F50/49/02) be **rejected** for the reasons set out above**.**

9.5 TRANSPORTATION, TRAFFIC EFFECTS, WALKING AND CYCLING, AND CONNECTIVITY

The Issues and Decisions Requested

9.5.1 Seventeen submitters commented on specific matters with regard to transportation and parking effects in relation to various aspects of Plan Change 50.[140]

9.5.2 The relevant issues raised in submissions are summarised as follows:

Overall Plan Change:

- The plan change will only compound traffic and parking problems;
- Concerns were expressed with regard to assumptions that the current transportation network will not be changed materially, when significant adverse effects under the 'status quo' have already been identified;
- Congestion on roads in the CBD will only deteriorate as a result of traffic making its way through town to the high density commercial zone that will be created by the plan change;
- It is important that current transport business planning is integrated with the preparation of the town structure plan proposed in the plan change documentation;
- A review of the Council's parking pricing and supply should be undertaken before or during the preparation of the structure plan, particularly as the plan change signals a limitation on the provision of off-street parking on the Lakeview site;
- The plan change would generate significant adverse effects on the CBD and wider road networks, including Frankton Road. The transport assessment was inadequate; and
- Consideration should be given to whether the convention centre site would make for a suitable transit hub for public passenger transport.

Lakeview sub-zone

One submitter has specifically raised matters relating to parking within the Lakeview sub-zone:[141]

- The requirement for the provision of parking for commercial recreation activities in the Lakeview Sub-Zone should be deleted or, alternatively, provision made for a substantial reduction in the on-site car-parking requirements to be provided; and
- Provision should be made for a publicly owned communal parking facility.

Beach Street Block

One submitter has specifically raised a matter relating to parking within the Beach Street Block:[142]

- Changing the zoning without providing adequate parking provision will increase the parking problem in the area. Car parking is important and should be retained.

[140] 50/04/02, 50/05/04, 50/39/03, 50/43/05, 50/46/01, 50/46/02, 50/49/07, 50/29/01, 50/11/05, 50/44/01, 50/55/01 50/31/05, 50/12/04, 50/21/07, 50/26/03, 50/28/03, 50/33/03, 50/36/03, 50/34/04.
[141] 50/34/04.
[142] 50/19/04.

Isle Street sub-zone

Seven submitters specifically raised matters relating to parking within the Isle Street sub-zone.[143] The relevant concerns are summarised as follows:

- The lack of provision for on-site parking within the Isle Street sub-zone;
- The ability to park vehicles within the road boundary setback should be retained;
- There is a lack of street parking in 'downtown' Queenstown and local people and visitors are parking at the outer perimeters. Hay, Man, Isle & Brecon Streets are currently very congested. It was also contended that it is incorrect to assume that visitors staying in town will not need cars.

9.5.3 In summary, the submitters variously requested that the plan change be rejected in its entirety or that amendments be made to aspects of the plan change to make parking more enabling. Some submitters supported the plan change on the proviso that a more detailed traffic assessment was carried out and appropriate measures to address concerns enabled through the plan change.

Discussion & Reasons

9.5.4 In addressing the issues raised by submitters, the Commission has adopted the sub headings set out in the Section 42A report, which identified the following key issues:

1. The adequacy of the transport assessment and modelling;
2. The traffic effects of the plan change;
3. Parking issues in relation to the Lakeview sub-zone;
4. Parking issues in relation to the Isle Street sub-zone; and
5. Parking issues in relation to the Reach Street Block.

9.5.5 At paragraph 9.5.31 of this report the Commission also addresses an issue raised during the course of the hearing in relation to the appropriateness of the Plan Change 50 process being conducted independently of and in parallel to the proposed Town Centre Transport Strategy.[144] This was a matter raised by Mr Wells[145] and Mr Kelly[146] and in the closing submissions of MPL and RJL.

9.5.6 The Commission first explores the issues raised by submitters, and then discusses how these have been addressed in the plan change as notified and through the hearing.

Adequacy of Traffic Assessment & Modelling

9.5.7 A key issue raised by a number of original submitters related to the adequacy of the transport assessment underpinning Plan Change 50. RJL in its original submission (50/49/07) considered that the transport assessment was inadequate and that Plan Change 50 would generate significant adverse effects on the CBD and wider road networks, including Frankton Road. This was reiterated in the closing legal submissions of RJL, which we address below.

9.5.8 MPL (50/39/03) raised concerns about some of the assumptions that have been used for modelling, particularly traffic modelling. MPL considered that the land use activities enabled by the zoning could differ significantly from what was assumed in

[143] 50/12/04, 50/21/07, 50/26/03, 50/28/03, 50/33/03 50/36/03, 50/34/04.
[144] The '**proposed Transport Strategy**'.
[145] At paragraphs 57 and 58 of Mr Wells' evidence.
[146] At paragraphs 20 to 27 of Mr Kelly's evidence.

that modelling and, as a result, substantially greater traffic flows could be generated than has been assumed. The submitter requested that either an adequately sized public car parking area(s) be identified in the District Plan or, alternatively, more rigorous on-site car parking standards applied. The Commission notes, for completeness, that Mr Kelly for MPL was the only transport witness to prepare written evidence, other than the evidence produced by Mr McKenzie and Mr Mander for the Council.

9.5.9 Plan Change 50 is supported by an Integrated Travel Assessment ("ITA") prepared by Traffic Design Group,[147] which assessed the transportation requirements generated by Plan Change 50.[148] Mr McKenzie, for the Council, presented evidence on the transportation and parking issues, the key points of which are summarised as follows:

- The traffic volumes generated by Plan Change 50 have been assessed based on likely development scenarios and these, in turn, have been analysed using the Council's Inner Links traffic model;
- The ITA assessed the full development potential of the land subject to the plan change against the complying residential and visitor accommodation activities that could be undertaken under the existing HDRZ. Around 300 vehicle movements per hour at peak times was estimated from these existing activities.[149]
- The ITA calculated that potential development under the plan change (including each of the proposed sub-zones) over a 10 to 12 year period could increase traffic by up to approximately 290 vehicle movements per hour in the AM peak hour and 720 vehicle movements in the PM peak hour above what the HDRZ would generate.[150]
- Based on the modelling carried out, the additional traffic that would potentially be generated as a result of the plan change can be readily accommodated on the Queenstown road network;
- A key guiding principal of the ITA was the integration of sustainable travel modes into the development of the site to actively promote alternative transport modes (to reduce reliance on private car use, reduce the demand for parking, and reduce the number of vehicles on the road network). The Council is currently advancing a comprehensive parking management strategy to support this modal shift; and
- The plan change introduced appropriate parking requirements for each activity type proposed, which includes both minimum and maximum rates of provision.

9.5.10 Mr McKenzie's supplementary evidence clarified that contrary to his earlier evidence in relation to the expected generation of vehicle movements from the development of land within the Plan Change 50 area, the ITA did not incorporate the Council's stated goal of creating a 20% shift in sustainable travel modes. Rather, for the purpose of calculating the traffic likely to be generated from the land use activities ultimately envisaged on the Plan Change 50 land, the modelling assumed that no modal shift would occur.[151]

9.5.11 Mr Kelly raised a number of specific issues in relation to the Plan Change 50 traffic assessment. He noted that TDG assessed the additional vehicular trip generation associated with the proposed activities as comprising 393 and 788 trips in the weekday AM and PM peak periods respectively, with a breakdown between the

[147] Herein referred to as the '**ITA**'.
[148] Appendix I attached to the Section 32 evaluation.
[149] At paragraph 8.2 of Mr McKenzie's evidence.
[150] At paragraph 8.3 of Mr McKenzie's evidence.
[151] At paragraphs 9 to 11 of Mr McKenzie's supplementary evidence.

components of development set out at Table 2 of the ITA.[152] In Mr Kelly's experience, the effects of plan changes can be problematic to assess because the pattern of development enabled by its provisions may be quite different from the expected or actual outturn. In such situations, he considered the appropriate analytical approach is to consider a range of credible development scenarios, and to assess the likelihood of effects at the limits of this range.[153] Mr Kelly's concerns were supported by Mr Wells, who was similarly concerned that the modelling undertaken relied on land use assumptions that had anticipated very little commercial development, notwithstanding that the plan change had not proposed any restriction on such use.[154]

9.5.12 During the course of the hearing a number of significant changes to the plan change provisions were recommended to address the transportation issues raised by submitters. The most important change was the introduction of the requirement for an ITA to be prepared for all large-scale development proposals (predominant uses) in both the Lakeview sub-zone the Beach Street Block, which will be assessed as a Restricted Discretionary Activity.

9.5.13 In order to manage the potential transportation issues raised by the larger scale development envisaged as part of Plan Change 50, Mr McKenzie, in his supplementary evidence, explained that the planning provisions supporting Plan Change 50 had been amended to provide for an additional level of travel demand management and travel planning through the requirement to prepare an ITA. Mr McKenzie stated that this approach will actively and deliberately encourage all activity development within the plan change area to increase the proportion of visitors to the site travelling in non-car, higher occupancy modes and to effectively reduce the traffic generation impacts on the wider Queenstown road network. Expanding on this, Mr Kyle, in his supplementary evidence, supported the recommended amendments to the activity status for convention centres, visitor accommodation and large scale (over 400m^2 in gross floor area) commercial activities in the Lakeview sub-zone. These activities were previously provided for as Controlled Activities (with control being exercised over the provision of parking and pedestrian linkages (for all buildings)).

9.5.14 MPL (50/39/03) and other submitters expressed concern with regard to traffic generation associated with the "proliferation of commercial activities" that would result from the plan change. The transportation issues raised by the plan change, including the proposed amendments to the supporting policy and methods, were the subject of expert witness conferencing which helpfully narrowed the key transport and parking issues. Mr Kelly remained concerned that significant retail activity could occur in relation to units below the 400m^2 threshold and that, even for larger developments, Council may have difficulty taking account of cumulative effects where a number of consent applications are being considered concurrently. Mr Wells recorded similar concerns. He did not agree that assessing traffic effects on a case-by-case basis in relation to large resource consents would satisfactorily manage cumulative traffic effects on the transport network. Mr Wells considered that there is the potential for many permitted developments to become established (including residential and sub-400m^2 commercial units) without any consideration of the traffic effects that would be generated. For resource consents that would require ITAs, Mr Wells was not satisfied that their incremental consideration would ensure that effects on the transport network are considered in an integrated manner.

9.5.15 Mr McKenzie, responding to Mr Kelly's concerns, considered that based on the economic assessment information assembled by Council and prepared for Plan Change 50, the likelihood of a large number of sub-400m^2 retail proposals and

[152] At paragraphs 33 and 35 of Mr Kelly's evidence.
[153] At paragraphs 33 and 35 of Mr Kelly's evidence.
[154] At paragraph 65 of Mr Wells' evidence.

parallel applications of sub-400m^2 developments are unlikely. Further, based on Council's advice, Mr McKenzie expects that retail activities within the Plan Change 50 area would be highly complementary (potentially resulting in reduced trip generation numbers) to the more significant activities that would be subject to Restricted Discretionary Activity status and hence Integrated Transport Assessments.

9.5.16 The Commission has, as noted in section 9.3 of this decision, partly addressed this issue by the elevation of sub-400m^2 GFA non-ancillary retail and commercial activities to restricted discretionary status. The Commission has further expanded the matter of discretion applicable to sub-400m^2 GFA non-ancillary retail and commercial activities to provide for the consideration of traffic generation, access, parking and loading. While this is not a full ITA requirement, it nonetheless provides for consideration of traffic effects relating to smaller scale non-ancillary commercial and retail activities. We consider this to be an effective and efficient response to the submitters' concerns.

9.5.17 Addressing the transport issues at the conferencing, Mr Munro, Mr Kyle and Mr Bryce considered that the land use mix, including a convention centre, used as the basis for traffic modelling (to 2026) was reasonable for that purpose. With respect to the amended planning provisions, Mr Kyle and Mr Bryce considered that proposed Rule 10.6.3.2A (as amended in Mr Kyle's supplementary evidence dated December 2014, amended provisions), which proposes a Restricted Discretionary Activity (for a convention centre, visitor accommodation and other predominant activities greater than 400m^2) was an effective method for managing transport effects.

9.5.18 In its closing legal submissions, RJL raised a specific concern that modelling of different development scenarios had not been undertaken to underpin the traffic modelling. In response to this, Ms Campbell, in her closing legal submissions, stated *"Mr McKenzie is satisfied that the future development scenario that informs the traffic modelling is realistic. It is not a "worst case scenario", neither is it a best case scenario. It does not make sense for Plan Change 50 to be planned, funded and built around an unrealistic worst case possibility. Forward planning requires an evaluation of probabilities, not just possibilities. The Council does not accept that there is any significant value in modelling the traffic outcomes of scenarios that it considers less likely to eventuate."*

9.5.19 While Commission acknowledges submitters' concerns that there has been no recognition of the potential traffic effects of other credible development scenarios, on the basis of the evidence provided to us, including the economic evidence of Mr Colegrave and Mr McDermott, we consider the basis of the modelling carried out to be both reasonable and appropriate for these purposes. The Commission has, as noted in section 9.3 of this decision, sought to manage the proliferation of non-ancillary retail or commercial activities in the Lakeview sub-zone; including the expansion of the rule framework to require non-ancillary retail and commercial activities to be assessed as a Restricted Discretionary Activity. As a consequence, the Commission is satisfied that the plan change has provided for a development scenario that reflects the anticipated development outcomes for the Lakeview site in particular.

9.5.20 The RJL submission criticised the way in which traffic issues have been considered and addressed. Ms Campbell responded to five submissions that the Council considered to be misguided or wrong:

(a) RJL's submission that "Plan Change 50 is 'heavily reliant' on securing significant changes in travel behaviour";
(b) RJL's characterisation of Mr McKenzie's evidence as accepting that the traffic is bad and stating that Plan Change 50 will only make it marginally worse;
(c) RJL's criticism that more modelling of different development scenarios has not

been undertaken;

(d) RJL's submission that ITAs will not enable cumulative traffic effects to be considered;

(e) RJL's submission that there are parallels between Plan Change 50 and the circumstances in *Thurlow Consulting Engineers & Surveyors Ltd v Auckland City Council*.

9.5.21 We have already addressed the modelling of different scenarios above.

9.5.22 In addressing RJL's submission that Plan Change 50 is 'heavily reliant' on securing significant changes in travel behaviour, the Commission notes that contrary to the Council evidence presented at the commencement of the hearing, there were no travel design management discounts applied to any of the Plan Change 50 traffic modelling scenarios. Mr Kelly and Mr McKenzie both agreed that this has resulted in some conservatism in the modelling. This matter was appropriately summarised in the supplementary evidence of Mr McKenzie, where he stated: *"[i]f a similar range and scale of traffic demand management initiatives to those assumed in the Inner Links modelling for the surrounding areas of the Queenstown Town Centre were to be introduced into the Lakeview site assessment, then the modelled traffic volumes would be in the order of up to 20% lower than those reported on in the ITA and in my primary statement of evidence. My estimates of trip generation are therefore conservatively high and would over-estimate actual demands should these activities be developed on-site."*[155]

9.5.23 In addressing RJL's submission that ITAs will not enable cumulative traffic effects to be considered, the Commission notes that a similar concern was raised by Mr Holm on behalf of MPL in his interim supplementary legal submissions submitted during the reconvened hearing dated 16th December 2015, and also by Mr Kelly and Mr Wells in their respective joint witness statements.

9.5.24 Mr Holm submitted that the ITA approach advanced by Council: *"means that potential effects of each application are considered at the individual rather than the collective level. It places responsibility on the applicant for each individual development to assess travel demands – rather than at a town wide level."* [156]

9.5.25 In addressing the issue of cumulative effects, the Council's closing legal submissions stated: *"[e]ach ITA will involve consideration of the effect of adding the proposed activity to the activities in the existing environment. Thus in each ITA the cumulative effects, at that point in time, will be considered."*[157]

9.5.26 The Commission considers that, on balance, it would be more effective for the proposed provisions to specifically reference the need for cumulative effects to be considered as part of any future integrated transport assessment. We have therefore recommended amendments to the supporting assessment criteria relating to the relevant Restricted Discretionary Activity rules that require the submission of ITAs for particular activities, to provide for specific reference to the cumulative effect of the proposed activity taking into account the existing and consented environment. These amendments are set out in **Appendix 1** to this report.

9.5.27 Another issue raised by submitters during the hearing was the promotion of the plan change in advance of other strategic transport processes being considered by Council. Mr Mander helpfully provided an overview of the development of the Town Centre Transport Strategy presently being undertaken by Council. In Mr Kelly's view, notification of a plan change that has a potentially significant effect on the town centre traffic environment prior to the finalisation of a transport strategy that should

[155] At paragraph 11 of Mr McKenzie's supplementary evidence.
[156] At paragraph 3.3 of Mr Holm's interim supplementary legal submissions submitted during the reconvened hearing dated 16th December 2015.
[157] At paragraph 7.13 of Council's closing legal submissions.

provide the context for considering Plan Change 50, was putting "the cart before the horse". He noted that the draft transport strategy remains subject to a consultative process that, in his view, has an uncertain outcome (for example; the introduction of additional parking charges and travel design management).

9.5.28 Mr McKenzie considered that the process of transport strategy development would necessarily include some future changes in transport management and control but at the same time would reflect emerging changes within the town centre. He considered the parallel processes of Plan Change 50 and the transport strategy to be appropriate, particularly in the context of the QTC's recent significant and continuing growth. In essence, the transport strategy will be akin to a "living document" and will need to respond to all changes in the town centre environment as they occur. This would include changes required in the event that one or more of the proposed strategies are unsuccessful.

9.5.29 RJL, in its closing legal submissions, also criticised the role and place of the Transport Strategy. The Council replied that: *"[s]uch strategies, as their name suggests, fill a strategic and aspirational role. They are not static documents and are intended to evolve. The Transport Strategy will not just respond to Plan Change 50, but to other private and Council-initiated plan changes, including the upcoming District Plan review. There is no logical reason to hold up Plan Change 50 for the Transport Strategy while other plan change initiatives proceed regardless. The Transport Strategy will develop and evolve as needed."*

9.5.30 Mr Mander also addressed the Otago Regional Council submission (50/46/01 and 50/46/02), which makes reference to the preparation of 'the town structure plan'. ORC sought integration of transport and business planning with the development of the structure plan, and the review of parking supply and pricing before or during the preparation of the structure plan. ORC submitted that the plan change be integrated with the wider strategies Council is pursuing through the development of its proposed town centre transport strategy. Mr Mander noted that encouraging a shift towards the use of alternatives to the single occupant car is a key component of the strategy that Council is presently developing. He commented that the plan change provisions support this objective and, accordingly, the Council's ambitions in this regard.[158]

9.5.31 Having fully considered the evidence before us, we are satisfied that Plan Change 50 can be advanced in parallel with the proposed Council Transport Strategy, particularly given the underlying requirement that all new development within the Lakeview sub-zone and Beach Street Block in excess of a gross floor area of 400m^2, which includes the anticipated predominant uses, requires the submission of an ITA and, accordingly, will be assessed as a Restricted Discretionary Activity. Although we recognise that it would have been desirable to have the Transport Strategy agreed prior to the assessment of Plan Change 50, in reality a number of material assumptions would remain, not the least of which is the effectiveness of some of the proposed strategies (such as a 20% reduction in the use of private cars) and the impact on traffic effects if these measures are not successful. On the contrary, the requisite ITA will be based on the traffic and transportation environment that exists at the date of any resource consent application, and is expected to provide a more tailored solution to the management of traffic effects that is materially more certain than that of the very broad non-specific assessment originally proposed, particularly with respect to consideration of the cumulative effects of the proposed development.

Parking issues with respect to the Lakeview sub-zone

9.5.32 The Section 42A report noted that a "balanced approach" to the provision of on-site car parking is recommended for the Lakeview sub-zone (including 34 Brecon

[158] At paragraphs 4.2 and 4.3 of Mr Mander's evidence.

Street).[159] As such, a convention centre, a hot pools activity (defined as a commercial recreational activity) and residential activities would require on-site car parking. For other activities, Plan Change 50 does not require the provision of any minimum car parking. These recommendations have been incorporated into the proposal through appropriate rules and standards.

9.5.33 Mr McKenzie provided a detailed breakdown of the proposed parking standards applicable to the Lakeview sub-zone, summarised as follows:

- No minimum car parking is required for unit-type visitor accommodation. Instead, a maximum of 1 space per unit up to 15 units and 1 space per 2 units thereafter for guests, plus a maximum of 1 space per 10 units for staff is proposed. In order to maximise the potential for sustainable travel modes, particularly the passenger transport modes, it was recommended that a minimum of 1 on-site coach park be provided per 30 units. This would ensure that larger facilities, where tour groups are expected to stay, would be able to adequately accommodate the buses on which those groups rely;
- For commercial activities in the Lakeview sub-zone it is proposed to remove the minimum parking requirement, in line with the existing rules for the QTCZ. This approach was supported by the Council's developing and evolving transport strategy approach that, in Mr McKenzie's opinion, promotes a strong shared parking strategy whereby primary activity parking is able to be shared with the complementary activities within the sub-zone;
- The proposed parking requirement for a convention centre is 1 visitor parking space for every 10m^2 of public floor area, or 1 space per 10 seats, whichever is greater. Mr McKenzie considered that this parking provision is appropriate when compared to other major centres that provide convention facilities;
- Provision has been made for a dedicated coach parking and pick up/drop off area associated with a convention centre activity, equivalent to the visitor accommodation coach parking requirements of the District Plan for room-type accommodation (hotels); and
- Mr McKenzie recommended that a parking supply rate of 1 space per 5 people be applied to all commercial recreational activities within the Lakeview sub-zone. With respect to the hot pool facility that is proposed on the Lakeview sub-zone, Mr McKenzie anticipated that a significant proportion of hot pools custom could be generated from the immediate vicinity of the site, both within the Lakeview sub-zone and the wider local residential and visitor accommodation catchment.

9.5.34 In formulating his recommendations, Mr McKenzie anticipated a strong shared parking strategy for the Lakeview sub-zone, with primary activity parking (associated with a convention centre for example) being shared with the complementary activities within the sub-zone; for example, tourism operators, cafés and restaurants. However, he is cognisant that shared parking will need to be appropriately managed to ensure sufficient parking is provided to balance on-site and off-site parking demands.

9.5.35 Plan Change 50 does not require the provision of parking provision for other retail and commercial activities that could develop at the Lakeview sub-zone, which is the same as existing parking requirements for retail and commercial activities in the QTCZ.

9.5.36 Mr McKenzie was of the opinion that activities on the Lakeview site will draw on and be complementary to each other, on the basis of their geographic proximity to each other and the rates of attraction to similar tourist and visitor catchment populations.

[159] At page 58 of the Section 42A report.

Accordingly, his analysis has provided for shared-use factors to be applied to the base trip generation forecasts for what would otherwise have been stand-alone activities as follows:

(i) Convention Centre: no shared use (as this is a major generator of activity);
(ii) Hotel: 70% of hotel traffic would be drawn from other Lakeview activities;
(iii) Apartments/Residential: 30% of residential traffic would be drawn from other Lakeview activities; and
(iv) Hot pools: 40% of traffic would be drawn from other Lakeview activities.

9.5.37 Mr McKenzie stated that in his opinion, based on his experience and appreciation of the Queenstown environment where shared-purpose trips are frequent rather than the exception, the above shared use factors are appropriate.[160]

9.5.38 In his Section 42A report, Mr Bryce responded to issues raised by submitters with regard to parking rates applicable to the Lakeview sub-zone. In particular, he addressed the submission by NTTL (50/34/03, 50/34/04) relating to the application of parking standards for commercial recreational activities. Mr Bryce did not recommend any specific changes to address the relief sought by the submitter.

9.5.39 Mr Edmonds explained the reasons for NTTL's submission that the plan change should provide for car parking requirements to be met by the use of shared off-site car parking facilities. In essence, this was due to the high parking ratios that are to be applied to commercial recreational activities (one park for every five people that the facility is designed to cater for) and the fact that the area of land being considered by NTTL within the Lakeview sub-zone is constrained by existing protected trees.

9.5.40 Mr McKenzie addressed the submission of NTTL and other submitters who sought alternative relief for parking standards, explaining that the rates he has recommended are drawn from surveyed demand data for specific activities and current best practice in terms of parking management.[161]

9.5.41 Overall, the Commission is satisfied that the level of parking that is provided for the Lakeview sub-zone can be appropriately addressed by the policy and rule framework now proposed in the further supplementary evidence of Mr Kyle. Parking management is clearly articulated as a matter of discretion and reflected in the ITA requirement for all predominant uses or larger scale commercial development exceeding 400m^2 within the Lakeview sub-zone and the Beach Street Block As discussed above, for other areas of Plan Change 50, the parking rates are drawn from surveyed demand, which is an appropriate basis for the determination of the proposed rules.

Parking issues in relation to the Isle Street sub-zone

9.5.42 Gillian & Donald McDonald (50/31/05) who operate a local visitor accommodation business within the proposed Isle Street sub-zone, expressed the view that the proposed plan change does not provide for sufficient onsite car parking. They stated that their guests are all independent travellers and that approximately 70% travel by car. They currently provide parking for 50% of their guest rooms; however, do not consider that to be sufficient. The submitters (50/12/04, 50/31/05) requested that the current HDRZ rules be applied to residential use of any building.

9.5.43 Plan Change 50 has proposed that the Isle Street sub-zone and the Beach Street block would adopt the existing QTCZ parking provisions, which do not required any on-site car parking to be provided. Mr Kyle commented that this does not preclude

[160] At paragraph 6 of Mr McKenzie's supplementary evidence.
[161] At paragraph 11.18 of Mr McKenzie's primary evidence.

the provision of on-site car parking where this is considered necessary by a developer.[162] Based on the evidence of Mr McKenzie and Mr Mander, the Commission accepts that the parking approach advanced by the Council, which is to be supported by a programme of measures including parking management and public transport (to be adopted under the proposed Town Centre Transport Strategy), will reduce reliance on private vehicles.

9.5.44 A number of submitters (including Mr Stobo (50/21/07), Dairy Guesthouse (50/26/03), Any Old Fish (50/28/03), Watertight (50/33/03) and Mr Hockey (50/36/03)) raised concerns about the parking restrictions that were proposed to be imposed in relation to the front yards of the Isle Street sub-zone under Rule 10.6.5.1 Site Standard (f). Submitters also questioned how reasonable and practical the rule would be. This was a matter addressed in the Section 42A report, where Mr Bryce recommended that Rule 10.6.5.1 Site Standard (f) be amended to only apply to the construction of new buildings within the Isle Street sub-zone from the notification of this plan change. In all other respects, parking in the front yard should be permitted. Mr Bryce's suggested amendment was accepted by Council and has been incorporated into the rule framework. Mr Freeman advised that Dairy Guesthouse is comfortable with the amendments to Rule 10.6.5.1(f) in that it protects car parking areas within the road setbacks.

Parking issues in relation to the Beach Street Block

9.5.45 Mrs Margaret Walker (50/19/04) raised a concern that the plan change removes the need for the provision of car parking on site. She considered that this change would add to the parking issues that already exist on the road bordering her property, and sought that the parking provisions be retained. IHG and Carter (F50/32/02) opposed Mrs Walker's submission and disagreed that provision for on-site parking is necessary in the QTCZ. For the reasons set out in paragraph 9.5.48 above, the Commission considers the approach advanced by Council to be acceptable and notes that on-site parking is not precluded should this be necessary in relation to any individual development.

Man Street Realignment

9.5.46 Mr Holm, for the CMQT (50/17), addressed the Commission on a number of issues raised by the submitters, collectively the owners of 3, 5, 9, 11, and 15 Brunswick Street. The principal concern related to traffic generation and corresponding safety issues should Man Street not be realigned in the vicinity of the submitters' properties. CMQT's submission (50/17/01) noted that the proposed Lake View Structure Plan did not make provision for any roading realignment of Man Street. Mr Holm submitted that Plan Change 50 should be based on evidence that the roading network, public parking provision and on-site parking rules are adequate to accommodate the land use activities proposed and to protect the amenity of neighbouring residences.

9.5.47 NTTL opposed CMQT's submission via further submission F50/34/01, and was not convinced of the need to realign Thompson Street. It considered that an alignment as suggested would be incompatible with the use of the site for a hot pools complex.

9.5.48 Mr McKenzie noted that provision has been made in the plan change for the widening of the Thompson Street road reserve between Glasgow Street and Man Street, and the associated provision of a corner splay at the right-angle bend at the eastern end of Thompson Street.[163] In his opinion, the widening and corner splay

[162] At paragraph 8.43 of Mr Kyle's primary evidence.
[163] At paragraph 10.4 of Mr McKenzie's primary evidence.

are not required to mitigate any transportation effects resulting from development change; however, the opportunity has been taken to include these relatively minor boundary changes to future-proof this part of the network.[164] The Commission understands that the planning provisions ensure that the Lakeview sub-zone structure plan does not preclude a future curve easing to accommodate this corner splay.

9.5.49 While the Commission notes the evidence of Mr McKenzie on this point, other than the exemption provided to the Lakeview sub-zone Structure Plan, none of the rules specifically require consideration of safety issues or resultant road widening improvements. As a consequence, there appears to be no direct correlation between the likely increase in traffic generation on the Lakeview sub-zone, and the potential need for Thompson Street to be widened to alleviate safety issues. We are also cognisant of the evidence of Mr Kyle, where he noted that the lane marked on the Structure Plan located along the western end of the Lakeview site could well provide access to the sites within the Lakeview subzone and also to land identified as part of the Lynch Block.[165] For this reason, the Commission considers it appropriate that the Restricted Discretionary Activity rules relating to a convention centre and visitor accommodation for the Lakeview sub-zone be amended to require an additional matter of discretion to address road safety improvements to the transportation network as a consequence of the proposed development of the Lakeview sub-zone.

9.5.50 We note that NTTL's further submission (F50/34/01) raised concerns that the proposed corner splay realignment could be incompatible with the use of the site for a hot pools complex. While such safety measures may pose a constraint to the future development of this part of the Lakeview sub-zone, the Commission is not persuaded that this is a sufficiently compelling reason to offset the future road realignment of Thompson Street, should this be required for the safety and amenity of adjoining residences.

Commission's Recommendations

1. That the submissions by Craig Stobo (50/21/07), The Dairy Guesthouse 2003 Limited (50/26/03), Any Old Fish Company Limited (50/28/03), Watertight Investments Limited (50/33/03), C. Hockey (50/36/03), and IHG Queenstown Ltd and Carter Queenstown (F50/32/02) be **supported**.

2. That the submissions by Otago Regional Council submission (50/46/01 and 50/46/02, Christopher Mace and Queenstown Trust (50/17/01) and Queenstown Chamber of Commerce (50/11/05) be **supported, in part**.

3. That the submissions by Ngai Tahu Tourism Limited (50/34/03 and 50/34/04 and further submission F50/34/01) be **rejected.**

4. That the submissions by Remarkables Jet Limited (50/49/07), Memorial Property Limited (50/39/03), Margaret Walker (50/19/04), Daniela Bagozzi (50/05/04), David Odell (50/04/02), Joy Veint (50/43/05, Doug and Betty Brown (50/29/01), Douglas Veint (50/44/01), Alan Bunting (50/12/04) and Gillian & Donald McDonald (50/31/05) be **rejected.**

[164] At paragraph 10.5 of Mr McKenzie's primary evidence.
[165] At paragraph 8.32 of Mr Kyle's primary evidence.

9.6 LOSS OF AFFORDABLE HOUSING

The Issues and Decisions Requested

9.6.1 Six original submissions were received that raised concerns relating to the loss of affordable housing, or a lack of affordable replacements through the development of the Lakeview sub-zone.[166] The issues raised are summarised as:

- Displacement of a large number of families and people resulting in pressure on an already tight rental market;
- Loss of affordable housing would create the potential for a very negative social effect;
- The cabins and cribs should be allowed to stay;
- Council should consider extending cabin and crib leases to reflect the potential staged nature of the Lakeview sub-zone;
- Plan Change 50 does not address the mitigation of lost affordable housing options;
- The lack of objectives relating to affordable housing in the proposed plan change is of concern;
- Plan Change 50 needs to be consistent with the objectives of Plan Change 24 and in this respect the provision of affordable and community housing should be included within the plan change;
- The plan change mentions the concept of affordable housing, but there is no commitment to providing any. This goes against one of the development principles adopted by Council in December last year and Plan Change 24;
- The proposed plan change provisions will not deliver a high density residential outcome, if that is a desired outcome for the area; and
- The plan change is largely silent in relation to any residential development opportunities that could be pursued, in particular affordable housing opportunities on Council-owned land.

9.6.2 The relief sought by the original submitters was extensive, including rejection of the plan change, the retention of existing cabins, the need for the plan change to address Plan Change 24 on affordable housing outcomes, and that 30% of any residential uptake on reserve and Council-owned land be set aside for community housing.

Discussion & Reasons

9.6.3 The Section 42A report contended that the delivery of affordable housing is underpinned in the District Plan through Plan Change 24.[167] Mr Bryce considered that Objective 1 undermines the policy outcomes of Plan Change 24. He submitted that Objective 1 is inherently disjunctive, and therefore offers a choice between two forms of housing outcomes: "*access to Community Housing, or the provision of a range of residential activity that contributes to housing affordability in the District*". In his opinion, the disjunctive nature of Objective 1 does not favour one form of affordable housing over another, and will ultimately need to be determined on a case-by-case basis.

9.6.4 The Commission notes that the Section 32 evaluation stated:[168] *"[t]he subject plan change also takes into account the housing diversity issues facing the District. Through the proposed plan change, some limitations on residential development will be addressed,*

[166] 50/02/01, 50/04/07, 50/15/02, 50/42/01, 50/48/02, 50/49/04.

[167] Hereafter referred to as '**PC24**'.
[168] Page 8 of the Section 32 report.

providing improved opportunities for higher density and greater diversity in housing options. While housing affordability issues will not be directly addressed through the subject plan change, resultant housing at the sites will provide accommodation options where transportation and heating costs can be reduced to due proximity to the town centre and sustainable building design." [Emphasis added].

9.6.5 Mr Bryce stated that, in his opinion, the key issue is whether the outcome providing greater housing flexibility will enable Plan Change 50 to achieve Objective 1 of part 4.10 of the District Plan, and to provide a range of housing options within the Lakeview and Isle Street sub-zones. This accords with the second thread of Objective 1, being "*the provision of a range of Residential Activity that contributes to housing affordability in the District*."

9.6.6 In Mr Kyle's opinion, the above District Wide objective and policies are fairly limited. He considered that for zones affected by Plan Change 50 (the HDRZ and the QTCZ), the affordable housing provisions are limited to the assessment matters applying to non-complying resource consent applications.[169] Mr Kyle stated that the provisions applying to the Lakeview sub-zone and the Isle Street sub-zone enable higher density residential area in these sub-zones.

9.6.7 The Commission understands that Plan Change 50 seeks to relax the residential activity controls in the Lakeview and Isle Street sub-zones, so as to (i) enable the market to determine appropriate residential form and scale and (ii) to assist in providing more diverse housing options for the community. In achieving these outcomes, Mr Kyle stated that there are no restrictions in the provisions relating to the Lakeview or Isle Street sub-zones that limit the density of residential units. The additional building height allows a higher percentage of building coverage, in addition to opportunities for lower cost and varied housing to be developed on the subject land.

9.6.8 Mr Kyle acknowledged that there would be some residential displacement associated with the current process, however he considered that this is more directly related to the tenure of the existing cabins, not as a direct result of the plan change. The cabins are on the Lakeview site by virtue of licence agreements with the Council, all of which terminate in 2015. We note that while the cribs and cabins presently located in the plan change area have historic value, their suitability as housing stock is questionable as a result of the generally poor condition of many of the cabins, and an inefficient use of this valuable land resource.

9.6.9 Mr Kyle recommended amending the assessment matters supporting Plan Change 50 to ensure that developing areas in the Lakeview and Isle Street sub-zones that currently do not achieve standards for height and site coverage trigger the consideration of an affordable housing contribution. The Commission understands that this would essentially bring the Plan Change 50 provisions in line with the existing QTCZ criterion, which relates to height zone standard infringements that require consideration to be given to affordable housing. We consider this to be an appropriate amendment to the assessment matters.

9.6.10 Mr Kyle also addressed the Commission on other affordable housing initiatives being advanced by Council. Mr Kyle's supplementary planning evidence provided an overview of the *Queenstown Lakes Housing Accord* and the *Council Lead Policy: Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines*, dated 30 October 2014. This is a process that the Council has entered into with the Government to address housing affordability issues in the district through its initiatives under the Housing Accord and Special Housing Areas Act 2013. The

[169] At paragraph 8.10 of Mr Kyle's primary evidence.

Commission understands from Mr Kyle's evidence that a key facet of the Council lead policy for implementing the Housing Accord is the establishment of Special Housing Areas, within which affordable housing will be provided.[170]

9.6.11 As was evident to the Commissioners throughout the course of this hearing, a number of submitters considered the provisions for affordable housing within the Lakeview sub-zone to be inadequate. Certain submitters also considered that the 'Lynch Block' should not form part of the plan change. Both Mr Walker (50/55) and Mr Tai Ward-Holmes (50/07) addressed the Commission on this issue.

9.6.12 As set out in the Planning and Urban Design JWS, Mr Kyle's further supplementary evidence proposed the retention of the HDRZ over the "Lynch Block" to address the 'edge effects' raised during the course of the hearing. The Commission considers that the retention of the HDRZ over the western end of the Lakeview sub-zone (while retaining the height, bulk and location controls for buildings as notified in Plan Change 50) is appropriate. While retaining the potential for this area to be utilised for visitor accommodation through a Restricted Discretionary Activity resource consent (where the development footprint exceeds 500m^2 under rule 7.5.3.3(ii)), the HDRZ provisions are more appropriately geared towards high density residential development, which, in the Commission's opinion, may assist the advancement of affordable housing initiatives over this part of the Lakeview sub-zone.

9.6.13 The Commission also notes that the retention of the HDRZ over the 'Lynch Block' means that any future residential development will be subject to the assessment criteria of this zone, including affordable housing and the promotion of housing diversity. As indicated by Mr Bryce in his Section 42A report, and set out above, residential development footprints over 500m^2 require resource consent as a Restricted Discretionary Activity with respect to assessment matter 7.7.2(v), which requires that consideration to be given to *"adaptable designs that provide a mixture of unit sizes and numbers of bedrooms to create flexibility in terms of future reuses over the longer term so as to ensure a sustainable community."*[171] Mr Bryce noted that while this criterion does not specifically promote affordable housing, it does encourage housing diversity, which, in turn, may increase housing choice to meet the preferences and needs of the community. Further, the Commission notes that the existing HDRZ provisions also require new comprehensive housing developments to consider: *"[w]hether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District."* As such, the Commission considers that the retention of the HDRZ over the 'Lynch Block' is more likely to encourage the consideration of future affordable housing initiatives.

9.6.14 RJL (50/49/04) considered that the proposed plan change provisions will not deliver a high density residential outcome, if that is indeed a desired outcome for the area. The Commission notes that the retention of the HDRZ over the Lynch Block will assist in securing this outcome.

9.6.15 The Commission considers that retaining the 'Lynch Block' as HDRZ does not prevent this area being utilised in a manner that is consistent with the policy direction set out above. Retention of the proposed height, bulk and location requirements means that the HDRZ will be able to be utilised in a more efficient manner, potentially encouraging affordable housing outcomes. While Plan Change 50 does not provide specifically for affordable housing in terms of direct access to community housing, the provisions will invariably provide for a range of residential activity that contributes to housing affordability in the District.

[170] At paragraph 24 to 28 of Mr Kyle's supplementary planning evidence.
[171] In accordance with assessment matter 7.7.2(iv)(c) Choice (i).

9.6.16 Addressing his concerns, Mr Huntington (50/30/01) opposed the plan change and considered that the emphasis of Plan Change 50 on commercial and visitor accommodation development would be detrimental to HDRZ land close to the town centre. As noted previously, the Commission considers that retention of the Lynch block as a HDRZ will go some way to addressing this submitter's concern. The Commission also notes that Mr Huntington (50/30/06) supported a height increase for high density residential development on the Lakeview site to a 10 metre maximum with a 2 metre roof form bonus. The retention of a 12 metre height limit (plus roof bonus) largely reflects the relief sought by the submitter.

9.6.17 Ms Darkin (submission 50/02/01) sought that a concession be made with regard to housing issues, given that a large number of families and individuals could be displaced, with resulting pressure on an already tight rental market. The original submission by Mr David Odell (50/04/07) commented that the existing cabins provide an important source of housing for families living and working in Queenstown. He considered that the plan change would displace a range of residents, including families, elderly and disabled individuals, and fledgling business owners.

9.6.18 The QLCHT (50/42/01) requested that Plan Change 50 be amended so as to be consistent with the objectives of Plan Change 24, and sought that the provision of affordable and community housing be included within the plan change. Similarly, the NZIASB (50/15/02), raised concerns with the lack of objectives in the proposed plan change to promote uses such as affordable housing, community services or community amenity. The NZIASB (50/15/02) requested that 30% of any residential uptake on reserve and council-owned land be exclusively set aside for community housing. Ms Cath Gilmour (50/48/02) noted that the plan change mentions the concept of affordable housing without making a commitment to providing any by way of a retention mechanism.

9.6.19 It is evident that a number of submitters will not feel that affordable housing has been adequately addressed by this plan change. While affordable housing is a major issue of concern, there is no simple solution. Council is currently addressing the provision of affordable housing through the facilitation of Special Housing Areas throughout the District. There are other methods to promote intensification, such as providing sufficient variety of different types of housing development (for example, through high density provisions) that support the availability of housing and its affordability. In our view, Plan Change 50 (as amended in relation to the Lynch block) provides sufficient opportunity for a variety of housing types to be delivered as part of any future development of the Lakeview sub-zone. On this basis, the Commission considers that the provisions supporting Plan Change 50 are effective in providing for a range of housing diversity and affordability outcomes, and broadly accord with the policy outcomes under Objective 1, set out above.

Commission's Recommendations

1. That the submissions by Queenstown Lakes Community Housing Trust (50/42/01), Ms Darkin (submission 50/02/01), David Odell (50/04/07), NZIA Southern Branch (50/15/02), Ms Cath Gilmour (50/48/02) be **rejected**.

9.7 EFFECTS ON LANDSCAPE AND VISUAL AMENITY VALUES

The Issues and Decisions Requested

9.7.1 Five original submissions raised concerns about the scale, height and density of development and the corresponding effects on visual amenity and landscape values.[172] The matters are summarised as follows:

- The proposed building height limits in the Plan Change 50 area could detract from the visual amenity and landscape qualities of Queenstown and its surrounds;
- The approval of high rise buildings will impact on the natural landscape;
- The visual impact of Queenstown's mountain landscapes will be "gone forever";
- The plan change has the potential to generate significant adverse amenity effects, particularly with respect to the maximum height limits;
- The plan change allows for the development of buildings up to 28 metres in height against the backdrop of the Ben Lomond Recreational Reserve mountains, which are identified as Outstanding Natural Landscapes - Wakatipu Basin;[173]
- The Queenstown Height study assumes retention of the 'green finger' of the Lakeview campground in terms of mitigating the effects of increased height on the landscape
- The proposed height limits will result in significant adverse effects that are more than minor. New urban development should be avoided in Outstanding Natural Landscape (Wakatipu Basin) areas.

Height Limit – 34 Brecon Street & Amendments to Height Limit Plan

9.7.2 One submission was received from BSPL (50/10) that specifically addressed the height limit proposed for 34 Brecon Street, which forms part of the Lakeview sub-zone.[174] BSPL considered that the 12 metre maximum height proposed is neither effective nor efficient, and is anomalous compared to the building heights promoted by Council as acceptable on its own less-well located land in this environment. The submitter sought revisions to the Height Limit Plan to provide for a range of height limits with regard to both 34 Brecon Street and the wider Lakeview sub-zone, which included the following relief:

- Amendment of the plan change to provide for building heights up to seven habitable storeys on the site at 34 Brecon Street and similar increases in maximum building heights between that site and the proposed sub-zone 'peak' of 26 metres, together with the incorporation of complementary bulk and location requirements to maintain suitable amenity on adjacent sites;[175]
- Amendment of the Height Limit Plan to provide for buildings at 34 Brecon Street up to 19 metres as a Controlled Activity, and amendment of rules 10.6.3.3, 10.6.4 and/or 10.6.5.1(xi)(d) to provide, as a non-notified Restricted Discretionary Activity, buildings up to 24 metres in height;[176]
- An alternative to the above measures, reduction of the proposed Restricted Discretionary height limit from 24 to 22.5 metres, provided that 10.6.5.1(xi)(f) is also amended to allow habitable space inside the 2 metre roof bonus;

[172] 50/39/05, 50/43/02, 50/45/03, 50/49/06, 50/48/11, 50/49/06.
[173] Hereafter referred to as '**ONL (WB)**'.
[174] 50/10/02.
[175] 50/10/02.
[176] 50/10/05.

- Amendment of clause 10.6.5.1(i)(d) so that any building at 34 Brecon St with a height greater than 19 metres must comply with a maximum building coverage of 70%;[177] and
- Amendment of the Structure Plan and Height Limit Plan to add a building setback of 17 metres from the existing southern boundary of the cemetery, applying to all buildings with a height above 15 metres. BSPL also noted that if Cemetery Road was realigned in accordance with its submission points, all buildings would need to be clear of that road from the ground and no further setback would be required unless the road was narrower than 17 metres.[178]

9.7.3 The further submission by QGL (FS50/38/01) was opposed to the relief sought by BSPL (50/10). This submitter considered that allowing higher buildings than is currently proposed in Plan Change 50 (in particular as high as 24 metres as sought by BSPL) was inappropriate as it could adversely affect the amenity and character of the surrounding neighbourhood and detract from wider landscape values. QGL submitted that the relief sought by BSPL be rejected.

9.7.4 In summary, the submitters sought a range of relief, including rejection of the plan change through to a reduction of the height limits enabled to align with other comparable zonings of the District Plan.

Discussion & Reasons

Lakeview Sub- Zone (excluding 34 Brecon Street)

9.7.5 We address the landscape and visual amenity considerations raised by the broader plan change before considering 34 Brecon Street specifically.

9.7.6 The Commission notes that Plan Change 50 was informed by a number of technical documents supporting the Section 32 evaluation that addressed the landscape and visual amenity values of Plan Change 50.[179] A landscape and visual assessment report prepared by Dr Marion Read together with a number of additional photomontages (in addition to those that form part of Council's evidence) were prepared by Council as an aid to understanding the landscape and visual effects of Plan Change 50.

9.7.8 The Section 42A report noted that while the plan change is contained within the urban boundary, the Lakeview sub-zone is directly adjacent to the Ben Lomond Scenic Reserve, which was identified as an Outstanding Natural Landscape (Wakatipu Basin) ("ONL(WB)") in Environment Court decision C180/99 as recorded in Appendix 8A (Map 1 of the District Plan).[180] Dr Read, the landscape architect for the Council, reached a similar conclusion in her evidence.[181]

9.7.9 In addressing the existing HDRZ and the permitted baseline, the Section 42A report noted that the majority of larger scale development within the HDRZ is provided for either as a Controlled Activity, or as a Restricted Discretionary Activity (with respect to visitor accommodation or residential development exceeding three residential

[177] 50/10/06.
[178] 50/10/07.
[179] The AEE at page 6-7 (attached as Appendix B to the Section 32 evaluation), the Queenstown Height Study Landscape and Urban Design Assessment ('**the Height Study**') (attached as Appendix B to the AEE), and the Clinton Bird: Urban Design Peer Review ('**the Bird Report**') (attached as Appendix B to the AEE).
[180] Refer page 8 of Clinton Bird Report attached as Appendix F of the AEE (attached as Appendix B to the Section 32 evaluation).
[181] Refer paragraph 5.5 of Dr Read's evidence.

units on the Crowne Plaza site, or residential units greater than 500m^2 in area).[182] However, Mr Bryce considered it entirely feasible, given the smaller scale of individual properties, to envisage that some form of residential development up to 8 metres in height could be advanced within the Isle Street sub-zone under the permitted baseline. The Section 42A report noted that both the earlier Height Limit Study and the Read landscape report concluded that significant progressive change in the landscape character is likely to occur (even in the absence of the additional building height introduced by the plan change), given the underlying height limits that apply to the existing HDRZ.[183] The Commission notes that this is also an important consideration for 34 Brecon Street, which we discuss in more detailed below.

9.7.10 Dr Read considered that the townscape, which in her opinion comprises a "fine-grained urban form", forms the mid-ground between the natural landscapes of the lake and the mountains. Both of these natural landscape areas include but are not dominated by structures, which include jetties and similar built forms around parts of the lake margin, and the Skyline and gondola on the mountainside. Dr Read concluded, however, that the lake and surrounding maintains retain, overall, a predominantly natural character.[184]

9.7.11 In discussing the transition away from the existing fined-grained urban form, Dr Read highlighted that the proposed increase in the building coverage to 80% in the Lakeview sub-zone and 70% in the Isle Street sub-zone (increased from 65% building coverage under the HDRZ), coupled with the proposed height increases for buildings to 12 metres, with varying heights proposed in the Lakeview sub-zone of between 4.5 metres and 26 metres, would result in a coarsening of the grain of the township, in particular within the Isle Street sub-zone. Dr Read considered that this would inevitably result in an alteration to the existing character of the township. Importantly, however, she concluded that the proposed plan change would not alter the character of the lake or lakeside areas, or that of the face of Ben Lomond and Bowen Peak. As a consequence, Dr Read concluded that the overall change in landscape character on the wider landscape as a result of the provisions of the proposed plan change would be relatively insignificant.[185]

9.7.12 Addressing the effects of the plan change on visual amenity values, Dr Read considered that the greatest impact on views and view quality would be experienced in public views from the Queenstown foreshore and the Botanic Gardens. In Dr Read's opinion, development occurring to the height and bulk limits proposed in the plan change would diminish the fine-grain and quaint appearance of the urban component of these views. However, the degree of the impact beyond that anticipated by the High Density Residential zoning would, in Dr Read's opinion, not be great and would not significantly reduce the picturesque quality of the overall views. She concluded that views of the lake and its foreshore would not be substantially altered, and neither would views of Ben Lomond or Bowen Peak, save that a very small sliver of the latter would no longer be visible from these viewpoints.

9.7.13 Mr Bird included a number of photomontages taken from a series of selected public viewpoints from places in and around Queenstown in his evidence. While the Commission appreciates that the photomontages do not represent the likely 'architectural' outcomes of Plan Change 50, they were helpful in guiding our assessment of the maximum building heights enabled on various parts of the plan change areas (including the inclusion of the 2 metre roof bonus where this is applicable). The Commission notes, for completeness, that Figure 33 of Mr Bird's evidence illustrates just one 'indicative' example of a more architecturally realistic

[182] At paragraph 42 of the Section 42A report.
[183] The Commission understands that the HDRZ provides for either 7 metres or 8 metres in height (depending upon the gradient of the ground).
[184] At paragraph 6.1 of Dr Read's evidence.
[185] At paragraph 6.5 of Dr Read's evidence.

development outcome. Figures addressing 34 Brecon Street also provided more extensive architectural details, as did the photomontages provided from Glasgow Street looking east towards the Lakeview sub-zone.

9.7.14 Mr Bird submitted that the photomontages demonstrate that the overall urban design outcome in the Lakeview and Isle Street sub-zones that would result from the combined effects of the Structure Plan, the Height Limit Plan and the District Plan rules will be of a development grain, scale, height and character both appropriate and complementary to the Lakeview and Isle Street sub-zone sites and their local and greater Queenstown contexts. Mr Bird considered that, in the context of the Lakeview sub-zone, the photomontages support his conclusion that the potential building bulk enabled by a combination of the Structure Plan and the Height Limit Plan will result in a collective building mass that is appropriately subservient in scale to the ONL(WB) of the Ben Lomond Scenic Reserve.[186]

9.7.15 Addressing the broader landscape and visual amenity considerations raised by the plan change, the Commission is satisfied that the plan change will not result in a scale of development that would introduce unacceptable effects on the landscape and visual amenity values of the adjoining ONL(WB). In reaching this conclusion, we have had regard to the photomontages attached to the evidence of Mr Bird, including the more detailed Figure 33, which provides further architectural rendering. In relation to the Lakeview sub-zone, we consider that the logical stepping down of building heights following the existing contour of the Lakeview site (as set out in the Height Limit Plan) appropriately addresses and responds to the topography to the rear of the site, and concentrates larger-scaled building heights in locations with a greater ability to absorb future development.

9.7.16 While a number of submitters have raised specific concerns in relation to the overall height limits facilitated by the plan change, the Commission notes that the Lakeview sub-zone Height Limit Plan restricts future development any higher than 12 metres to a relatively discrete area of the sub-zone. Addressing this issue at the hearing, Mr Speedy explained that the highest component of the Height Limit Plan, at 26 metres, represents only 1.3% of the total development area within the Lakeview sub-zone.[187] He clarified that overall, 80% of all future development envisaged within the Lakeview sub-zone will comprise a maximum of 12 metres (equivalent to three storeys) in height. The Commission notes that for the majority of the Lakeview sub-zone, this will represent one additional storey over the existing HDRZ height limit of 8 metres, which reflects a modest up-scaling of the height limits across the Lakeview sub-zone area.

9.7.17 Addressing visual amenity considerations, Ms Gilmour (50/48/11), expressed concern about the loss of green space within the Lakeview sub-zone. This was a matter addressed in the Section 42A report, and in the evidence of Dr Read and Mr Bird. Dr Read considered that the reserve areas that have been proposed in the Lakeview sub-zone (comprising both existing and new reserves) satisfactorily balance the increase in built form.[188]

9.7.18 The Commission concurs with the conclusion reached by Mr Bryce in his Section 42A report that: *"in context with (i) the reserve land to be retained and public areas (such as the square), (ii) the view shafts that have been integrated within the design of the Lakeview sub-zone structure plan, (iii) the retention of existing protected trees, and (iv) the additional landscaping that is required to be implemented at the time of development, I am satisfied that an appropriately balance of 'green space' will be achieved to assist with 'breaking up' the built form proposed within the Lakeview sub-zone*."[189] We have also had

[186] At paragraph 8.10 of Mr Bird's primary evidence.
[187] At paragraph 3 of Mr Speedy's supplementary planning evidence.
[188] At paragraph 6.4 of Dr Read's evidence.
[189] At page 45 of the Section 42A report.

regard to Mr Speedy's supplementary evidence,[190] which addressed the total area of reserve land proposed within the Lakeview sub-zone. Mr Speedy explained that of the total 10.7ha Lakeview site, 59% of the sub-zone land area would comprise reserve and a road/pedestrian network as reflected within the Structure Plan for the Lakeview sub-zone.[191] The Commission notes, for completeness, that Dr Read's recommendation that landscaping be provided as a matter of control for all new buildings, which was supported by Mr Bryce, was adopted by Mr Kyle for Council in the amended rule framework.

9.7.19 As a consequence, the Commission considers that the Height Limit Plan and Structure Plan supporting the Lakeview sub-zone achieves an appropriate balance between enabling the efficient use of this land resource, while seeking to maintain the landscape and visual amenity values of the adjoining ONL(WB) of Ben Lomond and Bowen Peak. As a consequence, we have concluded that the proposed scale of development is acceptable and consistent with the relevant objectives, policies and Part 2 of the Act (and which is discussed in more detail in section 11.0 of this report).

Isle Street Sub-Zone

9.7.20 In addressing the height limits applicable to the Isle Street sub-zone in his Section 42A report, Mr Bryce raised a specific issue with respect to the 15.5 metre maximum building height limit for sites in excess of 2,000m^2 that have frontages to both Isle and Man Streets. In his opinion there appears to be no defined logic to the introduction of a 15.5 metre height limit to the Isle Street sub-zone when development of a similar scale appears in only a relatively discrete number of areas within the Lakeview sub-zone (which is an area that has a demonstrated ability to integrate and absorb larger scale development).[192]

9.7.21 At the hearing, Mr Bird recommended deletion of the 15.5 metre maximum building height limit proposed under Zone Standard 10.6.5.2(i)(a) (bullet point 7). He considered that this provision would be contrary to the urban design and landform/built form objectives of having taller buildings tucked as closely as possible into the toe of Ben Lomond, stepping down in height as buildings move away from that location towards the existing town centre and the lake.

9.7.22 Ms Gilmour raised similar issue in her submission at the hearing. She advised that she was not aware of any landscape/urban planning/visual impact justification for the increase in height for large-scale buildings in the Isle Street sub-zone. Ms Gilmour sought that this area of the plan change be subject to a 12 metre height limit.

9.7.23 As the Commission will address more fully in section 9.11 of this decision, the submission by Mr Thompson (50/24/08) and the supporting legal submissions of Ms Baker-Galloway raised a number of valid issues relating to the efficient use of the eastern block of the Isle Street sub-zone. From an effects based point of view, based on the evidence before us we do not accept that there is a significant level of difference in terms of visual amenity between the 12 metre height limit (plus the 2 metre roof bonus) as compared to the 15.5 metre height limit provided under Rule 10.6.5.2(i)(a) for the eastern Isle Street sub-zone. Accordingly we do not support the deletion of this rule on landscape or visual amenity grounds for this particular area of the sub-zone. However, we accept that the deletion of the rule is appropriate in relation to the western Isle Street sub-zone, as will be fully discussed in section 9.11 of this decision.

[190] At paragraph 10 of Mr Speedy's supplementary planning evidence.
[191] Mr Speedy notes that the Council has granted a lease to a private operator to manage the Lakeview Holiday Park and is considering a similar lease arrangement for the hot pools site under the Reserves Act 1977.
[192] At page 79 of the Section 42A report.

34 Brecon Street

9.7.24 The Commission was addressed at some length on the landscape and visual amenity values raised by BSPL in relation to 34 Brecon Street, noting that this involved extensive evidence produced by both Council and BSPL. The evidence was primarily focussed on the appropriateness of the proposed increase in the height limits sought by BSPL and the corresponding impact on the adjoining ONL(WB), wider public views of the plan change and impacts on the adjoining Queenstown cemetery.

9.7.25 BSPL(50/10) is the owner of 34 Brecon Street. While BSPL supports, in part, Plan Change 50, it sought an increased height limit for its property located at 34 Brecon Street, as set out previously. BSPL argued that the part of the sub-zone that is closest to the existing 'core' should provide for similar or greater height than that proposed for the remainder of the Lakeview sub-zone. The Commission notes that BSPL produced extensive planning and urban design evidence in support of its submission and further submissions.

9.7.26 Mr Gibbs considered that while the western end of the Lakeview sub-zone may be a suitable location for a convention centre and associated activities, it would fall to the eastern end of the Lakeview and Isle Street sub-zones to effectively meet the need for expansion of the town centre.[193] He considered that Plan Change 50 is inappropriately restrictive in relation to the development controls that are intended to be applied to the eastern end of the Lakeview sub-zone and the Isle Street sub-zone. As a consequence, in his view the efficient utilisation of the site would be hampered.[194] Mr Gibbs considered that the plan change does not provide a cogent argument as to why buildings with a maximum height of 26 metres are permitted at the north-western end of the Lakeview site but a restriction of 12 metres is mandated at the eastern end, where there are superior connections to the existing QTCZ. Mr Gibbs' evidence was supported by Mr Munro.

9.7.27 Mr Munro presented an overview of the proposed rule framework supporting BSPL's submission. In summary, this provided for buildings of up to 15 metres in height at the cemetery boundary, additional height up to 19 metres as a Controlled Activity, with a further increase to 22.5 metres as a Restricted Discretionary Activity. Each scenario also included an additional 2 metres of height as habitable roof space, supported with roof plant that was proposed to exceed this maximum height by up to 3 metres, provided the plant was no more than 40m^2 area and at least 10 metres back from any road boundary.[195] Any height over 15 metres would be required to be set back from the cemetery by 17 metres, or by a realignment of Cemetery Road.[196]

9.7.28 In addressing the proposed rule framework, the Commission notes that BSPL (50/10/07) sought an amendment to the Lakeview sub-zone Structure Plan to provide for the realignment of part of Cemetery Road. While this is a matter supported by Mr Bird and Dr Read, as discussed by Mr Bryce in the Section 42A report,[197] the stopping of Cemetery Road does not form part of this plan change process. Mr Gibbs was highly critical that the plan change did not address the realignment of Cemetery Road in view of the strong support from its advisors. He considered it "iniquitous" of Council not to have provided for the potential realignment within the Urban Design Framework and Structure Plan.[198] Noting this

[193] Refer paragraph 5(d) of Mr Gibbs' primary evidence.
[194] Refer paragraph 5(b) of Mr Gibbs' primary evidence.
[195] Mr Munro at paragraph 5.1(c) of his primary evidence, notes that this roof plant bonus have been taken from Plan Change 50, Rule 10.6.5.2(i)(a)).
[196] At paragraph 6.31 of Mr Munro's primary evidence.
[197] At page 71 of the Section 42A report.
[198] At paragraph 16 of Mr Gibbs' primary evidence.

concern, Mr Kyle recommended an amendment to Rule 10.6.5.1(xiii) to provide an exclusion from the requirement to obtain resource consent for any future proposal to realign Cemetery Road along the northern boundary of the sub-zone to link it to Brecon Street. While this does not immediately provide for the setback mitigation sought by BSPL, any future re-alignment of Cemetery Road can be given effect to without constituting a breach of the Site Standard that applies to the Lakeview sub-zone Structure Plan.

9.7.29 The amendment of the Lakeview Structure Plan and Height Limit Plan to add a building setback of 17 metres from the existing southern boundary of the cemetery, which is to apply to all buildings with heights above 15 metres, was discussed by Mr Gibbs (refer Figure 4, and Appendix B). Mr Gibbs considered that this control would ensure that development of 34 Brecon St would not dominate the cemetery, irrespective of whether or not Cemetery Road is relocated.[199] The Commission notes, for completeness, that Mr Bird disagreed with Mr Gibb's evidence as, in his opinion, a 24 metre high building would generally be viewed from the higher ground of the cemetery. Accordingly, a 24 metre building (even with a 17 metre set-back for buildings above 15 metres in height) would be highly visible from the cemetery. Mr Bird considered that only as a viewer approached the shared boundary would the 15 metre high component begin to eclipse the additional 9 metres of building height because of the increasingly steep angle of view.

Loss of Visual Amenity and Landscape Values associated with 34 Brecon Street

9.7.30 The Commission heard extensive evidence from Mr Bird and Dr Read in relation to landscape, visual amenity and associated urban design considerations in relation to the proposals advanced by BPSL. Both witnesses raised concern about the extent of the proposed height limit and its corresponding impact on the adjoining Queenstown cemetery, together with the potential loss of outlook to wider landscapes from this public space.

9.7.31 Dr Read and Mr Bird both relied on the Height Limit Study to draw attention to the sensitivity of the eastern end of the Lakeview sub-zone from both a landscape and urban design point of view. The Height Study observed that the Brecon Street area *"has less potential to absorb significant building height increases than the adjacent Lakeview Park area, as it is separated from the steeply sloping land of Ben Lomond by the cemetery open space. Buildings over three or four storeys could have significant adverse effects on landscape and heritage values, by:*

(a) Dominating and shadowing the cemetery and potentially blocking views from this important public space to the Remarkables, Cecil Peak, Queenstown Hill and the town;
(b) Visually dominating views for Queenstown Recreation grounds, Queenstown Primary School playing fields and parts of the town centre;
(c) Potentially obscuring vistas up Brecon Street and Camp Street to the gondola and Ben Lomond."[200]

9.7.32 In addressing issues raised during the hearing, including shading effects, the Planning and Urban Design JWS recorded the agreement of the experts present that the proposed scale of development sought by BSPL would not result in adverse shading effects on adjoining properties (including the Council camping ground). Mr Bird and Mr Weir noted that the trees that are to be retained and protected as part of the plan change eclipse some of the shading effects that would be created by a 24 metre high building on the shortest day of the year (10am on 21st June). They considered that, in the absence of any other factors, the difference in shading

[199] At paragraph 24 of Mr Gibbs' primary evidence.
[200] At page 16 of the Queenstown Height Study Landscape and Urban Design Assessment (attached as Appendix B to the AEE).

effects between a 12 metre and 24 metre high building would not comprise sufficient reason to limit the height of any building on 34 Brecon Street to less than 24 metres.[201] As a consequence, the Commission accepts that the 24 metre height limit proposed by BPSL would not generate detrimental shading effects on adjoining properties, including the Queenstown cemetery.

9.7.33 Notwithstanding their agreement in relation to the effects of shading, Mr Bird and Mr Weir continued to oppose a 24 metre height limit for 34 Brecon Street at the conferencing, on the grounds set out in their primary and supplementary evidence. On the contrary, Mr Gibbs and Mr Munro were of the opinion that a 24 metre building height limit is appropriate for 34 Brecon Street. The Planning and Urban Design JWS recorded that no agreement was reached with respect to the effects of an increase in the height limit of any building on 34 Brecon Street in relation to the cemetery, the effects on views and dominance from viewpoints other than from the cemetery, and the sustainable use of the Brecon Street site.

9.7.34 Addressing the effects on the adjoining Queenstown cemetery, Mr Bird endeavoured to compare the effects of a 12 metre building (as provided by Plan Change 50) to the BSPL preferred 24 metre high building on the cemetery. His supplementary evidence included Figure 1, which provided photomontages of buildings at the two height limits. Mr Bird concluded that the 12 metre high building sits comfortably alongside the cemetery, whereas the 24 metre high building (which is twice the height) begins to take visually dominant command of the cemetery.

9.7.35 Mr Bird's supplementary evidence included Figure 17 (taken from Mr Gibbs' Appendix B), which provided a photomontage comparing the two height limits. Mr Bird considered that a 12 metre high building would enable the large scale and grandeur of the Remarkables mountain range (on the left) and Cecil Peak (on the right) to remain fully legible and to comprise the predominant natural elements in the overall scene. He was of the opinion that by appearing to be taller than the Remarkables mountain range and obscuring much of its view, a 24 metre high building would visually distort and diminish its apparent scale and grandeur.

9.7.36 In terms of broader views of the plan change site, including 34 Brecon Street, one of the key issues raised by BSPL and Council witnesses was the difference of opinion in relation to the importance placed on building scale reflecting underlying topography. Both Council urban design and landscape architect witnesses reinforced the importance of ensuring that built form follows the existing topography of the plan change area. At 12 metres, Dr Read considered that the proposal complies with the Height Limit Study recommendation that the increase in building height within the area proposed for the plan change be limited to "one story higher than those most proximate". She considered that this would ensure that built form within the plan change area would not dominate or overshadow the neighbouring areas. A height limit of 12 metres would also help to ensure that the underlying topography remains expressed through the built form.[202]

9.7.37 Mr Bird, in his supplementary evidence, was of the opinion that the Height Limit Plan would enable a visually legible gentle slope from the tallest buildings located to the west of the Lakeview sub-zone, to the lower buildings in the east where the Lakeview and Isle Street sub-zones merge with the low lying Gorge Road valley. He concluded that the plan change achieves a synchronicity between the sloping topography of the natural landform underlying the two sub-zones and the built form constructed on top of it.[203]

9.7.38 Mr Gibbs and Mr Munro considered the key driver to be the proximity of the land to

[201] Refer Item 4 - 34 Brecon Street paragraph (viii) of the Planning and Urban Design JWS dated 12th February 2015.
[202] At paragraph 6.1 of Dr Read's evidence.
[203] At paragraph 50 of Mr Bird's primary evidence.

the existing QTC and the ability for the site to be utilised in a more efficient manner. Mr Gibbs concluded that the conditions that enable larger scale development on the Lakeview site are also found on 34 Brecon Street. In his opinion, the most effective way to preserve townscape values is to support the town by intensifying close to the its "heart" so that businesses benefit from the agglomeration effect.[204]

9.7.39 The supplementary evidence of Mr Bird provided three additional photomontages.[205] We found these particularly helpful, given that they assist to articulate the potential visual dominance of a 24 metre high structure from wider public places.

9.7.40 Addressing views from wider public places, Mr Munro's supplementary evidence confirmed that he remains of the view that Mr Gibbs' primary evidence is more reliable than Mr Bird's for the reasons given in his primary evidence. Other than Mr Munro's comments with respect to his reliance of Mr Gibbs's primary evidence, the Commission notes that BSPL provided a further response justifying the appropriateness of a 24 metre high development following receipt of the additional photomontages supplied by Mr Bird in his supplementary evidence (Figures 13, 14 and 15).

9.7.41 Dr Read considered that it is in views from the Queenstown foreshore and the Botanic Gardens that the greatest impact on view and view quality will occur as a consequence of the plan change. While Dr Read did not have the benefit of reviewing the additional photomontages attached to Mr Bird's supplementary evidence, her primary evidence concluded that, in her opinion, buildings of 24 metres in height would be excessively dominant both over the cemetery and in the wider context of urban development at the foot of Bowen Peak.

9.7.42 The Commission questioned Dr Read on the scale of development proposed by BPSL for the 34 Brecon Street site. Dr Read stated that she considered development of the scale requested to be inappropriate, as it would visually dominate the cemetery. She noted that the 34 Brecon Street site does not have the backdrop that the south-western end of the Lakeview sub-zone has (where the plan change proposes to allow a height limit of 24 metres), which is nestled at the base of the mountain range. Dr Read concluded that the effect on views from the cemetery would potentially be significant should a building of 24 metres in height be developed on 34 Brecon Street.[206]

9.7.43 Addressing the context of views from public places, Dr Read stated that a 24 metre high building on 34 Brecon Street, when viewed from Shotover Street, would be very prominent. She considered that the building would appear almost a third as high from this perspective [her Appendix 3] as the skyline, and would significantly detract from the visual amenity of the mountain slope behind it. In her opinion it would appear as a very strong dominating structure when viewed from the QTC.

9.7.44 Overall, the Commission accepts the evidence of Mr Bird and Dr Read that a full 24 metre high development on 34 Brecon Street site may potentially be visually dominant from wider public places and from the adjoining cemetery. There is a risk that a development of this scale would create an abrupt and visually truncated "eastern end" to the enabled development silhouette/profile of the Lakeview and Isle Street sub-zones against the backdrop of the Ben Lomond Scenic Reserve, as noted by Dr Bird.[207] Such an outcome is evident in Figure 13 attached to Mr Bird's supplementary evidence.

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[204] At paragraph 18 of Mr Gibbs' primary evidence.
[205] One from toriginal Viewpoint 6 on the waterfront edge of Queenstown Bay, one from Viewpoint 8, approximately mid-way along the footpath on the lakeside edge of Queenstown Gardens and one from Viewpoint 2, at the far western end of the footpath following the lakeside edge of Queenstown Gardens.
[206] At paragraph 7.2 of Dr Read's evidence.
[207] At paragraph 50 of Mr Bird's primary evidence.

9.7.45 In his closing legal submissions, Mr Bartlett QC submitted that the visual analysis provided by BSPL establishes that the site is capable of absorbing buildings significantly higher than the 12 metres permitted as a Controlled Activity by the plan change. Having considered the evidence of Mr Bird, Dr Read, Mr Munro, Mr Weir and Mr Gibbs and adopting a balanced approach, which factors in visual amenity, landscape and the efficient use of a scarce resource (commercial land), we have concluded that while a 24 metre high building would prima facie be inappropriate, a building in excess of 12 metres in height may well be acceptable on this site. However, we have concluded that the extent of the additional building height permitted as a Controlled Activity should be limited to 15.5 metres (with the addition of a 2 metre roof bonus comprising no more than 40m^2 in area, and located a minimum distance of 17 metres from the adjoining Queenstown cemetery boundary and 10 metres from adjoining road boundaries)[208]. As we have previously determined in relation to the eastern block of the Isle Street sub-zone, from a landscape and visual amenity perspective the Commission is not persuaded that there is a significant difference in built form when comparing a 12 metre (plus 2 metre roof bonus) building to a 15.5 metre high building on this relatively large site. Supporting this point, we note that Appendix B to Mr Gibbs' evidence proposed a 15 metre height limit (beyond which a 17 metre setback would be required). We accept that a building height of 15.5 metres would impact only minimally on wider outlooks to the Remarkables mountain range when viewed from the adjoining cemetery. Further, and importantly, this scale of development will remain generally consistent with the scale of buildings permitted on the Isle Street east sub-zone and the wider Lakeview sub-zone in this locality.

9.7.46 In addressing Figures 13 and 14 attached to Mr Bird's supplementary evidence, the Commission is not persuaded that there would be a significant difference in effects from allowing a building height of 15.5 metres (plus a constrained 2 metre roof bonus) on the 34 Brecon Street site. Views from the wider public places depicted in the Figures would not, in the Commission's opinion, detract from the landscape and visual amenity values of Ben Lomond Scenic Reserve to the north any more than the heights permitted by Plan Change 50 for the remaining areas of the Lakeview sub-zone.

9.7.47 The alternative 15.5 metre height limit preferred by the Commission for 34 Brecon Street would enable an additional storey (or up to four storeys) for a future development on this site, while ensuring that the scale of development appropriately responds to the proximity of the adjoining Queenstown Cemetery. The Commission also notes, for completeness, that at four storeys, any development would accord with the three to four storey height limit discussed in the Council's Height Limit Study.

9.7.48 The Commission considers that, on balance, a development higher than 15.5 metres on 34 Brecon Street may be acceptable; however, to ensure that any effects on visual amenity and landscape are appropriately mitigated, any building with a proposed height over 15.5 metres should be assessed on its merits as a Restricted Discretionary Activity. This is consistent with the evidence of Mr Kyle, who was of the opinion that higher buildings would be more appropriately advanced through a resource consent process, where issues such as design quality, physical setbacks, and the ability to provide for visual breaks within the development to maintain views to wider landscapes can be considered in more detail. We are cognisant that in supporting a 15.5 metre height limit (including a 2 metre roof bonus provision comprising no more than 40m^2 in area), roof plant will need to be carefully designed. This is a matter that was specifically addressed by BSPL (submission 50/10/05).

[208] We understand that Mr Munro, at paragraph 5.1(c) of his primary evidence, has adopted the roof plant bonus sought within the relief of BSPL from the Plan Change 50 provisions attached as Appendix C to Mr Kyle's primary evidence and set out in Rule 10.6.5.2(i)(a)). The only difference to the wording of the rule now proposed is the 17 metre setback applied off the adjoining Queenstown cemetery boundary.

Commission's Recommendations

1. That the submissions by Brecon Street Partnership Limited (50/10/07 and 50/10/05) and the further submission by Queenstown Gold Limited (F50/38/01) be **accepted in part.**

2. That the submissions by Brecon Street Partnership Limited (50/10/02, 50/10/03 and 50/10/06) be **rejected**.

3. That the submissions by Memorial Property Limited (50/39/05), Joy Veint (50/43/02), Janet Sarginson (50/45/03), Remarkables Jet Limited (50/49/06), Cath Gilmour (50/48/11) be **rejected.**

9.8 EFFECTS ON INFRASTRUCTURE

The Issues and Decisions Requested

9.8.1 Four original submissions raised issues of relevance to infrastructure effects, including:[209]

- A moratorium should be placed on new high rise buildings in Queenstown, due to infrastructure, traffic management and other costs;
- Council needs to adopt a lead role in dealing with planning, and the provision of infrastructure servicing solutions in terms of the Isle Street sub-zone;
- Stormwater requires treatment prior to discharging it into the lake. Stormwater is also occasionally inadequate in the Isle Street area; and
- Sewerage pipes in the Isle Street area occasionally become blocked and may need to be upgraded.

Discussion & Reasons

9.8.2 The Section 42A report provided a comprehensive overview of the infrastructure issues raised by the plan change.[210] Mr Bryce noted that Holmes Consulting Group carried out an assessment of infrastructure services to the Lakeview site to inform the plan change.[211] This assessment included the Lakeview sub-zone, Isle Street sub-zone and 34 Brecon Street - the latter added following consultation. No significant impediments were identified in this report; however, existing capacity issues in relation to various components of infrastructure means that upgrades will be required to address the anticipated level of development under Plan Change 50.

9.8.3 Ms Jarvis, for the Council, presented evidence in relation to the infrastructural upgrades required to give effect to the plan change. She maintained that land subject to the plan change is well served by water and wastewater infrastructure; however, some minor upgrading to the servicing infrastructure would be required as the Lakeview sub-zone site is developed (and possibly the Isle Street sub-zone). In particular, updating of the stormwater pipe network will be required to accommodate additional stormwater discharges resulting from an expected decrease in permeable surfaces.

9.8.4 Mr Kyle concluded that, in his opinion, the plan change would make efficient use of

[209] 50/05/04, 50/26/04 and 50/28/04, 50/48/07.
[210] At pages 63 to 65 of the Section 42A report.
[211] Attached as Appendix D to the AEE.

existing utility infrastructure in terms of Section 7(b) of the Act.[212] The Commission accepts this conclusion. No recommendations are made with respect to the submissions that have addressed service infrastructure, on the basis that the supporting technical assessments and evidence have confirmed that the plan change can be supported by existing infrastructure, subject to upgrading where required.

Commission's Recommendations

1. That the submissions by Ms Daniela Bagozzi (50/05/04), The Dairy Guesthouse 2003 Limited (50/26/04), Any Old Fish Company Holdings Limited (50/28/04), and Ms Cath Gilmour (50/48/07) be **rejected**.

9.9 EFFECTS ON HERITAGE VALUES

The Issues and Decisions Requested

9.9.1 Four submitters specifically raised concerns in relation to this issue as follows:[213]

- Many existing cabins on the Lakeview site have heritage value; they represent a tourist attraction and maintain a link to the past of Queenstown as a family holiday resort;
- The removal of 'Kiwiana' cribs/batches on Antrim Street and Earnslaw Street as opposed. The cribs should be retained through partial exclusion of the Lakeview sub-zone over this area of site;
- The Council should consider options for the retention of a small number of the Thompson Street cribs, as representative examples of Queenstown's development from a domestic tourism base into a major international tourist destination;
- Whilst the cemetery is recognised in the Inventory of Protected Features as a Category 2 heritage item, the heritage rules are not able to influence the form of development on adjoining sites; and
- Given the identified significance of the heritage trees as a tangible reminder of the area's use as a recreation reserve for the people of Queenstown, which reflects the beautification initiatives of the early residents, protected heritage trees deserve explicit recognition in the provisions of the proposed plan change.

9.9.2 The Commission notes that most submissions sought amendments to the plan change to provide for the retention of the existing cribs on Antrim Street and Earnslaw Street, or that greater recognition be given to listed trees and heritage features within the plan change boundary.

Discussion & Reasons

9.9.3 The evidence of Dr Cawte was the only formal heritage evidence presented to the Commission, although a number of submitters gave statements that addressed heritage issues during the course of the hearing. The Commission has also considered the submission of Heritage New Zealand.

[212] At paragraph 7.18 of Mr Kyle's primary evidence.
[213] 50/05/01, 50/20/02, 50/06/01, 50/41/01.

9.9.4 Dr Cawte advised that his firm had prepared the heritage impact assessment for land subject to the plan change.[214] The heritage impact assessment identified the presence or absence of heritage and archaeological sites within the Lakeview and Isle Street sub-zones. Dr Cawte noted that at least 11 archaeological sites within the Lakeview and Isle Street sub-zones had been identified. He also identified a number of existing post-1900 heritage buildings within the freehold area and the "Lynch Block" of the Lakeview sub-zone, and noted that these cribs reflect an important period in Queenstown's development.

Glenarm Cottage

9.9.5 Dr Cawte considered that the most significant archaeological site identified (based on an evaluation of assessment criteria) is an extant 1880's cottage, referred to as the 'Glenarm Cottage', located on the corner of Man and Camp Streets.[215] He considered Glenarm Cottage to be a "rare type" of archaeological site in that the dwelling is one of a few remaining structures from this period that is still occupied for its intended purpose. Mr Cawte noted that the cottage is currently protected under the District Plan at a Category 2 level. In his opinion, the building's small footprint and single storey means that it would be threatened by a plan change that permits more intensive development than that currently allowed under existing plan rules. While not forming part of this current plan change process, Dr Cawte recommended that the protection of this cottage be elevated to Category 1 as part of the District Plan review.

9.9.6 Mr Kyle, in his supplementary planning evidence, responded to the Commission's earlier questioning of Dr Cawte. He recommended that, subject to jurisdiction, there should be an amendment to Controlled Activity Rule 10.6.3.2 to include a specific matter of control to manage potential adverse effects on the heritage values of Glenarm Cottage.[216] However, Mr Edmonds considered the provisions recommended by Mr Kyle to be inappropriate and requested their deletion, as there are no similar controls applying throughout the District Plan for listed heritage buildings and features. It was subsequently agreed amongst witnesses at the Planning and Urban Design conferencing that Mr Kyle's proposed matter of control was not essential,[217] as the existing provision already requires the consideration of the design and appearance of buildings, and this necessarily requires a contextual assessment.[218]

9.9.7 The Commission is therefore satisfied that an appropriate contextual assessment will be required for any future development adjacent to Glenarm Cottage. This would require consideration of design and appearance, as well as the developmental relationship with important heritage buildings such as Glenarm Cottage.[219]

Cribs

9.9.8 Dr Cawte advised that the freehold land comprising the majority of the plan change area and the "Lynch Block" respectively contain character cribs that are not covered by the pre-1900 protections of the Heritage New Zealand Pouhere Taonga Act 2014.[220] They do, however, reflect the transition from a mining town to holiday destination, an important period in Queenstown's history.[221] Dr Cawte considered that these cribs reflect an intermediary period in this growth, whereby the majority of

[214] Hereafter referred to as the '**EIA**'.
[215] Refer paragraph 7.6 of Dr Cawte's evidence.
[216] Refer paragraphs 21 to 23 of Mr Kyle's supplementary planning evidence.
[217] Including John Kyle, Clinton Bird, Doug Weir, Nigel Bryce and Gillian MacLeod.
[218] As referred under Item 5(iii) of the Planning and Urban Design JWS dated 12th February 2015.
[219] As required under Controlled Activity rule 10.6.3.2(i) and assessment matters under 10.10.2(iv)(d).
[220] Hereafter referred to as '**HNZPTA**'
[221] Refer paragraph 7.7 of Dr Cawte's evidence.

tourists were domestic and based around the family unit. Subsequently, there was a shift from mainly domestic tourists to a larger number of international visitors. Accordingly, in his view the cribs are a remnant of an interesting and important period in Queenstown's history. Dr Cawte considered that Thompson Street, which is located within the freehold area, boasts the best examples of these cribs. Other examples of extant heritage relating to this period exist at 52, 54, and 56 Camp Street.

9.9.9 As a mitigation measure commensurate to their heritage value, it was Dr Cawte's recommendation that the Thompson Street cribs should be classified under the equivalent of Level 4 of the Heritage New Zealand Guidelines for Investigation and Recording of Buildings (2006), as a means of understanding this formative period of Queenstown's development. He noted that the Council has already undertaken this work, and that it provides an interesting insight into the emergence of the tourism industry as it relates to domestic crib-dwelling families.

9.9.10 Heritage New Zealand's primary submission (50/20/02) encouraged the Council to consider options for the retention of a small number of the Thompson Street cribs, as representative examples of Queenstown's development from a domestic tourism base into a major international tourist destination. If retention was not possible, Heritage New Zealand encouraged the Council to facilitate the relocation of the cribs in order to avoid their demolition.

9.9.11 Mr Bryce's Section 42A report records that a number of submitters (50/05/01, 50/06/01, 50/07/01, 50/41/01) sought the retention of the cribs on Antrim Street and Earnslaw Street. A further submission received by Mr Geoff McPhail (F50/59/01) supported the original submission of Mr Tai Ward-Holmes (50/07).

9.9.12 Mr Ward-Holmes (50/07) presented a statement to the Commission (which included a statement from Mr David Stringer (50/06)). Both submitters raised concerns relating to the demise of the cottages on Antrim Street, and were opposed to the removal of the 'kiwiana' cribs or batches. Mr Ward-Holmes provided the Commission with an overview of an alternative proposal advanced by Queenstown Heritage Cottages (which he represents), to retain the existing cottages in the Antrim Street/Earnslaw Street area. He also sought to provide for the retention of nine cottages, with the goal of establishing a unique historical working model accommodation precinct.

9.9.13 BSPL (50/10) lodged a further submission (F50/10/08) that opposed submissions 50/06/01 and 50/07/01 seeking the retention of these cabins. BSPL stated that the cabins do not have sufficient heritage quality to outweigh the benefit of development of the site.

9.9.14 The Committee questioned Dr Cawte on the importance of the cribs, the period of time over which these cribs were developed and their historical significance. Dr Cawte explained that the emergence of Queenstown as a tourist destination is reflected within the evolution of the cribs, which have evolved and changed since 1935 (with cribs first being constructed in the Thompson Street locality).

9.9.15 Evidence before the Commission suggested that while the existing cribs are important in that they reflect the cultural and social changes experienced in Queenstown from the mid-1930's, they are not of sufficient overall significance to warrant retention. Commensurate to their heritage value, Dr Cawte's recommendation to Council that the Thompson Street cribs should be recorded is, in our view, an appropriate mitigation measure.

9.9.16 Ms Campbell, in her opening legal submissions,[222] together with Mr Speedy for the Council,[223] advised that a commercial arrangement is already in place for some of the cribs to be relocated and utilised elsewhere. Ms Campbell submitted that the relocation of a number of these existing cribs would assist to mitigate any adverse effects on historic heritage, and that the Heritage New Zealand primary submission contemplated such an outcome without disapproval. The Commission is satisfied that any adverse effect on the historic heritage of the cribs has been appropriately provided for as part of this aspect of the plan change.

9.9.17 In addressing Mr Ward-Holmes's response that a number of the existing cribs be protected by an alternative proposal advanced by Queenstown Heritage Cottages, the Commission recommends that this matter be discussed directly with the Council. We do not have jurisdiction to rule on this issue, as it is a private law matter between the lessees and Council as the landowner. We understand that retention of existing cribs within the plan change boundary is subject to existing licences, which we have been advised are due to expire 30 September 2015. Given that the Lynch Block's retention as HDRZ is proposed, there may be opportunity for Queenstown Heritage Cottages to discuss retention options with the Council directly in relation to this matter.

Queenstown Cemetery

9.9.18 Heritage New Zealand's original submission (50/20/03) requested that the effects of adjoining development on the setting of the cemetery be taken into consideration as part of the plan change. Heritage New Zealand also considered it important that overly dominant buildings and lack of connection to the wider zone should not marginalise the cemetery. BSPL (50/10) lodged a further submission (F50/10/18) opposing this submission. Heritage New Zealand's additional response to the Commission expanded on its primary submission relating to the effects of the plan change on the Queenstown cemetery, asserting that the cemetery has significant heritage and amenity values.[224]

9.9.19 In terms of mitigating the effects of future development at 34 Brecon Street on the cemetery, Heritage New Zealand saw merit in a land swap between the Council and BSPL involving the realignment of Cemetery Road so that it runs along the side of the cemetery boundary (thereby creating an open space buffer of between 15 and 20 metres). Heritage New Zealand did not make any specific recommendations as to the appropriate height for any future development at 34 Brecon Street.

9.9.20 Dr Cawte addressed the effects on Queenstown cemetery, and noted that while not directly impacted by the proposed plan change, adjacent developments facilitated by the plan change could have a negative impact. The cemetery is considered a large archaeological site and an important heritage place bordering 34 Brecon Street and the Lakeview sub-zone.[225]

9.9.21 Dr Cawte maintained that building heights should take into account the effects of shading, and not "enclose" the area or significantly impact on views (especially from the main orientation), as this could adversely affect a visitor's experience. He also noted that consideration should be given to noise and consistency of d_{in} at the boundary – a potentially significant detraction from the expected values of the cemetery.[226]

[222] At paragraph 5.5 of Ms Campbell's opening legal submissions.
[223] Refer paragraph 1.12 of Dr Cawte's evidence.
[224] Dated 19th November 2014.
[225] Refer paragraph 8.4 of Dr Cawte's evidence.
[226] Refer paragraph 8.7 of Dr Cawte's evidence.

9.9.22 Dr Cawte submitted that a realignment of Cemetery Road could result in heritage benefits. In his view realignment of the road would create a buffer zone between the cemetery and private property, reducing the impact of adjoining structures and their ability to enclose the cemetery, as well as improving the connectivity to the township. Importantly, it would allow for the main entry to be reinstated, which would return the cemetery entrance to its historic format.[227]

9.9.23 The Committee questioned Dr Cawte on the impact that the inclusion of 34 Brecon Street into the plan change would have on the Queenstown cemetery. Dr Cawte explained that the primary objective of heritage sites is to enhance visitor experience, and in his view the current amenity of the cemetery should be maintained.

9.9.24 In terms of the cemetery, Mr Munro accepted that there are long standing views from the cemetery across the town centre and distant peaks; however, he considered that these are more correctly described as of "a general character" or relate to the "amenity value" of the cemetery, as opposed to its essential quality as a heritage item (as, for instance, the layout of tombstones often leads people away from the view rather than framing the views of people looking at tombstones).[228] While we agree that these values may be considered to be of general or amenity character, we accepts Dr Cawte's evidence that heritage sites are mainly about visitor experience and their interactions with the history of the heritage site.

9.9.25 Mr Munro addressed the Commission on the survey data compiled from cemetery users,[229] which demonstrated that users ostensibly placed considerably lower value on views from the cemetery to the southern mountains than Dr Cawte may have presumed.[230] While useful in defining user numbers and the purpose of their visit, we do not accept that the survey data was a useful gauge of the potential adverse effect on visitor experience of the scale of development proposed by BSPL. On the contrary, based on the evidence before us, the proposed scale of development has the potential to erode the amenity values that exist for current and future visitors to the cemetery (which is currently still actively used for burials), and may, in turn adversely impact on visitor experiences at the cemetery.

9.9.26 The Commission also records that at the Planning and Urban Design conferencing, both Mr Bird and Mr Weir agreed that the difference in shading effects of 12 metre and 24 metre high buildings on 34 Brecon Street would not be a reason to limit development on 34 Brecon Street to less than 24 metres. The Commission understands that if shading created by the existing environment is also taken into account, the analysis demonstrates that the additional height sought does not create substantially different or additional adverse effects. On this basis, the Commission records that shading effects on the cemetery would not appear to compromise the amenity values of visitors when existing environmental features are also taken into account.

9.9.27 As has been noted in section 9.7 of this report, the Commission accepts that at a height of 15.5 metres there would be very little additional dominance created by a building on 34 Brecon Street as compared to a 12 metre height limit plus 2 metre roof bonus. As a consequence, we have supported the inclusion of a 15.5 metre height limit for this property as a Controlled Activity. A matter of control has been introduced to ensure that any adverse effects on the heritage values of the cemetery are adequately mitigated. In reaching this conclusion we are satisfied that the historic values of the cemetery will be appropriately maintained.

[227] Refer paragraph 8.9 of Dr Cawte's evidence.
[228] At paragraph 6.7 of Mr Munro's primary evidence.
[229] As set out in the statement of Mr Trevor Schrieber.
[230] At paragraph 6.11 of Mr Munro's primary evidence.

9.9.28 Mr Bryce's Section 42A report recommended that an additional matter of control be included in the District Plan to ensure that the interface with the cemetery is assessed when resource consent is sought for buildings on sites adjacent to the cemetery. This was supported by Mr Kyle (albeit with minor wording changes) and incorporated in his recommended planning provisions. We accept that this recommended amendment is appropriate.

Protected Trees

9.9.29 The Commission notes that Heritage New Zealand's original submission (50/20/04) identified two groups of heritage trees that are recognised in the District Plan Inventory of Protected Features (references 198 and 214).[231]

9.9.30 Heritage New Zealand (50/20/04, 50/20/05) identified the significance of the trees as a tangible reminder of the use of this area as a recreation reserve for the people of Queenstown and the beautification initiatives of the very early residents. In its view, the protected heritage trees deserve explicit recognition in the provisions of the proposed plan change.

9.9.31 Mr Bryce's Section 42A report addressed this submission, noting that the existing protected trees located within the Lakeview sub-zone are to be retained.[232] Mr Bryce considered that the existing trees are sufficiently protected through the existing District Plan provisions, and that any physical works within close proximity will trigger the need for a full Discretionary Activity resource consent under Part 13 (Heritage).[233] He noted that Part 13 of the District Plan already contains Objective 2 (Heritage Trees) and associated supporting policies that reflect the outcome sought by the submitter. Further, Rule 10.6.2 requires the consideration of District Wide rules (including Part 13 - Heritage). As a consequence Mr Bryce did not recommend the amendments sought by Heritage New Zealand. The Commission agrees with Mr Bryce with respect to this aspect of the relief sought by Heritage New Zealand.

9.9.32 The submission by NTTL (50/34/05) sought that the location of the trees, and the tree-root protection areas, be more accurately defined through this plan change process. Mr Kyle addressed this matter, submitting that as these trees will retain their current protection status under the District Plan, their ultimate management will need to be consistent with the District Plan provisions.[234] The Commission agrees with Mr Kyle's response to this submission. We consider the outcome sought by NTTL to be more appropriately addressed through a detailed design linked to the future resource consent process, rather than through this plan change (an outcome also supported by Mr Bryce in his Section 42A report).[235]

Commission's Recommendations

1. That the further submission by Brecon Street Partnership Limited (F50/10/08) be **accepted.**

2. That the submissions by Heritage New Zealand (50/20/02 and 50/20/03) be **accepted in part**.

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[231] The group of trees includes two mature wellingtonia trees (*Sequoiadendron gigantum*), six oaks (*Quercus robur*), and four cedars (*Cedrus deodara*) and Wellingtonia (*Sequoiadendron gigantum)* Ref. No. 151 (QLDC District Plan) adjacent to the Isle Street sub-zone.
[232] At page 53 of the Section 42A Officer's report.
[233] Under Rule 13.2.3.2(iii).
[234] At paragraph 8.21 of Mr Kyle's primary evidence.
[235] At page 76 of the Section 42A report.

3. That the submissions by Heritage New Zealand (50/20/04 and 50/20/05), Daniela Bagozzi (50/05/01), Mr David Stringer (50/06/01), Mr Thai Ward-Holmes (50/07/01), Mark and Ann McKenzie (50/41/01), Ngai Tahu Tourism Limited (50/34/05), and the further submissions by Brecon Street Partnership Limited (F50/10/09) and Mr Geoff McPhail (F50/59/01) be **rejected.**

9.10 RESOURCE MANAGEMENT ISSUES RAISED BY PLANNING PROVISIONS FOR THE LAKEVIEW SUB-ZONE

The Issues and Decisions Requested

Height Limits for the Lakeview Sub-Zone

9.10.1 With the exception of one additional submission point raised by BSPL (the remainder having been addressed within section 9.7 above),[236] 10 submitters specifically raised issues relating to the height provisions within the Lakeview sub-zone as follows:[237]

- Although a height increase for high density residential development on the Lakeview site is appropriate, the height limit should be reduced to a 10 metre maximum with a 2 metre roof bonus;
- General concerns relating to the scale, height and density of the proposed development;
- The 26 metre height allowance against the Ben Lomond Reserve would be visually disastrous and should be amended;
- A 4.5 metre height limit for the 'lease area' as indicated in Figure 3 - Lakeview sub-zone Height Limit Plan is unnecessarily restrictive and would curtail the development of this site; and
- The proposed height increase on the Man Street boundary, directly against higher ground, for example, the camping ground, should be withdrawn.

9.10.2 A range of additional submissions relating to the various Lakeview sub-zone provisions included:

Building Setbacks

- There should be a generous setback of 50 metres or a 7 metre height restriction within 50 metres of the street boundary in the Lakeview sub-zone where this has a frontage to Isle Street and Hay Street.[238]

Structure Plan

- The Structure Plan rule should be amended to ensure that the view shaft cannot be varied so that it might be located within the submitter's land;[239]
- The Structure Plan should be amended to allow further building on the strip of land marked as reserve on the north;[240] and
- The 'active frontage' areas shown on the Figure 2 of the Structure Plan, as they relate to the 'lease area' for the hot pools, should be deleted.[241]

[236] 50/10/08.
[237] 50/01/01, 50/09/02, 50/40/01, 50/21/03, 50/23/06, 50/30/05 and 50/30/06, 50/31/07, 50/34/07, 50/49/06. 50/43/02.
[238] 50/23/06, 50/31/07.
[239] 50/37/04.
[240] 50/40/07.
[241] 50/34/06.

Strengthen Provisions Relating to Use of Reserve Land

- There is a need to strengthen the rules relating to noise, light spill, vehicle and pedestrian access, odour and visually bland or dominant buildings, wall and fence controls on the reserve land proposed to front Thompson Street in the Lakeview Structure Plan to protect the amenity of nearby residential properties and public places.[242]

Additional Development on Reserve Land

- The Structure Plan should be amended to allow further building on the strip of land marked as reserve to the north of the Structure Plan.[243]

Discussion & Reasons

Height Limits for the Lakeview Sub-Zone

9.10.3 Two submitters (Michael Legge 50/01/01, Joy Veint 50/43/02) considered that Plan Change 50's 'high rise' approach would result in environmental and visual damage. Mr Legge submitted that the unique alpine resort character of the town would be lost if high rise buildings are permitted "right up to the District's mountains" and that the town could resemble 'Surfers' Paradise'. MPL (50/39/05) considered that the proposed building height limits (in both sub-zones) could detract from the visual amenity and landscape qualities of Queenstown and its surrounds. Similarly, Mr Craig Stobo (50/21/03) did not support the change to allow buildings up to 26 metres high at the boundary of the Ben Lomond Reserve. Mr Huntington (50/30/06) sought the retention of the HDRZ but proposed an increase in the height rule with respect to the Lakeview sub-zone to 10 metres plus a roof bonus of 2 metres.

9.10.4 The landscape and visual amenity effects of the proposed buildings heights have already been discussed in section 9.7 above. Accordingly we need not repeat our findings on landscape and visual amenity considerations.

9.10.5 Mr Bird noted that the Height Limit Plan illustrates the specific areas of the Lakeview sub-zone to which various maximum building heights apply. These heights range from 4.5 metres (at the yellow end of the spectrum), via incremental steps of 12 metres (3 storeys), 15.5 metres (4 storeys), 19 metres (5 storeys), 22.5 metres (6 storeys), to a maximum height of 26 metres (7 storeys) (at the red end of the spectrum), excluding the possible 2 metre roof bonus to promote attractive roof design. Based on Mr Bird's experience, it is generally accepted internationally that buildings of 6 to 7 storeys in height are 'medium rise', and *not* 'high rise'.[244] Mr Bird considered that the vast majority of the Lakeview sub-zone is subject to a maximum building height limit of 12 metres (3 storeys), which is little more than the height of a typical residential town house. Buildings of this height would, in his opinion, be considered 'low rise'.[245] We accept Mr Bird's evidence, which was not disputed by any of the expert witnesses, and have concluded that the proposed height limits in the Lakeview sub-zone are appropriate.

Additional Building Setbacks

9.10.6 The original submissions of Nigel Brown (50/23/06) and Gillian and Donald McDonald (50/31/07), sought a generous setback of 50 metres or a 7 metre height

[242] 50/17/01.
[243] 50/40/07.
[244] At paragraph 10.10 of Mr Bird's primary evidence.
[245] At paragraph 10.11 of Mr Bird's primary evidence.

restriction within 50 metres of the street boundary in the Lakeview sub-zone where sites have a frontage to Isle Street and Hay Street. Mr Bird considered that the height reduction relief would be contrary to the urban intensification and built form/streetscape character objectives of Plan Change 50.[246] Further, the Commission notes that this would not appropriately articulate the proposed QTCZ height limits and would relate poorly to larger scale buildings located within the adjoining Isle Street sub-zone. The relief sought in relation to building setback off Isle Street and Hay Street would also result in an inconsistent urban design response.

9.10.7 Overall, the Commission considers that the building setbacks proposed for the Lakeview sub-zone are appropriate.

Height Limit – Hot pools Site

9.10.8 NTTL (50/34/07) requested that the proposed Plan Change 50 rules for building height within the 'lease area' remain consistent with the rules for Recreation Reserves, and accordingly be increased to a maximum height of 8 metres. Mr Huntington (50/30/05) stated that maintaining the height of the hot pool complex consistent with that of adjacent land would result in a higher value and premium for what is a community asset. The Commission notes, for completeness, that the adjoining land is zoned HDRZ, which provides for either 7 metres or 8 metres in height depending on the gradient of the site.

9.10.9 Mr Edmonds addressed the NTTL submission. He advised that the submitter has an interest in leasing approximately 7,500m^2 of land located to the west of the intersection of Man and Thompson Streets, generally indicated as 'reserve' on Figure 2 of the 'Lakeview Sub-Zone Structure Plan'. It is NTTL's intention to establish a commercial hot pool facility on this land, together with associated spa treatment rooms and ancillary retail, service and administrative activities (the scope of which have not yet been determined).

9.10.10 Mr Edmonds commented that the existing trees located within the proposed 'lease area' are protected under the District Plan and, as such, these trees have the potential to constrain the submitter's future development aspirations. He considered that it is unlikely that an appropriate "entry" building and commercial retail activities associated with the hot pool operation could be accommodated within the 4.5 metre height limit mandated by the Lakeview sub-zone Structure Plan. Mr Edmonds explained that an 8 metre height limit was sought to provide greater flexibility in relation to the submitter's future development aspirations for the proposed 'lease area'.

9.10.11 Mr Bird considered that raising the maximum permitted building height limit from 4.5 metres to 8 metres on the Hot Pools site would substantially compromise the rationale for the height limits proposed in the Lakeview sub-zone. In Mr Bird's opinion, an increase in the height limit at this site would also compromise the visual prominence and functional significance of a building on the proposed convention centre site in relation to the square generally and, in particular, to the main entrance into the square from Man Street and the James Clouston Memorial Park.[247]

9.10.12 Dr Read considered that limiting the height of any future building to 4.5 metres would protect the contribution that this reserve land will make to reducing the visual effects of development to the north. In her opinion, increasing the height of development beyond 4.5 metres has the potential to generate increased effects in

[246] Refer paragraph 10.58 of Mr Bird's primary evidence.
[247] At paragraph 10.34 of Mr Bird's primary evidence.

relation to the visual dominance of buildings in this part of the site. Dr Read was emphatic that this is a sensitive site that should contribute some "green amenity" to the overall development of the Lakeview site. Accordingly she opposed to the relief sought by NTTL.[248]

9.10.13 Based on the evidence of Mr Bird and Dr Read, the Commission does not support the relief sought by NTTL and recommends that the height limit as notified be retained for this part of the Lakeview sub-zone. We note that any proposed increase in height for a specific proposal would appropriately be assessed as a Restricted Discretionary Activity within the rule framework.

Building Coverage

9.10.14 Justin Wright (50/40/03 and 50/40/04) submitted that the minimum building coverage on both the Lakeview and Isle St sub-zones should be increased to a minimum of 95%. Mr Bird considered the maximum 80% coverage proposed for the Lakeview sub-zone to be sufficient to enable the efficient and sustainable use of this scarce and valuable Queenstown land resource. We concur with Mr Bird and deal with submission (50/40/03) under the Isle Street building coverage at section 9.11 of this decision.

Structure Plan

9.10.15 HW Holdings (50/37/04) sought that Rule 10.6.5.1(xiii) be amended to ensure that the secondary view shaft adjacent to its land cannot be relocated within the submitter's land. The submitter was also concerned that the secondary view-shaft could become a service lane or used as the back-of-house area for the convention centre (as a location for skip bins, deliveries and other low amenity functions). It sought that the uses of the view shaft be limited to landscaping, pedestrian and cycling purposes only. Further, HW Holdings (50/37/03) sought the introduction of assessment matters (linked to the submitter's request for a Restricted Discretionary Activity for the convention centre) to ensure that any development of land within the Lakeview sub-zone to the east of the submitter's land be managed to avoid the location of service or back-of-house facilities adjacent to the common boundary.

9.10.16 These matters were comprehensively addressed by Mr Kyle,[249] as well as during caucusing in December 2014. Agreement with respect to the siting of outdoor storage areas was reached through amendments to Rule 10.6.3.2A(i) Restricted Discretionary Activities (a) Convention Centres located within the Lakeview sub-zone. We accept that the proposed agreed change to the activity status is both necessary and appropriate (subject to our comprehensive revisions to the rule framework for predominant uses in the Lakeview sub-zone as discussed above); however, we do not consider that any additional assessment matters are required to address the submitter's concerns in view of the matters of discretion governing predominant uses that have now been introduced.

Active Frontage

9.10.17 In its original submission (50/34/06), NTTL noted that the Structure Plan (Figure 2 at page 10-17) indicated a solid red line around most of the eastern and the entire northern boundary of the proposed lease area, which represents an 'active frontage area'. The submitter sought that the 'active frontage' areas shown on the Figure 2 Structure Plan, as they relate to the lease area, be deleted.

9.10.18 Mr Bird considered it important that all frontages to the proposed Market Square

[248] Refer paragraphs 7.9 to 7.12 of Dr Read's evidence.
[249] At paragraph 8.32 of Mr Kyle's primary evidence.

assist in "activating" the square. In his opinion there must be the "strongest possible visual and functional interaction" between the hot pools site and the square if the square is to maximise its potential to become a publicly attractive, engaging, vital place for events to take place and for people to linger.[250] Without the active frontage rule applying along this boundary, there is, in his opinion, a very real danger that future development could "turn its back" on the square. On the basis of the evidence of Mr Bird, the Commission does not support the relief sought by NTTL. We are persuaded that the active frontage is an integral component of the plan change, and that it is appropriate in all of the circumstances. Further, we did not hear any evidence that might establish that compliance with the active frontage requirements would significantly adversely impact on any development on the hot pools site.

Additional Development on Reserve Land

9.10.19 Mr Justin Wright (50/40/07) supported the plan change but requested that the Structure Plan be amended to allow further building on the strip of land marked as reserve to the north of the Structure Plan. He wished to see this urban space developed so that Council could realise the valued added to the Council-owned asset.

9.10.20 In addressing this submission, the Section 42A report noted that the land that forms part of the proposed reserve provides an open space buffer to the wider ONL(WB) of Ben Lomond and Bob's Peak landscapes. Mr Bryce noted that extending the urban boundary into this reserve and the ONL(WB) was not an outcome that he supported.[251] The Commission agrees with this conclusion.

Strengthen Provisions Relating to Use of Reserve Land

9.10.21 CMQT (50/17/01) are the owners of 15 Brunswick Street and 3, 5, 9 and 11 Brunswick Street. CMQT (50/17/02) requested that Council ensures Plan Change 50 contains adequate provisions and controls for the reserve land proposed to front Thompson Street in the Lakeview sub-zone Structure Plan to address noise, light spill, vehicle and pedestrian access, odour, visually bland or dominant buildings, and wall and fence controls to appropriately protect the amenity of nearby residential properties and public places. CMQT also requested that the noise rules for the wider zone be strengthened to ensure that the amenity of properties and public places within and beyond the zone are appropriately protected. This submission was opposed by NTTL in its further submission (F50/34/01),[252] which considered that the changes sought by CMQT are unnecessary and could compromise the ability of the site to be used for the purpose of a hot pool complex.

9.10.22 The Commission considers that the issues raised by CMQT have been appropriately addressed in the Section 42A report and/or have been responded to during the course of the hearing. Building design, lighting and glare, noise and other amenity related provisions are all appropriately provided for within the proposed planning provisions supporting Plan Change 50, as amended as a result of this hearing.

Outline Development Plan

9.10.23 Ms Gilmour (submission 50/48/06) suggested that an outline development plan be required to give more surety to the eventual shape of the plan change area. She noted that in this District the Urban Design Panel has been utilised effectively to assist with the assessment of outline development plans and subsequent building

[250] At paragraph 10.46 of Mr Bird's primary evidence.
[251] At page 75 of the Section 42A report.
[252] Hereafter referred to as '**NTTL**'.

design. Ms Gilmour's proposal would necessitate the obtaining a resource consent for land use activities within the new zone, once the layout of buildings, public spaces, access and the like had been confirmed.

9.10.24 Currently, the proposed Structure Plan and associated performance standards for the zone seek to manage the effects of land use activities that would ultimately locate on this land without the requirement for an outline development plan. While the Commission generally supports the use of outline plan processes, which provide greater detail in support of plan changes (and which could have assisted greatly in addressing matters raised during this hearing process), we have concluded that an outline development plan should not be required for the Lakeview sub-zone, given the overriding purposes of the Lakeview Height Limit Plan and Structure Plan and the desire by Council to provide for a degree of flexibility for the future development of the Lakeview sub-zone. We note that the Lakeview sub-zone is supported with appropriate assessment matters that provide clear urban design guidance.

Internal Floor-to-Floor Height Amendment

9.10.25 BSPL (50/10/08) sought an amendment to Rule 10.6.5.1(xiv)(a)(d) to specify a minimum 3.5 metre ground floor floor-to-ceiling height limit so as to remove the uncertainty that exists around inter-floor and service height in a floor-to-floor requirement, and to ensure the most efficient possible use of space. This was a matter addressed in Mr Bird's supplementary evidence, where he agreed that a minimum 3.5 metre ground floor floor-to-ceiling height would deliver an acceptable urban design outcome. The Commission accepts this amendment.

Commission's Recommendations

1. That the submission by Brecon Street Partnership Limited (50/10/08) be **accepted**.

2. That the submissions Marjory Pack and John Allan (50/18/03) and HW Holdings NZ Limited (50/37/04) be **accepted in part**.

3. That the submissions of Mr Nigel Brown (50/23/06), Ms Gillian and Mr Allan Huntington (50/30/05, 50/30/06), Mr DJ and Ms EJ Cassells (50/09/02), Mr Craig Stobo (50/21/03), Mr Nigel Brown (50/23/06), 50/31/07, Ngai Tahu Tourism Limited (50/34/06 and 50/34/07), Memorial Property Limited (50/39/05), Remarkables Jet Limited (50/49/06), Mr Justin Wright (50/40/01, 50/40/04 and 50/40/07), HW Holdings Limited (50/37/04), Ms Gilmour (50/48/06) and Mr Christopher Mace and Queenstown Trust (50/17/02) be **rejected.**

9.11 RESOURCE MANAGEMENT ISSUES RAISED BY PLANNING PROVISIONS FOR THE ISLE STREET SUB-ZONE

The Issues and Decisions Requested

Policy Framework

9.11.1 Marjory Pack and John Allan (50/18/03) requested a number of specific amendments to the Isle Street sub-zone policy framework.[253] The relief sought is

[253] 50/18/03.

set out in detail in Mr Bryce's Section 42A report.[254] The Commission adopts this aspect of Mr Bryce's report in full and agrees with his suggested amendments to Policy 1.2, which replaces the words "*in close proximity to the town centre*" to "*within the vicinity of the town centre*". The revised wording aligns with the changes proposed in Issues 10.2.3 (third bullet point). The Commission notes that this amendment was incorporated in Mr Kyle's final recommended rule framework, as set out in his further supplementary evidence.

9.11.2 The Commission notes that Mr Bryce did not recommend adopting any further amendments to the policy framework, given that the relief sought advances the "suburban elements" of the proposed Isle Street sub-zone. The Commission is satisfied that proposed Policy 1.5, which supports Objective 1, will promote an appropriate mixed-use environment facilitating both commercial and high density residential development within the Isle Street sub-zone. As we have set out at paragraph 9.11.12 of this report, further amendments are proposed to the Isle Street sub-zone to more appropriately respond to the differences in character between the western and eastern blocks. In our view these amendments directly respond to the relief sought by Marjory Pack and John Allan.

Height Limits for the Isle Street Sub-Zone

9.11.3 Nine submitters have specifically raised issues with regard to the height provisions in the Isle Street sub-zone.[255] These included:

- The 12 metre height limit was considered to be appropriate; however, more detailed work is required be undertaken with regard to the potential loss of outlook from a number of properties, particularly properties that front onto Isle Street.
- When calculating height, the current ground levels should be adopted for the Isle Street Sub-Zone, as opposed to the original ground levels;
- The proposed increases in the height limits are inappropriate due to loss of sun (which will cause shading in winter and summer). The existing HDRZ height limit (7 metres) should be retained;
- The height increase proposed for the properties adjoining Man Street was strongly opposed;
- The combination of the 12 metre height limit in conjunction with the proposed site restrictions dictates unusual built form. Qualitative volumetric controls as opposed to maximum height limits, setbacks and recession planes should be considered in the alternative;
- The proposed height limits are totally out of scale for the area, particularly the 15.5 metres for sites over 2,000m^2, and would lead significant shading of adjoining properties and Man Street;
- Site Standard 10.6.5.1(xi) Building and Façade Height (e) should be amended to reduce the maximum height limit to 10 metres given the existing character of the zone. The reference to the Isle Street sub-zone under 10.6.5.1 Site Standard (xi) Building and Façade Height (f) should be deleted;
- Zone Standard 10.6.5.2(i)(a) Bullet Points 7 to 10 inclusive should be deleted; and
- The proposal to allow the amalgamation of 2,000m^2 sites (four existing sites) should not be allowed, as buildings of this scale would "dwarf" the area and the CBD.

9.11.4 The relief sought ranged from full support of the provisions, as publically notified, to requesting further relaxing of the proposed standards, to seeking the rejection of the proposed height limits and retention of HDRZ height standards.

[254] At page 65 and 66 of the Section 42A Officer's report.
[255] 50/12/01, 50/13/01 and 02, 50/14/01, 50/16/03, 50/18/07 and 08, 50/21/06, 50/26/02, 50/28/02, 50/31/04.

Height Recession Plane

9.11.5 Nine submitters specifically raised issues relating to the proposed height recession plane requirements in the Isle Street sub-zone.[256] These included:

- The need for a recession plane control was questioned. In particular, it was considered that a 45 degree recession plane commencing 5 metres above the boundary would be overly restrictive and could result in poor design outcomes, including unattractive built forms;
- There may be an issue as to how a 'northern boundary' will be interpreted with respect to the recession plane rule (it may, for example be more efficient to name the street boundaries to which this rule applies rather than refer to cardinal points);
- A report on the economics of the development should be commissioned by Council to ensure the proposed rules do not create a set of conditions that make the proposed plan unfeasible;
- Recession planes should be removed altogether;
- Council should undertake further assessment in relation to the exact makeup of the proposed recession planes, particularly considering the proposed mixed use of the Isle Street sub-zone. Recession planes should either be deleted and an alternative design solution put forward, or the angle/height of the recession planes relaxed;
- The current high-density limits and rules for the Isle Street sub-zone should be retained. Alternatively, a 5 metre height restriction on the Man Street rear boundaries with a horizontal plane towards Man Street to a maximum of 12 metres should be provided; and
- The recession planes from internal boundaries for the Isle Street sub-zone (10.6.5.1 (xi)(i) appear to be different than those of the QTCZ and Lakeview sub-zone, without justification. The same provisions should apply.

9.11.6 The relief sought questioned the appropriateness of the proposed recession plane provisions and requested their removal, replacement with the existing HDRZ or QTCZ provisions or that a more suitable alternative response be provided for.

Building Coverage

9.11.7 Six submitters specifically raised issues of relevance to the building coverage proposed in the Isle Street sub-zone.[257] These included:

- The proposed site coverage and setbacks within the Isle Street sub-zone were opposed. Site coverage should be "increased to 60%" and setbacks should be provided in relation to all boundaries;
- The proposed maximum coverage in Isle Street sub-zone (70%) is less than some other areas of the town centre, including the new Lakeview sub-zone (80%);
- A site coverage of 70% is too intensive; and
- The minimum building cover on both the Lakeview site and the Isle Street sub-zone to be increased to a minimum of 95%.

Yard Setbacks

9.11.8 Five submitters raised issues in relation to the yard setbacks proposed in the Isle

[256] 50/13/01, 50/21/08, 50/24/08, 50/26/02, 50/28/02, 50/31/02, 50/33/02, 50/36/02, 50/40/05/06.
[257] 50/12/02, 50/23/04, 50/24/02, 50/31/03, 50/40/03, 50/41/03.

Street sub-zone.[258] These included:

- The proposed internal setbacks will disrupt the continuity of the road frontages within the Isle Street sub-zone;
- Although the proposed internal setbacks may provide for natural light to penetrate into a building or buildings, the setbacks could create small narrow tunnels between sites, which would most likely end up as dead or redundant space;
- The Isle Street sub-zone has a minimum setback from side boundaries of 1.5 metres, (10.6.5.1(iv)(g) whereas the QTCZ, the TCTZ and the Lakeview sub-zone have no such restrictions;
- Site Standard 10.6.5.1(iv)(g), which currently proposes a reduction of 0.5 metres from the 2 metre setback required under the HDRZ rules, should be amended; and
- Site Standard 10.6.5.1 (iv)(g) should be amended to provide for a 2 metre setback from internal boundaries where the subject site is located adjacent to a site containing a residential unit built prior to the date of notification of the plan change.

Noise Standards and Bars

9.11.9 Five submitters raised concern in relation to noise and the operation of bars proposed within the Isle Street sub-zone.[259] These included:

- An objection to the potential noise from bars, restaurants and night clubs. These activities are not appropriate in the Isle Street sub-zone and should be a Prohibited Activity;
- A recommendation that any bars wishing to operate after 2200hrs should require consent on a notified basis. The proposed non-notification exemption was not supported;
- It was noted that noise from the premises licensed for the sale of liquor is restricted in the Isle Street sub-zone to certain levels between 10pm and 8am (under Rule 10.6.5.1.xv), which the submitter understands to be a different approach to that advanced within the QTCZ and Lakeview sub-zone. The different treatment for the Isle Street Sub-Zone was not justified; and
- The noise assessment carried out by Mr Chiles was questioned, in particular his comment that: *"It is understood that it is not desired to limit nightlife to a specific part of the plan change area…"*. It was noted that there was no discussion in the report about why this should or should not be so;
- It was recommended that the sale of liquor in the Isle Street sub-zone between the hours of 11pm and 7am should be classified as a Restricted Discretionary Activity and noise should not be excluded from the notification clause 10.6.4.

Removal of 400m^2 Retail Floor Area

9.11.10 Two submissions were received directly relating to retail restrictions within the Isle Street sub-zone, and included:

- Zone Standard 10.6.5.2(iv) should be amended to delete reference to the 400m^2 retail tenancy restriction in the Isle Street sub-zone;[260] and
- The maximum retail space is 400m^2 per tenancy in the Isle Street sub-zone (10.6.5.2(iv)). Breach of this standard would result in assessment of the

[258] 50/16/04, 50/18/07, 50/24/06, 50/26/03, 50/28/03.
[259] 50/48/04, 50/12/05, 50/21/09, 50/24/04, 50/18/05 and 50/18/06.
[260] 50/18/08.

development as a Non-Complying Activity. Such a stringent status is not justified;[261]

Amendments to Assessment Matters Applicable to the Isle Street sub-zone

9.11.11 Two submissions were received recommending amendments to assessment matters predominantly in relation to the Isle Street sub-zone and the urban design outcomes across the plan change area more generally, and included:

- The proposed assessment matters that address urban design outcomes should be replaced with one assessment matter which requires an urban design panel review mechanism;[262] and
- Amendments are required to assessment matters that are inappropriate for an area that is effectively destined to change in character and will be in transition for some time.[263]

Discussion & Reasons

Should the Isle Street Sub-Zone be Treated Differently?

9.11.12 Mr Bird discussed the tension between the outcomes sought by submitters. He commented that in the case of the Isle Street sub-zone, every effort had been made to strike a reasonable balance between minimising any adverse effects that Plan Change 50-complying development may have on the residential amenity of existing properties and enabling development that is more appropriately urban in character to fulfil the objective of the sub-zone.[264]

9.11.13 It became clear during the course of the hearing through submissions and the presentation of evidence that there is a very real difference, in terms of both character and existing land use activity, between the two blocks that comprise the Isle Street sub-zones. This raised the question as to whether the two Isle Street blocks should be treated differently to more appropriately address the resource management issues raised with respect to each block. In acknowledging this difference, the Planning and Urban Design JWS recorded expert witness support for treating Isle Street sub-zone (east) differently to Isle Street sub-zone (west),[265] and subject to scope, the rezoning of Isle Street sub-zone (East) area to QTCZ.

9.11.14 The Commission notes that Mr Thompson (50/24), supported by the further submissions of Watertight (F50/33/01), Mr Hockey (F50/36/01), MSPL (F50/27/11), Any Old Fish (F50/28/11) and Dairy Guesthouse (F50/26/11) sought to make the existing provisions of the Isle Street east sub-zone more enabling. Ms Baker-Galloway, counsel for Mr Thompson, submitted that given the level of commercial development that has already been advanced and the level of consolidation by existing landowners in the Isle Street sub-zone (East), this area forms the logical and obvious site for the initial expansion of the QTC. She pointed out that the eastern block of the Isle Street sub-zone is collectively held by four landowners, who are currently well positioned to develop their sites. She stressed that the eastern Isle Street block is not a 'residential block' in the normal sense of the term. In conclusion, Ms Baker-Galloway submitted that Mr Thompson's land should be supported by planning provisions that are not unnecessarily restrictive with respect to height, coverage, set back and recession plane/stepped height provisions.

9.11.15 Ms Baker-Galloway requested the Commission carefully consider whether the same

[261] 50/24/09.
[262] 50/15/05.
[263] 50/24/10.
[264] Refer paragraph 10.53 of Mr Bird's primary evidence.
[265] Including John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce and Gillian MacLeod.

planning provisions should apply to both blocks that comprise the Isle Street sub-zone, or whether there may be a case for different plan provisions to apply to the eastern block as compared to the western block (which is currently more residential in character).

9.11.16 The Commission notes that Mr Edmonds (for Watertight (50/33) and Mr Hockey (50/36)) reached a similar conclusion to Ms Baker-Galloway. In Mr Edmonds' opinion, the eastern part of the Isle Street sub-zone is quite distinct from the western Isle Street sub-zone in terms of character and change in elevation. He noted that the eastern part of the Isle Street sub-zone is immediately bordered by the existing commercial precinct that exists to the north of this block (in which the Queenstown Medical Centre is presently located), which has influenced the character of land use activities located in the vicinity.

9.11.17 In her closing legal submissions at Annexure 2, Ms Campbell very helpfully included a table demonstrating the differences between the QTCZ Site and Zone Standards and those proposed under Plan Change 50. She submitted that there is a range of matters where the QTCZ is more liberal (such as the approach to visitor accommodation) and others where development could occur without the safeguards and improvements encapsulated in the plan change provisions (such as the requirement for the acoustic treatment of residential buildings). Having reviewed the differences, we have concluded that the most appropriate path forward is to amend the Plan Change 50 provisions to accommodate the relief sought by submitters, rather than adoption of the QTCZ provisions. This will provide more enabling planning provisions for the eastern Isle Street sub-zone to better reflect its existing and emerging urban character, while retaining the benefits of the proposed plan change rules.

9.11.18 Having considered the evidence before us, in particular the recommendations of the planning experts following caucusing, the Commission accepts that the two Isle Street blocks should be treated differently. The Commission recommends that the Isle Street sub-zone be separated into Isle Street sub-zone (West) and Isle Street sub-zone (East), with the introduction of the following planning provisions:

- An 80% building coverage be applied to Isle Street sub-zone (East), with Isle Street (West) to remain at 70%;
- The proposed 6 metre rear yard setback will only apply to Isle Street sub-zone (West);
- The 15.5 metre height limit that was exempted under Zone Standard 10.6.5.2(i)(a)(bullet point seven) be retained, but only with respect to Isle Street sub-zone (East);
- The 15.5 metre height limit rule be amended such that the requirement to have frontage on both Man Street and Isle Street is deleted (this provision therefore only applies to sites greater than 2,000m^2 that front either Man Street or Isle Street, within the Isle Street sub-zone (East)).

12 metre Height Limit

9.11.19 In his Section 42A report, Mr Bryce noted that most of the submissions in support of retaining the 12 metre height limit for the Isle Street sub-zone raised specific concerns with regard to the supporting recession plane and the potential for the provisions as notified to result in a "lopsided" development outcome. A number of submissions (Dairy Guesthouse 50/26/02, Any Old Fish 50/28/02, and MMHL 50/16/03) and the further submissions of Mr John Thompson (F50/24/04, F50/24/05, F50/24/13), BSPL (F50/10/16, F50/10/17) and Berry and Co (F60/50/03) considered that more detailed work needs to be undertaken as to the potential loss of outlook from a number of properties, particularly properties that front onto Isle Street, and

that current ground levels should be adopted for the Isle Street sub-zone (as opposed to the original ground levels).

9.11.20 Conversely, those submitters in opposition or partial opposition to the proposed height limits (Mr Alan Bunting (50/12/01), Alan and Marie Brown (50/14/01), Marjory Pack and John Allan (50/18/07), Browns Boutique Hotel (50/31/02)) sought the retention of a lower scale, less dense, semi urban or suburban environment. The Commission notes that original submitters 50/10, 50/26, 50/27, 50/28, raised further submissions including BSPL (F50/10/12, F50/10/17, F50/10/17, F50/10/11, F50/10/30, F50/10/30), MSPL (F50/27/02, F50/27/04), Any Old Fish (F50/28/02, F50/28/04) and Dairy Guesthouse (F50/26/02, F50/26/04) that opposed the relief sought by submitters seeking lower height limits.

9.11.21 Mr Bryce noted that the proposed 12 metre height limit would provide an additional storey as compared to the HDRZ height limits that currently apply throughout the Isle Street sub-zone, and would also ensure that building plant, which is typically sited on the roof, is able to be integrated into the roof form. He identified that the Monitoring Report for the Town Centre Zones concluded:[266] *"The most frequently breached Zone Standard was for breaches relating to height and recession planes. Breaches of these standards require assessment as a non-complying activity. Previous feedback on height controls suggested the use of greater discretion in height controls to enable unsightly building plant, such as heat pumps, to be hidden within the roof structure, thus creating a better design outcome."* Based on this information, Mr Bryce considered the additional 2 metre roof bonus to be an important design response to ensure that unsightly roof plant is able to be internalised within the roof. The Commission agrees with this recommendation, and it is plain from Council's monitoring of the existing QTC height provisions that the adoption of the 2 metre additional roof bonus provision is an appropriate response to promoting good urban design and planning practice.

9.11.22 For the Council, Mr Bird gave evidence that the 12 metre height limit is proposed to apply to the majority of the land to which Plan Change 50 applies. In his opinion, any reduction in this height (as sought within the submission of Marjory Pack and John Allan (50/18/07)) would be counter to the urban intensification and built form/streetscape character objectives of Plan Change 50.[267]

9.11.23 As noted at section 9.7 of this report, Dr Read confirmed that the 12 metre height limit complies with the Queenstown Height Study recommendation that the increase in building height within the area now proposed for the plan change be limited to one story higher than the most proximate developments. In her opinion this would ensure that built form within the plan change area would not dominate or overshadow the neighbouring areas and that the underlying topography would remain expressed through the built form.

9.11.24 As we have already discussed, the Commission considers that the 12 metre height limit (plus 2 metre roof bonus) should apply to both of the Isle Street sub-zones, with the exception of those sites on Isle Street (East) that are 2,000m^2 or larger and front either Isle Street or Man Street, in which case an uplift in the total height limit to 15.5 metres may be advanced through Site Standard 10.6.5.2(i)).

9.11.25 The Commission has considered the submissions of Dairy Guesthouse (50/26/02), MSPL (50/27/02), and Any Old Fish (50/28/02) that current ground levels, as opposed to original ground levels, should be adopted for the Isle Street sub-zone. This matter was addressed by Mr Kyle in his primary evidence. Mr Kyle confirmed

[266] Prepared by the Council in May 2012, at page 19.
[267] Refer paragraph 10.58 of Mr Bird's primary evidence.

that the maximum building height limits under the District Plan are based on original ground levels, prior to any earthworks being carried out. He considered it more appropriate to retain the definition of ground level as it applies to the maximum building height for the Isle Street sub-zone, as the introduction of a 'current ground level' definition would unfairly advantage those sites where earthworks have already occurred.[268] The Commission accepts Mr Kyle's position on this matter.

Alternative Height Rule for Isle Street sub-zone (West)

9.11.26 During conferencing undertaken in December 2014, Mr Nigel Brown (50/23) proposed an alternative building height limit for the western-most block in the Isle Street sub-zone. The effect of the proposed rule, as the Commission understands it, was to create two stepped maximum building height envelopes between Isle Street and Man Street. One envelope would have, as its upper limit, a *horizontal* plane extending south-eastwards from a maximum height of 7 metres above the front (north-western) boundary with Isle Street to whatever height above ground level was reached at a line set back 6 metres from the rear (south-eastern) boundary of the site. The second envelope would have, as its upper limit, a *horizontal* plane extending from a point 7 metres above the rear (north-western) boundary of a Man street property to whatever height was reached at the front (south-eastern) boundary of the site.

9.11.27 Mr Freeman (although not in the capacity of an expert due to a disclosed conflict of interest) addressed the Commission on the Isle Street sub-zone.[269] He stated that the submitters that he represented were generally comfortable with the planning provisions and additional analysis that related to the Isle Street sub-zone (West), as provided by Mr Bird in his primary evidence. Mr Freeman supported the maximum building height limit of 12 metres above ground level (plus a 2 metre roof bonus) as outlined in Rules 10.6.5.1(xi)(e) and (f). In his view this height limit (particularly with the allowance of a 2 metre roof bonus) would enable greater efficiencies in terms of building design, functioning and layout, and a much better building aesthetic.

9.11.28 We have had regard to the relief sought by Mr Brown; however, we note that from an urban design perspective Mr Bird remains supportive of the 12 metre height limit proposed and associated development controls for the Isle Street sub-zone (West) as outlined in the plan provisions presented by Mr Kyle in his supplementary evidence.[270] While the western Isle Street sub-zone block currently retains a largely residential character; this is likely to change over time (primarily as a result of location and proximity to the town centre). The artificial constraining of future development through the use of height limits designed to favour the existing status quo is neither necessary nor desirable, would have adverse effects on the efficient use of this land resource and would not further the objectives of the plan change.

9.11.29 For the reasons set out above, the Commission supports the 12 metre height limit (plus 2 metre roof bonus) provided for Isle Street sub-zone (West) (as set out in Appendix 1 of Mr Kyle's further supplementary evidence).

15.5 metre Height Limit in the Isle Street (East) sub-zone

9.11.30 The plan change provided for a 15.5 metre discretionary height limit for sites with an area greater than 2,000m^2 and with frontages to both Isle and Man Streets (under Site Standard 10.6.5.2(i) as notified).

[268] At paragraphs 8.36 to 8.37 of Mr Kyle's primary evidence.
[269] Appearing for Maximum Mojo Holdings Limited (50/16) The Dairy Guesthouse 2003 Limited (50/26) Any Old Fish Company Holdings Limited (50/28).
[270] As discussed in Mr Bird's supplementary evidence at paragraphs 55 to 58.

9.11.31 Marjory Pack and John Allan (50/18/08) opposed the proposed zoning of the Isle Street block and sought specific rejection of the 15.5 metre height provision. They also sought the deletion of Zone Standard 10.6.5.2(i)(a) Bullet Points 7 to 10 inclusive. Further, Gillian & Donald McDonald (50/31/04) submitted that the amalgamation of 2,000m^2 sites should not be allowed. Nigel Brown (50/23/03) considered that the proposed height limits are totally out of scale for the area, particularly with respect to 15.5 metres for sites over 2,000m^2. He requested that the amalgamation of 2,000m^2 sites be a Non-Complying Activity. This relief was opposed by BSPL in its further submission (F50/10/22 and F50/10/25).

9.11.32 Mr John Thompson (50/24/08) supported the discretionary height uplift for the Isle Street sub-zone; however, he submitted that the requirement to have frontage on both Man and Isle Streets to meet this standard was not justified and sought its deletion. This relief was subsequently opposed by the further submissions of Dairy Guesthouse (F50/26/12), MSPL (F50/27/12), Any Old Fish (F50/28/12) and supported by Watertight (F50/33/01), and Mr Hockey (F50/36/01).

9.11.33 Mr Bryce recommended that the 15.5 metre height uplift provision be deleted. In his opinion there appeared to be no defined logic to applying a 15.5 metre height limit to the Isle Street sub-zone, when development of a similar scale appears in only a relatively discrete number of areas within the Lakeview sub-zone (which he noted was an area that has a demonstrated ability to integrate and absorb larger scale development). He noted that the Height Limit Study did not identify this area as capable of absorbing larger scale development to the same extent.[271] Responding to the submission of Nigel Brown (50/23/07) in his Section 42A report, Mr Bryce stated that if his recommendation relating to the deletion of Site Standard 10.6.5.2(i) was not adopted, he considered the relief sought by the submitter to be acceptable. He noted that Mr Brown's proposed relief reflects the existing zone standard relating to height under Rule 10.6.5.2(i), which applies to the majority of the existing QTCZ.[272]

9.11.34 At the hearing, Mr Bird supported the deletion of the 15.5 metre height limit from the isle Street sub-zone provisions. He considered that this would enable the construction of buildings higher than the maximum permitted in the Lakeview sub-zone land to the north-west of the Isle Street sub-zone, which would be contrary to the urban design and landform/built form objectives of having taller buildings tucked as closely as possible into the toe of Ben Lomond, stepping down in height as they move away from that location.[273]

9.11.35 Ms Baker Galloway, on behalf of Mr Thompson, submitted that given the lack of identified adverse environmental effects raised by this provision (when compared to the 12 metre height limit with the addition of a 2 metre roof bonus) and the overall benefit that this aspect of the plan change would have in enabling four storey development, the 15.5 metre height limit should be retained.[274] In her submission, retention of the height limit would promote the efficient development of this land.

9.11.36 Having considered the issues raised by submitters and the evidence presented by Council on this provision, we consider the 15.5 metre height limit on sites greater than 2,000m^2 to be effective and efficient in supporting the outcomes promoted within the Isle Street sub-zone (East) area. A height uplift to a maximum of 15.5 metres would provide for an additional storey to be considered and assessed as a Controlled Activity under Site Standard 10.6.5.1(xi)(e), which would provide

[271] At page 79 of the Section 42A Officer's report.
[272] At page 91 of Mr Bryce's Section 42A report.
[273] Refer paragraph 10.53 of Mr Bird's primary evidence.
[274] At paragraph 51 of Ms Baker-Galloway's opening legal submissions.

sufficient scope for a detailed assessment of the design and appearance of future development. This differs from the provisions of the plan change as notified, which required the additional 1.5 metre uplift (as compared to a 12 metre building plus 2 metre roof bonus) to be assessed as a Restricted Discretionary Activity. However, as any breach of the height limits in the plan change area would in effect be assessed as a Restricted Discretionary Activity, this would render the uplift provision pointless. We were persuaded by the evidence that the effects of an uplift of 1.5 metres in building height on the Isle Street sub-zone (East) would be relatively insignificant. Accordingly, we consider it appropriate to provide for the additional height uplift for areas greater that 2,000m^2 within the Controlled Activity framework. It should be noted that in relation to the amended rule framework we have specifically excluded the bonus roof provision from applying to the 1.5 metre uplift. The assessment criteria have been strengthened to ensure that any adverse effects are minimised during the consent process.

9.11.37 However, we do not consider this method to be an effective response for the western block of the Isle Street sub-zone for the reasons advanced by Council witnesses and Mr Bryce. The character, proximity to the town centre, commercial overlay and ownership arrangements of the two blocks are quite different, and in our view justify differential treatment. We are also cognisant of our decision with regard to the increasing the height of buildings on 34 Brecon Street to 15.5 metres, which will allay Mr Bird's concern in relation to the urban design and landform/built form objectives of having the taller buildings tucked as closely as possible into the toe of Ben Lomond, stepping down in height as they move away from that location (in this case, towards the existing QTC). Overall, we are satisfied that our approach is consistent with the plan change objectives, while facilitating the optimum development potential of this land.

9.11.38 The Commission further supports the submission by Mr Thompson (50/24/08) which was supported by Watertight (F50/33/01), and Mr Hockey (F50/36/01) that the requirement to have frontage on both Man and Isle Street to meet Site Standard 10.6.5.1(xi)(e) is not justified. Having considered the rationale behind the rule, we support amending this provision such that it applies to properties exceeding 2,000m^2 in area that have frontage to either Isle Street or Man Street.

Recession Plane

9.11.39 Plan Change 50 proposed that in relation to internal boundaries within the Isle Street sub-zone, no part of any building should protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 5 metres above ground level of the site boundary for the southern, eastern and western (and including the north-western, south-western and south-eastern) boundaries of the site. The notified provisions do not mandate recession plane requirements for the northern/north-east property boundaries.

9.11.40 Mr Justin Wright (50/40/05) sought that all recession plane rules be removed from the Isle Street sub-zone. He raised concerns that the implication of the rule on building form had not been tested and would likely lead to poor building design that would be detrimental to urban form and to the environment. Similar concerns were raised by Louise Wright (50/13/01, 02) who considered that within the Isle Street sub-zone the combination of a 12 metre height limit, in conjunction with the proposed site restrictions, would result in "unusual" built form. In her view, the resultant built forms would be asymmetrical and truncated as a result of the domination of the recession planes.

9.11.41 The submission by MMHL (50/16/03), supported by the submissions of Any Old Fish (50/28/02) and Dairy Guesthouse (50/26/02), addressed the broad concern that has

been raised by submitters in support of the application of the QTCZ provisions over the Isle Street blocks. The submitters considered that further assessment should be undertaken by Council to ascertain the exact makeup of the presently proposed recession planes, particularly considering the mixed use of the Isle Street Sub-Zone. In their view the recession planes should either be deleted, an alternative design solution formulated, or the angle/height of the recession planes relaxed. The further submission by Berry & Co (F50/60/03) supported the removal of the recession plane and recommended that another design solution be put forward.

9.11.42 The submissions of Mr Hockey (50/36/02) and Watertight (50/33/02), in addressing the building height controls, questioned the need for a recession plane control. In particular, the submitters considered that the recession plane requirement was overly restrictive and could result in poor design outcomes, including unattractive built forms. The submitters requested that the recession plane rule be removed or amended, so as to allow greater building height closer to boundaries, and to exempt the rule's application to boundaries between sites held in common ownership.

9.11.43 The further submissions by John Thompson (F50/24/13, F50/24/04, F50/24/17) supported (in part) the submissions of Any Old Fish (50/28/02), MMHL (50/16/03), and Watertight (50/33/02).

9.11.44 Addressing the height recession planes, Mr Bird agreed with submitters that when viewed from the street, the two different side boundary requirements proposed as part of the recession planes promoted by Plan Change 50 could result in an odd-looking, lop-sided building form, which might appear to be "leaning" towards the north-eastern boundary.[275]

9.11.45 To avoid any built forms with odd-looking 45 degree slopes, Mr Bird promoted alternative recession plane controls as follows:

> *"(a) On all side boundaries of a site adjoining an existing residential building constructed before Plan Change 50 was notified:*
> *(i) For the first 8 metres in height (approximately two storeys): No set back controls; and*
> *(ii) From 8 metres in height to 12 metres in height: a minimum 3.2m set back from the side boundaries (with the exception of the north and north-eastern boundaries) is required for all buildings (see Figures 41 and 42); and*
> *(b) Where any immediately neighbouring building has been constructed in accordance with the Plan Change 50 set-back controls, the set-back controls do not apply to the either of the two side boundaries; and*
> *(c) Buildings shall be set-back a minimum of 6 metres from any rear boundary."*

9.11.46 Louise Wright (50/13/02) considered that qualitative volumetric controls, as opposed to maximum height limits, setbacks and recession planes should be adopted. This is a matter that was addressed by Mr Bird, who did not support this relief on the grounds that the resulting built forms would tend to be "unpredictable" in terms of bulk and location. Further, in his view the height limits contemplated in the Isle Street sub-zone are insufficient to ever achieve a tall, slim, elegant, tower form.[276]

9.11.47 In addressing the recession plane issue, Mr Freeman agreed with Mr Bird (and Mr Kyle/Mr Bryce) that the recession lines proposed as part of the notified plan change provisions should be deleted from the Isle Street sub-zone. He advised that the submitters that he represents are supportive of the intention of proposed Rule 10.6.5.1(xi)(i) outlined in the evidence of Mr Kyle and Mr Bird.[277] However, he

[275] At paragraph 10.71 of Mr Bird's primary evidence.
[276] At paragraph 10.91 of Mr Bird's primary evidence.
[277] Maximum Mojo Holdings Limited (50/16) The Dairy Guesthouse 2003 Limited (50/26) Any Old Fish Company Holdings Limited (50/28).

recommended the use of a specific interpretative diagram(s) in Appendix 4 of the District Plan to address scenarios where properties may be amalgamated in the future.

9.11.48 The Commission notes that the revised recession plane provisions attached to the further supplementary evidence of Mr Kyle provided two interpretation diagrams to explain the functioning of the recession plane rules. The revised provisions also clarified that: *"the 3.2 metre setback control (that forms part of the proposed recession plane control) does not apply where any building on any adjoining site has been issued building consent after the 17th September 2014, in which case no side yard setback is required."* In addressing the issue raised by Mr Freeman with regard to the need to address instances where properties are amalgamated, the Commission notes that this does not appear to have been addressed within the proposed recession plane rules. In responding to this issue, we consider it appropriate that the rule be amended to exclude situations where properties are amalgamated into one title and developed as a single development unit (with the exception of the Glenarm Cottage property located within the Isle Street sub-zone).

Building Coverage

9.11.49 John Thompson (50/24/02) requested that the maximum site coverage (under Rule 10.6.5.1(i)(e)) for the Isle Street sub-zone be increased to 80%. This submission was supported by the further submissions of BSPL (F50/10/25), Watertight (F50/33/01), C Hockey (F50/36/01), MSPL (F50/27/11), Any Old Fish (F50/28/11), and Dairy Guesthouse (F50/26/11). Similarly, Justin Wright (50/40/03) recommended an increase in the minimum building coverage on both the Lakeview and Isle Street sub-zones to 95%.

9.11.50 Conversely, Nigel Brown (50/23/04), Gillian & Donald McDonald (50/31/03) and Alan Bunting (50/12/02) all requested reductions in building coverage to between 55 and 60 percent. The relief sought by these original submitters was opposed in the further submissions of BSPL (F50/10/22, F50/10/31), MSPL (F50/27/02), Any Old Fish (F50/28/02, F50/28/11), and Dairy Guesthouse (F50/26/02, F50/26/11).

9.11.51 In his Section 42A report, Mr Bryce noted that the front yard requirement provides a maximum 1.5 metre setback, which would essentially pull development to the front of the site. His Figure 5 identified that for a "typical" property within the Isle Street sub-zone, the effect of the 1.5 metre maximum setback off the front yard, in combination with the 70% building coverage, meant that there would usually be an undeveloped area to the rear of approximately 10 metres in depth.

9.11.52 Mr Bryce, addressing the relief sought by Justin Wright (50/40/03), outlined his key concerns with regard to the suggested increase in the building coverage from 80% to 95%. In his view, an increase in building coverage of this magnitude would potentially reduce the area to the rear of each site that could be utilised for functional areas to support the future uses envisaged for this zone and restrict access to sunlight and daylight into these areas.

9.11.53 The Commission considers that an increase in site coverage to 80% for the eastern block of the Isle Street sub-zone is appropriate, given that many of these sites are owned in common by a limited number of parties. As with the application of the 15.5 metre height limit to the eastern Isle Street sub-zone, the Commission considers that it is a more efficient use of this land resource to enable greater building coverage over this block. We were not persuaded that the effects of relaxing these rules would result in any material adverse effects either within the Isle Street sub-zone (East), or to the neighbouring areas.

9.11.54 Mr Bird noted that should a typical Isle Street sub-zone site (of, say, 17 metres wide by 34.4 metres deep = 584.8m^2) be developed with no front yard set-back, no side yards and only a 6 metre rear yard set-back, the site coverage would be 82.55%. If the same site were developed with a 1.5 metre maximum front yard setback, the site coverage would be 78.19%. As a consequence of this, we see some limitation in applying the proposed 80% site coverage to the western block of the Isle Street sub-zone, where the 1.5 metre setback is to be retained, as the site coverage for sites located within this block would automatically fall below 80%. Accordingly, we are comfortable that the site coverage for the Isle Street sub-zone (West) be retained at 70%, a position that was supported by Mr Freeman and the other submitters that have an interest in this block.

Yard Setbacks

9.11.55 In his Section 42A report Mr Bryce noted that a range of submissions had been received that sought greater setbacks for the Isle Street sub-zone (in excess of the 1.5 metre side yards that have been proposed in Site Standard 10.6.5.1(iv)(g) or, alternatively, deletion of the side yards altogether to maintain consistency with the QTCZ.[278] The submission by MMHL (50/16/04), which is supported by the further submissions by Berry & Co (F50/60/03) and John Thompson (F50/24/04), also raised specific concern with regard to the potential for the proposed setbacks between buildings to create "narrow tunnels" between sites. Mr Thompson (50/24/06) sought the deletion of the minimum setback rule from side boundaries of 1.5 metres.

9.11.56 Dairy Guesthouse (50/26/03) and Any Old Fish (50/28/03) considered that the ability to park vehicles within the road boundary setback should be retained. These submitters recommended that provision be made for pedestrian links to be incorporated into the Isle Street Sub-Zone structure plan, as well as provision for a service lane to run through the two blocks (in a central manner).

9.11.57 Mr Bird agreed with those submitters that favour the abolition of all side yards. In his opinion, side yards in an urban environment are more often than not a "*waste of space and relatively little use to anybody*". He considered that side yards have the potential to undermine the requisite spatial definition and containment of the street space, and promote a suburban rather than an urban streetscape character.[279]

9.11.58 As an alternative, Mr Bird recommended that all buildings be set back a minimum of 6 metres from any rear boundary. This is to ensure there would be a minimum 6 metres of outlook between any ground level living area, a minimum 6 metre dimension to any outdoor living space, and a minimum of 12 metres separating the rear walls of buildings on sites backing directly on to one another.

9.11.59 Mr Bird also recommended that no front yard setbacks be permitted on Brecon Street. The reason for this was that Brecon Street, which has high pedestrian traffic to and from the Skyline gondola, has the potential to be developed into a much more urban, pedestrian-oriented street with ground level retail and/or commercial services abutting the footpath.

9.11.60 Mr Edmonds, for Mr C Hockey (50/36) and Watertight (50/33), did not support the proposed 6 metre rear yard setback for the Isle Street sub-zone, and did not consider this to be an efficient use of this land resource. Similarly, Ms Baker-Galloway, on behalf of Mr Thompson, recommended that the 6 metre rear yard be deleted on the basis that it would restrict the future development of Mr Thompson's

[278] At page 79 of the Section 42A Officer's report.
[279] At paragraph 10.81 of Mr Bird's primary evidence.

block. The Commission also notes that Ms Baker-Galloway questioned whether there was scope for the Council to introduce a 6 metre yard setback on the basis that no submitter had specifically requested this amendment.

9.11.61 Mr Freeman commented that MMHL (50/16), Dairy Guesthouse (50/26) and Any Old Fish (50/28) are supportive of proposed new Rule 10.6.5.1(iv)(g), which provides a 6 metre building setback from the rear yard boundary. In their view the new rule would have a range of benefits, namely allowing some additional light into the properties/buildings that adjoin the setback, maintenance of some views and a useable area for car parking and other on-site outdoor activities. Both Dairy Guesthouse and Any Old Fish submitted that pedestrian links and a service lane should run through the two blocks comprising the Isle Street Sub-Zone. Mr Freeman acknowledged that a 6 metre rear yard setback running through the two blocks might present an opportunity to "future proof" two service lanes within the two blocks contained in the Isle Street sub-zone.

9.11.62 However, Mr Freeman considered that further clarification is required in relation to the application of the 6 metre rear yard building setback for corner sites in the Isle Street sub-zone. This matter was subsequently addressed in the supplementary further evidence of Mr Kyle by way of a note exempting rear yard requirements from corner sites.

9.11.63 The Commission has considered the appropriateness of the 6 metre rear yard setback and agree that it would effectively promote an area to the rear of each site that could be utilised for multiple purposes, as outlined in the evidence of Mr Bird. We question, however whether this method is an appropriate response in relation to the eastern block of the Isle Street sub-zone. Having considered the land ownership structure within Isle Street sub-zone (east), we consider it unlikely that a 6 metre lane way would have any utility in this block. We agree with Ms Baker Galloway that the proposed 6 metre rear yard is essentially redundant in the eastern block due to the combination of street frontage setback and site coverage requirements, as buildings would be forced to the front of the site.

9.11.64 While the Commission considers that a 6 metre rear yard setback would ensure that there is consistency applied to the siting of buildings within the two Isle Street sub-zone blocks, and that this is likely to promote a more consistent urban design response, we are not convinced that the 6 metre year yard is required for the eastern block of the Isle Street sub-zone in view of the existing front yard and building coverage requirements. The evidence plainly demonstrated that the character of the two blocks is quite different, with the eastern Isle Street area highly likely to be developed as town centre in the near future. Accordingly, we recommend that the 6 metre rear yard setback provision be deleted with respect to the Isle Street sub-zone (East). This is consistent with the conclusions reached by the experts during conferencing, and with the provisions of the QTCZ, which do not contain any requirements for yard setbacks.

Noise & Bars Operating within Both Lakeview and Isle Street Sub-Zones

9.11.65 Submitters have questioned the appropriateness of the proposed noise controls in relation to licenced premises in the Isle Street sub-zone. Mr Thompson (50/24/04) recommended that the standards be amended to the standard QTCZ provisions for noise arising from premises licensed for sale of liquor and any consequential changes. Ms Gilmour (50/48/04) requested that both noise and licensing requirements in relation to the Plan Change 50 area be amended to reflect the Town Centre Transition Zone requirements advanced as part of the proposed District Plan Review.

9.11.66 Mr Alan Bunting (50/12/05) objected to the potential noise from bars, restaurants and night clubs and requested that these activities be a Prohibited Activity in the Isle Street sub-zone. Mr Stobo (50/21/09) submitted that any bars wishing to operate after 2200hrs should require resource consent on a notified basis. Ms Pack and Mr Allan (50/18/05) requested that rather than adopting a permissive approach to the sale of liquor, the sale of liquor in the Isle Street sub-zone between the hours of 11pm and 7am should require consent as a Restricted Discretionary Activity. This submitter (50/18/06) also opposed 'noise' being included within the notification exemption clause 10.6.4.

9.11.67 Mr Bryce's Section 42A report addressed noise considerations in relation to both the Isle Street and Lakeview sub-zones. He noted that proposed Site Standard 10.6.5.1(xv) differs from the existing QTCZ noise rules, as it provides a discretionary consenting pathway for bars and restaurants to operate after 2200hrs within outdoor areas. Importantly, the provisions as notified allow a case-by-case assessment as a Discretionary Activity through a non-notified resource consent process. The Commission notes that the notification exemption attracted a number of submissions seeking its deletion or amendment.

9.11.68 In terms of the issue raised with respect to notification (by submitters 50/18/05, 50/18/06, 50/21/09), Mr Bryce considered that given the existing number of residential properties within the Isle Street sub-zone, the notification exemption should not apply to the Isle Street sub-zone. He recommended that this clause be amended so that it only applies to the Lakeview sub-zone, given that this area has greater separation from adjoining residential areas.

9.11.69 Dr Chiles, addressing noise considerations for the Council, commented that a considerable amount of work has been done on the noise rules for the QTC, which will be addressed and implemented through the District Plan review process. He observed that both visitor accommodation and residential activities are important aspects of the overall plan change proposal. In his opinion it was not appropriate to adopt an approach similar to that under consideration for the existing town centre; which is to provide a more permissive noise limit for bars and restaurants. Dr Chiles considered that as flexibility is required with regard to the location of bars and restaurants in the plan change area, noise effects from individual bars and restaurants operating with outdoor areas after 2200hrs should be assessed on a case-by-case basis by way of a Discretionary Activity resource consent.[280]

9.11.70 The Commission notes that in his evidence in chief, Mr Kyle adopted the change proposed by Mr Bryce that the notification exemption should only apply to the Lakeview sub-zone. As a consequence of further discussions in relation to this matter during the hearing, the notification exemption was subsequently deleted altogether as part of Mr Kyle's supplementary evidence. The Commission accepts these recommended changes and notes that the retention of the HDRZ over the Lynch Block will ensure that the operation of bars and restaurants after 2200hrs will be greatly limited (given that these activities will be subject to a more onerous consent process under the HDRZ rules).

9.11.71 Mr Chiles recommended that within the plan change area all critical listening environments should be subject to sound insulation requirements to provide protection from sleep disturbance and for amenity.[281] As a consequence, reverse sensitivity effects are managed by specific rules requiring appropriate levels of insulation for visitor accommodation and residential activities within the Lakeview and Isle Street sub-zones.

[280] At paragraph 4.4 of Mr Chiles' evidence.
[281] At paragraph 4.7 of Mr Chiles' evidence.

9.11.72 Overall, the Commission accepts that the revised planning provisions will adequately respond to the notification exemption issues raised by submitters, while providing some flexibility for these activities to be considered on a case by case basis.

Removal of 400m^2 Retail Floor Area

9.11.73 The maximum retail space is 400m^2 per tenancy in the Isle Street Sub-Zone (Rule 10.6.5.2.(iv)), which, if breached, requires resource consent as a Non-Complying Activity. Mr Thompson (50/24/09) considered that such a stringent status is not justified and sought that this provision be deleted. This submission was in turn supported by the further submissions of Watertight (F50/33/01), C Hockey (F50/36/01), MSPL (F50/27/11), Any Old Fish (F50/28/11), and Dairy Guesthouse (F50/26/11).

9.11.74 Marjory Pack and John Allan (50/18/08) sought that the rule be amended to include commercial activities (as well as retail) and that the Isle Street sub-zone restrict commercial activities to maximum gross floor area of 400m^2 per tenancy. This submission was in turn opposed by further submissions by Mr John Thompson (F50/24/10).

9.11.75 Based on the evidence presented to the Commission, we do not support the deletion of the 400m^2 retail floor space non-complying threshold. On the contrary, the evidence we have accepted shows that large format retail is not considered appropriate within either of the Lakeview or the Isle Street sub-zones, and as such restrictions have been imposed such that any retail activity cannot exceed a 400m^2 maximum gross floor area per tenancy. In considering the nature of the existing rule framework, which provides for this retail threshold as a Zone Standard, the Commission considers that a more effective outcome is to simply state that retail activities that exceed a maximum gross floor area of 400m^2 per tenancy is a Non-Complying Activity in these sub-zones (as set out under the Non-Complying Activity Rule 10.6.3.4).

9.11.76 Addressing the relief sought by Marjory Pack and John Allan (50/18/08), the Commission does not consider that restricting commercial activities to a maximum gross floor area of 400m^2 per tenancy within the Isle Street sub-zone to be an appropriate response, and notes that it is not consistent with the Plan Change objectives.

Assessment Matters

9.11.77 NZIASB (50/15/05) recommended that the proposed assessment matters addressing urban design outcomes be replaced with one assessment matter that would require an urban design panel review mechanism, as follows:

"A positive review by the QLDC Urban Design Panel."

9.11.78 The relief sought by NZIASB was supported by RJL (F50/49/02) but opposed by Mr John Thompson (F50/24/02) through their respective further submissions.

9.11.79 The introduction of an urban design panel review requirement was a matter addressed in Ms Campbell's opening submissions. Ms Campbell submitted that the Council considered that it would not be appropriate to require that development receive a "positive review" by an urban design panel through the introduction of a specific District Plan provision. The Council's main concern was that this would duplicate its urban design criteria (as currently set out in the District Plan) and that the use of an urban design panel is a matter of process, rather than a legal requirement. The Commission accepts the Council's position on this and, as a

consequence, we do not support the relief sought by NZIASB.

9.11.80 Mr John Thompson (50/24/10) sought amendments to assessment matters that he considered to be inappropriate for an area that is effectively destined to change in character, and that will be in transition for some time. Mr C Hockey (F50/36/01), Watertight (50/33/01) and BSPL (F50/10/27) lodged further submissions that supported of Mr Thompson's submission in its entirety.

9.11.81 Mr Bryce appropriately requested leave of the Committee to address this relief, given that a number of these provisions also relate to the wider QTC. In his verbal response at the conclusion of the hearing, Mr Bryce reaffirmed his earlier view that the assessment matters are of broad application; accordingly, he did not support their deletion. He noted that amendments have been made to certain assessment matters where this has been necessary to address sub-zone specific issues.

9.11.82 In relation to the assessment matters with respect to the 15.5 metre height uplift, Ms Baker Galloway, for Mr Thompson, submitted that it would be appropriate to add additional "discretionary" activity assessment matters as follows:

> *"1. The extent to which additional height will enable better quality urban design internal outcomes, in respect of floor to ceiling heights for the uses proposed within the building.*
> *2. The extent to which additional building height of the proposed building, when considered in conjunction with any other buildings within the same block which exceed the 12 metre discretionary height limit would result in adverse cumulative effects upon the wider townscape."*[282]

9.11.83 In view of the Commission's decision to support the retention of a 15.5 metre height uplift within Isle Street sub-zone (East), we accept that, in principle, the additional assessment criteria suggested in Ms Baker-Galloway's submission are appropriate. Assessment criteria have been included in the revised rule framework to this effect.

9.11.84 In reviewing the assessment matters supporting the QTCZ, we have observed that there are no assessment matters applicable to the establishment of visitor accommodation in the Isle Street sub-zone. We consider that this is an oversight given that the criteria listed under 10.10.2(vi) Controlled Activity – Visitor Accommodation apply to the Town Centre Transition sub-zone. The Commission has consequently adopted a number of relevant assessment matters that apply to the visitor accommodation activities listed in section 7.7.2(ii) at 10.10.2(vi).

Commission's Recommendations

1. That the submissions by Marjory Pack and John Allan (50/18/06 and 50/18/08), Gillian & Donald McDonald (50/31/04), Maximum Mojo Holdings Limited (50/16/04), John Thompson (50/24/02, 50/24/08, and F50/24/02), Craig Stobo (5021/09), and the further submissions of The Dairy Guesthouse 2003 Limited (F50/26/12), MSPL (F50/27/12), Any Old Fish Company Holdings Limited (F50/28/12) and Berry & Co (F50/60/03) be **accepted**.

2. That the submissions by Marjory Pack and John Allan (50/18/03), Dairy Guesthouse (50/26/03) Any Old Fish Company Holdings Limited (50/28/02, 50/28/03), Maximum Mojo Holdings Limited (50/16/03), Watertight Investments Limited (50/33/02), C Hockey (50/36/02) and, Mr Justin Wright (50/40/05), Louise Wright (50/13/01 and 50/13/02), Browns Boutique Hotel

[282] At paragraph 53 of Ms Baker-Galloway's opening legal submissions.

(50/31/02) be **accepted in part**.

3. That the submissions by Nigel Brown (50/23/03 and 50/23/07), John Thompson (50/24/06, 50/24/09 and 50/24/10), Mr Alan Bunting (50/12/01, 50/12/02 and 50/12/05), Ms Gilmour (50/48/04), Gillian & Donald McDonald (50/31/03), Marjory Pack and John Allan (50/18/05, 50/18/07, 50/18/08) and the further submissions of Remarkables Jet Limited (F50/49/02), Brecon Street Partnership Limited (F50/10/27), The Dairy Guesthouse 2003 Limited (F50/26/11 and F50/26/12), MSPL (F50/27/11 and F50/27/12), Any Old Fish Company Limited (F50/28/11 and F50/28/12), Mr C Hockey (F50/36/01) and Watertight Investments Limited (F50/33/01) be **rejected.**

9.12 RESOURCE MANAGEMENT ISSUES RAISED BY PLANNING PROVISIONS FOR BEACH STREET BLOCK

The Issues and Decisions Requested

9.12.1 Five submitters specifically raised issues relating to the Beach Street Block with respect to noise, height and the need for verandas,[283] which included:

- The rezoning of Beach, Hay, Lake, and Man Street to QTCZ should be declined;
- There is a need to amend the plan provisions relating to height under Rule 10.6.5.2, as the rules do not include any provisions for sections 10, 11, and 18 Blk VIII;
- The proposed height and noise changes to the Beach Street block could impact on neighbouring residences. An explanation was sought as to how the changes would be managed to limit their impact;
- The specific noise rule for the block of land bound by Lake Esplanade, Lake Street, Man Street and Hay Street (Noise Rule 10.6.5.2(ii)(b)) should be removed and the operative town centre-wide noise rule be applied to this block; and
- Rule 10.6.5.1(vi), which requires the provision of a veranda along the Hay Street frontage of its land, should be deleted.

9.12.2 The relief sought by submitters ranged from proposed amendments to the Beach Street block provisions (to reflect the existing QTCZ rules), to deletion of the proposed provisions.

Discussion & Reasons

Appropriateness of Queenstown Town Centre Zoning

9.12.3 Mrs Margaret Walker (50/19/01) opposed the rezoning of Beach, Hay, Lake, and Man Street to QTCZ, and requested that this be declined. She considered that a change from residential use would cause rates to increase, therefore making it difficult for her to remain in the property she has resided in for 63 years.

9.12.4 Mr and Ms Zaki (50/56/04) and Mr and Ms Holt (50/57/03), raised concerns largely identical to those raised by Ms Walker. Mr Thomsen, legal counsel for these submitters, submitted that the plan change had failed to adequately consider the properties to the rear of the existing Crowne Plaza Hotel in the re-zoning of the Beach Street Block, which included Ms Walker's and his clients' land. He maintained

[283] 50/19/01 and 50/19/05, 50/21/10, 50/32/02 and 50/32/03.

that in terms of the plan change's consistency along Beach Street, it would be prudent to rezone Lot 1 DP 15037 (comprising the existing Crowne Plaza Hotel) to QTCZ, with the balance of the Beach Street Block be retained as HDRZ.[284] In the alternative, Mr Thomsen requested specific amendments to the side yard setback, height, noise and building coverage. Each of these requested amendments are discussed in more detail below.

9.12.5 Mr Edmonds, representing IHG and Carter (50/32), which owns the Crowne Plaza property together with the four adjoining residential properties to the north, considered that his client's land is an appropriate and logical extension of the QTC, and that the proposed re-zoning is consistent with the Council's objectives of maintaining compact commercial centres.

9.12.6 Following the consideration of evidence during the reconvened hearing dated 16 January 2015, the Commission requested that a range of issues be caucused on, including the re-zoning of the Beach Street Block (with regard to, in particular, the four rectangular sections located to the rear of the existing Crowne Plaza Hotel site). Due to the late submissions received from the Mr and Ms Holt and Mr and Ms Zaki, the Commission requested that the earlier agreement reached at the December 2014 conferencing be revisited.

9.12.7 The Commission notes that Planning and Urban Design JWS recorded that all experts in attendance[285] supported the re-zoning of the Beach Street Block to QTCZ in relation to that part of the block currently occupied by the Crowne Plaza hotel.[286]

9.12.8 Mr Tim Williams, a planning consultant engaged by Mr and Ms Zaki and Mr and Ms Holt, participated in the caucusing. He considered that, with the exception of Lot 1 DP 15037 (comprising the existing Crowne Plaza Hotel) the remaining properties (including the four properties owned by IHG and Carter and the residential properties fronting Man Street) be retained as HDRZ.[287]

9.12.9 The Planning and Urban Design JWS recorded that Mr Edmonds, Mr Kyle and Mr Bryce supported the rezoning of the entire Beach Street block as QTCZ (as notified), subject to height being addressed as a site standard and any height infringement correspondingly assessed as a Restricted Discretionary Activity. It was recommended that the assessment of any height infringement be supported by associated assessment criteria that have regard to the amenity of the adjoining residences. The Commission has addressed this issue by the introduction of appropriate assessment criteria to mitigate this concern.

9.12.10 Having considered the evidence before us, we consider the proposed rezoning of the entire Beach Street Block to QTCZ to remain appropriate. We accept that issues raised by submitters concerning bulk and location requirements (applicable to the lots fronting the submitters' properties) can be appropriately addressed through amendments to the relevant rules affecting the Beach Street Block.

9.12.11 We have concluded that the amended site standards discussed below represent an appropriate compromise between the requirements of the Crowne Plaza, and the amenity of the submitters on Man Street overlooking the Crowne Plaza land.

Height Limit

[284] Refer paragraph 22 of Mr Thomsen's opening legal submissions tabled during the reconvened hearing dated 16th January 2015.
[285] Including John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce, Dan Wells, Gillian MacLeod, David Gibbs and Tim Williams.
[286] As set out as Item 6(i) of the Planning and Urban Design JWS.
[287] As set out as Item 6(iii) of the Planning and Urban Design JWS.

9.12.12 Mrs Walker was concerned that IHG and Carter (50/32), the owner of the Crowne Plaza Hotel, intends to redevelop land to the rear of the existing hotel. Ms Walker (50/19/05) requested that areas of land fronting her property (comprising Sections 10, 11 and 18 Blk III) be specifically included within Zone Standard 10.6.5.2(i)(a) to ensure that these lots remain subject to the 7 metre height limit specified under HDRZ rule 7.5.5.3(v). Essentially, the outcome of Ms Walker's proposed relief would be that the entire Beach Street Block, with the exception of the existing Crowne Plaza site comprising Lot 1 DP15037, would remain subject to a 7 metre height limit. This relief was opposed by IHG and Carter via further submission (FS50/32/02).

9.12.13 Addressing Mrs Walker's submission,[288] Mr Edmonds explained the two height rules for the Beach Street Block: first, the geometric shape provided for the Crowne Plaza Hotel and, secondly, the standard height rules for residential land that apply to the remaining sites. Mr Edmonds' preferred approach was to address any uncertainty relating to the height limit that should apply to land to the north of the existing Crowne Plaza Hotel (Sections 10, 11, 14 to 17 and Lots 1 and 2 DP 444132 and Lot 1 DP 7187) by including these lots in Site Standard 10.6.5.1(ix) (new rule (j)), which would provide that this land remains subject to 7 metre height limit as a Restricted Discretionary Activity.

9.12.14 Mr Kyle's supplementary evidence addressed proposed revisions to the Beach Street Block following the conference of experts in December 2014. In relation to building height, he suggested an alternative height limit for the Crowne Plaza hotel, which diverges from the geometric shape currently provided. The proposed new rule would require that the height of the hotel be limited to the height of the current buildings as at December 2014. Mr Edmonds' supplementary evidence noted that the geometric shape rule currently applying to the hotel building actually facilitates a greater height (in order to accommodate lift shafts and other infrastructure); accordingly, he did not support Mr Kyle's proposed new rule. Mr Edmonds requested that the land above the hotel be provided with a 7 metre height limit, and fall under a site standard.[289]

9.12.15 Mr Thomsen considered that the retention of the status quo of a 7 metre height limit was appropriate, and that simplification is a desirable outcome. He did not, however, agree with the "level of control" being changed from that of a zone standard to a site standard, on the basis that any breach should be assessed as a Non-Complying rather than a Restricted Discretionary Activity.

9.12.16 The Planning and Urban Design JWS considered that the existing operative HDRZ height rule (which provides for a 7 metre height limit) should apply to the four adjacent lots (including the lots adjacent to the Zaki, Holt and Walker properties). This height limit would not apply to Lot 1 DP 15037, comprising the existing Crowne Plaza Hotel, which is subject to its own geometric height requirement under the existing District Plan provisions. We consider that this will adequately preserve the current amenity of the residential properties and is, prima facie, an acceptable outcome for Ms Walker (50/19), Mr and Ms Zaki (50/56) and Mr and Ms Holt (50/57).

Activity Status Applying to Non-Compliance with Height Provisions

9.12.17 As noted above, Mr Edmonds, Mr Kyle and Mr Bryce supported the proposal that the height limit for the Beach Street Block be subject to a site standard. Accordingly, any infringements would be addressed as a Restricted Discretionary Activity (supported by associated assessment criteria that have regard to the

[288] Mrs Walker's primary submission (50/19/05) sought that the height limit under 10.6.5.2 needs to be amended to include sections 10, 11, and 18 Blk VIII.
[289] At paragraphs 16 to 20 of Mr Edmonds' Supplementary evidence.

amenity of the adjoining residences).[290]

9.12.18 Mr Williams, however, considered that any infringement of the height limits should be addressed by way of a Zone Standard (Non-complying Activity), as opposed to a Site Standard (Restricted Discretionary). His rationale was that a Non-Complying Activity process would provide a greater level of scrutiny, and more appropriately reflects the importance of height to the amenity of adjacent residential properties. Similarly, Mr Thomsen submitted that if Sections 10, 11, 17 and 18 (owned by IHG and Carter) are not retained as HDRZ, these lots should be subject to a Zone Standard under 10.6.5.2(i)(a).

9.12.19 As discussed in Mr Kyle's further supplementary evidence, the key issue raised by submitters in relating to the application of Restricted Discretionary Activity status to height infringement was that applications could potentially be exempted from notification. This issue derives from the existing wording in Rule 10.6.3.3(v).[291] Mr Kyle submitted that this rule states that activities that breach site standards for the zone are to be considered as discretionary activities; however, it then purports to restrict the Council's discretion to the matters specified in the standards not complied with.[292] Mr Kyle noted that the key issue for submitters is that Rule 10.6.4 (which relates to non-notification of resource consent applications) specifically exempts Restricted Discretionary Activity applications from public notification. In order to rectify the matter, Mr Kyle suggested an amendment to Rule 10.6.4 to make it clear that it is only Restricted Discretionary Activities in Rule 10.6.3.2A(i) that are subject to this exemption.[293]

9.12.20 The Commission considers that Mr Kyle's proposed amendment to Rule 10.6.4 appropriately addresses the issues raised by submitters. We note that the broader height limits applicable to the area subject to Plan Change 50 are subject to a site standard rather than a zone standard; accordingly, the retention of a site standard in relation to the Beach Street Block results in a more consistent approach to consideration of this issue. Further, given the removal of the non-notification dispensation and the provision of specific assessment matters to address the effects of any additional height, we consider that the proposed rule framework adequately safeguards the interests of the submitters while avoiding the introduction of unnecessary hurdles to development of the adjoining land in what is a town centre zone.

Side Yard Setback

9.12.21 As part of the December 2014 caucusing, a 2 metre yard set back from any north-western boundary of land that bounded Hay, Lake, Beach, and Man Streets (excluding Lot 1 DP 15307) was agreed.[294]

9.12.22 Mr Thomsen submitted that a 2 metre setback might assist with providing additional landscaping; however, this was not a matter over which Council has reserved control under Rule 10.6.3.2(i) in relation to new buildings. He noted, however, that landscaping does form a matter of discretion under Rule 10.6.3.2(vi)(e), which applies to new visitor accommodation development.

9.12.23 While the Commission acknowledges that additional landscaping in support of this

[290] As set out as Item 6(i) of the Planning and Urban Design JWS.
[291] See 10.6.5.1 Site Standards on pages 10-35, 10-36 and 10-42.
[292] We understand that this was a matter debated at some length during conferencing. The interpretation of the rule framework in this respect is uncertain and should be addressed comprehensively during the District Plan review. However, by providing appropriate assessment matters in relation to standards not complied with (for example, height) it is our intention that any breach of a site standard be assessed as a Restricted Discretionary Activity.
[293] Paragraph 12 of Mr Kyle's further supplementary evidence dated 18th February 2015.
[294] See rule 10.6.5.1(iv)(h).

yard setback would prima facie be an appropriate resource management response to address the interfaces with the adjoining residential properties, the scope to achieve this within the existing planning provisions is extremely limited. On balance, we not promote any further changes to Rule 10.6.3.2(i), as it may result in unintended consequences for other sites within the QTCZ.

Building Coverage

9.12.24 Mr Thomsen postulated that a significant consequence of the proposed rezoning of the Beach Street Block to QTCZ is the increase in building coverage to 80% of the site as a Controlled Activity (Rules 10.6.3.2(i) and 10.6.5.1(i)(c)) without notification (Rule 10.6.4(i)). By way of comparison, he submitted that the current HDRZ provides for 70% site coverage, and any coverage exceeding this would be assessed as a Non-Complying activity.

9.12.25 Mr Thomsen explained that any increase in building coverage affects the relationship of the adjoining Man Street properties with Lake Wakatipu. In his submission, introducing a more prominent built form on sites between the submitters' properties and the lake would adversely diminish views of the lake from these properties.

9.12.26 The Commission acknowledges Mr Thomsen's concerns; however, it is important that the Beach Street block (which is located immediately adjacent to the adjoining QTC) be utilised in an effective and efficient manner. Having considered the evidence before us, we have formed the view that the proposed increase in building coverage from 70% to 80% is, on balance, acceptable for this block. It is acknowledged, however, that given the amenity issues raised by Mr Thomsen's clients, the notification exemption for building coverage may not be appropriate. Accordingly, while we support retention of the 80% building coverage over the Beach Street Block, we recommend that the notification exemption provision supporting the QTCZ (under rule 10.6.4(i)) be specifically amended to exclude Sections 10, 11, 17 and 18. This will, in our view, provide an appropriate balance between promoting the efficient use of scarce land, while acknowledging the amenity concerns of the existing properties fronting Man Street.

Veranda Provisions

9.12.27 Mr Edmonds raised a specific issue with the veranda requirement under Site Standard 10.6.5.1(vi), which mandates the construction of a veranda alongside the Hay Street frontage of the site as part of any building or redevelopment. Mr Edmonds submitted that parts of the Crowne Plaza site have limited pedestrian access due to existing landscaping and boundary walls, which imposes a constraint on establishing a continuous veranda. As consequence, Mr Edmonds recommended an amendment to Site Standard 10.6.5.1(vi), such that the rule only applies to Hay Street (between Beach Street and Man Street) where a footpath immediately adjoins the site).

9.12.28 Mr Kyle's supplementary evidence noted that agreement had been reached in relation to the amendment of proposed Site Standard 10.6.5.1(vi) (veranda), given Mr Edmonds' client's concerns that any works undertaken at the Crowne Plaza site would trigger a requirement to erect a veranda along Hay and Shotover Streets. Mr Kyle submitted that the recommended amendment to this rule would ensure that only work taking place on Lot 1 DP 15307 immediately adjacent to these street frontages would trigger this rule.

9.12.29 The Commission considers this proposed amendment to be an appropriate response to the veranda issue.

Noise

9.12.30 Turning to noise limits for the Beach Street block, Mr Kyle explained that the intention when drafting Plan Change 50 was for this block to retain the noise limits currently applicable to the HDRZ.

9.12.31 Mr Edmonds considered that the proposed noise standards for the Beach Street Block are appropriate, and already apply to other areas that interface between the QTCZ and the HDRZ. He did, however, submit that if the existing QTCZ noise standards were considered appropriate for other areas of the plan change area (such as those applying to the Lakeview sub-zone), they should similarly apply to the Beach Street Block.

9.12.32 Mr Kyle, in his supplementary evidence, explained that retention of the HDRZ noise standards proposed for the Beach Street block were primarily for the protection of existing residents, such as Mrs Walker, who may be affected by increases in noise generated on other sites. Mr Kyle did not make any recommended changes to the notified noise rules for this site.

9.12.33 The Commission has been persuaded that the noise limits proposed for the Beach Street Block is an appropriate response, in that it will address the amenity-related concerns of existing residential property owners located within this part of the plan change area. One area of concern to us was the difference in approach to the application of the noise rules within the Plan Change 50 area, and in particular the different regimes that were proposed to apply to the Isle Street West and Beach Street blocks. Although we have made relatively significant changes to the noise provisions that will apply to the Isle Street sub-zone (West), we note these are still less stringent than the noise rules applicable to the Beach Street block. However, in our view, the changes to the western Isle Street sub-zone will provide adequate safeguards for residents of that sub-zone without unnecessarily limiting development in this area. These amended rules could, in our opinion, also be satisfactorily applied to the Beach Street block, which would provide more consistency in relation to the management of noise effects within the plan change area. However, as the Beach Street commercial landowners did not oppose the proposed noise limits, we are prepared to accept the recommendation of Council in this regard.

Activity Status for Commercial and Visitor Accommodation

9.12.34 Ms Semple's closing submission for IHG and Carter raised a specific concern relating to the Rule 10.6.3.2A (iii).[295] She submitted that the effect of this provision would be to render all visitor accommodation or commercial activity on IHG and Carter's land a Restricted Discretionary Activity.[296]

9.12.35 Ms Semple submitted that IHG and Carter does not support any amendment to the zoning, as this would alter the activity status to its detriment.

9.12.36 In response, Ms Campbell noted that the Council's proposal to change the activity status of major activities to "Restricted Discretionary" was discussed at the conferencing held in early December last year.[297] The conferencing statement headed Conferencing Joint Statement to the Panel of Commissioners dated 9 December 2014' addressed this issue at issue 4(b), which records:

"It was agreed that the LV ITA provision would be extended to the Beach Street block for VA,

[295] Relating to commercial activities with a gross floor area of more than 400m^2 in the Lakeview sub-zone and Commercial Activities and Visitor Accommodation within land bounded by Hay, Beach, Lake and Man Streets.
[296] At paragraph 7 to 10 of Ms Semple's closing legal submissions on behalf of IHG (50/32).
[297] At paragraph 5.2 of the Council's closing legal submissions.

CC and commercial over 400m^2."

Ms Campbell noted that Mr Edmonds, the planner for IHG and Carter, was present during this conferencing and signed the Conferencing Joint Statement.

9.12.37 Ms Campbell submitted that the Council accepted that the wording of proposed Rule 10.6.3.2A(iii) should be amended to apply to commercial activities with a gross floor area of more than 400m^2, rather than commercial activities generally, and requested an amendment to 10.6.3.2A(iii) so that it only applies to commercial activities with a gross floor area of more than 400m^2.

9.12.38 The Commission acknowledges this amendment and notes that Mr Edmonds (for IHG and Carter) formally agreed to this amendment as part of his planning role in the December 2014 conference process.

Commission's Recommendations

1. That the submissions IHG Queenstown Limited and Carter Queenstown (50/32/01), Adam and Kirsten Zaki (50/56/03), Carl and Lorraine Holt (50/57/03) be **accepted**.

2. That the submissions by Margaret Walker (50/19/05), IHG Queenstown Limited and Carter Queenstown (50/32/03), Adam and Kirsten Zaki (50/56/02 and 50/56/04), Carl and Lorraine Holt (50/57/04) be **accepted in part**.

3. That the submissions by Margaret Walker (50/19/01), IHG Queenstown Limited and Carter Queenstown (50/32/02), Adam and Kirsten Zaki (50/56/05) and Carl and Lorraine Holt (50/57/02 and 50/57/05) be **rejected.**

9.13 CONSISTENCY WITH THE DISTRICT PLAN AND REGIONAL POLICY STATEMENT

The Issues and Decisions Requested

9.13.1 One submitter questioned the consistency between the District Plan and regional statutory planning documents. RJL (50/49/01) submitted that the plan change is not the most appropriate method for achieving the objectives of the District Plan, as its efficiency and effectiveness is inconsistent with the Otago Regional Policy Statement and the Otago Regional Plan.

Discussion & Reasons

9.13.2 Section 72 of the Act states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act. In assessing whether the proposed objective is the most appropriate way to achieve the purpose of the Act, it is important to assess the proposed objective's consistency with the other objectives in the District Plan.

9.13.2 Mr Bryce's Section 42A report includes (as Appendix D) a detailed assessment of the relevant objectives of both the District Plan and Operative Otago Regional Policy Statement.

9.13.3 In his principal evidence, Mr Kyle examined the objectives in Chapter 10 of the

District Plan that apply to the QTCZ. He considered these objectives to be relevant, as they will be read alongside proposed Objective 10.2.4.3. These include the following Objectives 10.1.3.1 to 10.1.3.5, which apply generally to all Town Centres:

> *"Objective 1* *Maintenance and Consolidation of the existing Town Centres and Activities Therein Viable Town Centres which respond to new challenges and initiatives but which are compatible with the natural and physical environment.*
>
> *Objective 2* *Amenity Enhancement of the amenity, character, heritage, environmental quality and appearance of the town centres.*
>
> *Objective 3* *Built Form Maintenance and enhancement of a built form and style within each town centre that respects and enhances the existing character, quality and amenity values of each town centre and the needs of present and future activities.*
>
> *Objective 4* *Town Centre and Building Appearance Visually exciting and aesthetically pleasing town centres which reflect their physical and historical setting.*
>
> *Objective 5* *Pedestrian and Amenity Linkages An attractive, convenient and comprehensive network of pedestrian linkages within town centres."*

9.13.4 The Commission considers that the plan change, as amended by this decision, provides for the maintenance and consolidation of the QTC as required under Objective 1. The evidence before the Commission was that the plan change is consistent with the consolidation outcomes of the District Plan, although a range of submitters have questioned whether the siting of a convention centre in the Council's preferred location sufficiently achieves this outcome. The Commission considers that the consolidation outcomes will be achieved irrespective of a convention centre, given that its eventual development is not a necessary component of the plan change.

9.13.5 We accept, based on the evidence of Mr Bird and Dr Read, that the proposed height limits advanced under Plan Change 50 will promote built form that is consistent with the Objective 3 outcomes. Although an increase in the height limit of up to 15.5 metres for the 34 Brecon Street site has been supported, we do not recommend adoption of the larger scale elements sought within the relief of BSPL (50/10), which has the potential to undermine this Objective. Further, we consider that the plan change (as amended) will adequately respond to the physical and historical setting of areas such as the Queenstown cemetery and the adjoining ONL(WB) of Ben Lomond Reserve (in accordance with Objective 4).

9.13.6 The Commission considers that the plan change is consistent with Objective 5. The planning provisions for the Isle Street and Lakeview sub-zone, and the Structure Plan (and underlying Urban Design Framework upon which the Structure Plan is promulgated) are all geared towards promoting enhanced pedestrian connections and active street frontages. The service lanes and alignment of view shafts with adjoining road corridors is an important element of the Lakeview sub-zone. In order to encourage a variety of transportation modes, pedestrian links to the site are required, and are to be considered as part of any future resource consent for the predominant activities within the Lakeview sub-zone.

9.13.7 Mr Kyle noted that Objectives 10.2.4.1 – 10.2.4.5 (as amended) are specific to the QTC, in particular:

> *"Objective 1* *Maintenance and Consolidation of the Town Centre - Maintenance and enhancement of the Queenstown Town Centre as the principal commercial, administration, cultural and visitor focus for the District.*

Objective 2 Character and Heritage - A town centre in which the built form, public space and linkages reflects, protects and enhances the distinctive built heritage and image which creates its essential character.

Objective 4 Accessibility and Parking - A town centre which is accessible to people."

9.13.8 For similar reasons to those set out above, the Commission considers that the plan change accords with Objectives 1 and 2 outlined above.

9.13.9 The Town Centre Transport Strategy commissioned by Council is presently under development. The evidence before the Commission was that the plan change promotes parking outcomes consistent with the QTC, and that parking for predominant activities within the Lakeview sub-zone can be appropriately provided for on site. The plan change promotes an appropriate level of accessibility through the planning provisions.

9.13.10 The most relevant objectives in Section 4 of the District Plan are those associated with part 4.9, Urban Growth, and include:

"Objective 1 Natural Environment and Landscape Values - Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Objective 2 Existing Urban Areas and Communities - Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well-being.

Objective 3 Residential Growth - Provision for residential growth sufficient to meet the District's needs.

Objective 4 Business Activity and Growth - A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.

Objective 5 Visitor Accommodation Activities - To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.

Objective 7 Sustainable Management of Development - The scale and distribution of urban development is effectively managed."

9.13.11 The Commission considers that the Lakeview Structure Plan and Height Limit Plan will facilitate an acceptable level of intensification. The associated building height limits are acceptable in the context of their setting and relationship with QTC. The extension of the QTCZ will enable the Queenstown community to provide for its social, cultural and economic wellbeing by underpinning development opportunities that support the tourism industry.

9.13.12 In terms of Urban Growth Objective 4, the Commission is satisfied that the plan change will provide for the future growth of the QTC, and that the key outcomes will ensure that predominant activities are advanced in a manner that enables tourism growth to occur without compromising the existing viability of the QTC.

9.13.13 Section 4, part 4.10 addresses Affordable and Community Housing:

"Objective 1 Access to Community Housing or the provision of a range of Residential Activity that contributes to housing affordability in the District"

9.13.14 The Commission considers that the provisions supporting Plan Change 50 are effective in providing a range of housing diversity and affordability outcomes, and

broadly accord with the policy outcomes under Objective 1 set out above.

9.13.15 In terms of those objectives relating to Urban Growth, Plan Change 50 avoids urbanisation of ONL(WB) land, and development is located in manner that provides for logical connection to existing infrastructure and services.

> *"14.1.3 Objective 1* *Efficiency - Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation.*
>
> *14.1.3 Objective 2* *Safety and Accessibility - Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.*
>
> *14.1.3 Objective 3* *Environmental Effects of Transportation - Minimal adverse effects on the surrounding environment as a result of road construction and road traffic."*

9.13.16 The Commission is satisfied that revised planning provisions supporting the plan change will promote the efficient use of the District's existing transportation networks through the requirement for an ITA and associated planning provisions, which will in turn promote and encourage modal shifts in travel to and from the plan change area.

9.13.17 Mr Bryce's Section 42A report addressed the relevant objectives under the Operative Otago Regional Policy Statement. The Commission agrees that the plan change gives effect to Objective 5.4.1(b), as it will enable the Queenstown community to provide for its social, cultural and economic wellbeing by underpinning development opportunities that support the tourism industry. As noted above, while not specifically providing for community housing, the plan change will provide for greater housing density and diversity.

9.13.18 Objective 5.4.3 seeks to protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. The plan change does this by ensuring that the QTC extension does not encroach onto the ONL(WB), and locates development within the existing urban boundary of Queenstown. Further large-scale development is sited in locations with the greatest potential to absorb the scale of development proposed.

9.13.19 Objective 9.4.2 seeks to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of its communities. Based on the evidence before the Commission, there is no infrastructural impediment raised by this plan change that cannot otherwise be addressed as part of the future development of the plan change area, and the future detailed design and ITA assessments that will be required.

9.13.20 The Commission's overall assessment is that Plan Change 50, as amended in **Appendix 1** to this report, is consistent with the relevant objectives of the District Plan and the Operative Otago Regional Policy Statement.

Commission's Recommendations

1. That the submission by Remarkables Jet Limited (50/49/01) be **rejected**.

9.14 CONSISTENCY WITH PART 2 OF THE RESOURCE MANAGEMENT ACT

The Issues and Decisions Requested

9.14.1 One submitter has specifically raised an issue relating to whether the Plan Change gives effect to Part 2 of The Act. RJL (50/49) argued that the Plan Change does not accord with, or assist the territorial authority to carry out its functions to achieve the purpose of the Act, because it does not give effect to Part 2. The submitter recommended that the plan change be rejected.

Discussion & Reasons

9.14.2 The Commission has undertaken a detailed analysis of relevant Part 2 matters in section 11.0 below. We have concluded that Plan Change 50, as amended by this decision, will promote the sustainable management of natural and physical resources in accordance with Section 5(2) of the Act.

Commission's Recommendations

1. That the submission by Remarkables Jet Limited (50/49/1) be **rejected.**

10.0 RE-EVALUATION UNDER SECTION 32AA RMA

10.1 Under Section 32AA of the Act, a further evaluation is required only for any changes that have been made, or are recommended to be made, to the proposal since the evaluation report for the proposal was completed (together referred to as the "changes"). Changes and consequential changes have been proposed since the Section 32 report was issued; accordingly a further evaluation is required, commensurate with the scale and significance of the changes. The Commission has undertaken a further evaluation utilising the table format that was appended to the supplementary evidence of Mr Kyle on behalf of the Council. While the Commission has accepted the majority of changes advanced by Mr Kyle in his further supplementary evidence, we have recommended a number of further amendments to address the issues that we considered had not been adequately addressed in the final planning provisions appended to Mr Kyle's further supplementary evidence.

10.2 The Commission has itemised in paragraph 10.3 those changes to the existing policy, rules and other methods that we have supported that were addressed within the original Section 32 evaluation, Mr Bryce's Section 42A re-evaluation (in section 7.0 of his Section 42A report), and the further re-evaluation undertaken within Mr Kyle's supplementary evidence (dated 19th December 2014, Attachment 2). We have concluded that the provisions set out in paragraph 10.3 are both effective and efficient in responding to Objective 10.2.4.3 (as amended in this decision report).

10.3 The amendments include:

- Proposed Amendment to the Implementation Method;
- Section 10.1.3 - Amendment to Policy 2.1;
- Section 10.1.3 - Amendment to Policy 3.2;

- Section 10.1.3 - Amendment to Policy 4.1
- Section 10.2.4 - Amendments to Policy 1.2;
- Section 10.2.4 - Amendments to Proposed Policies 3.2, 3.3, 3.5, 3.7, 3.8, 3.9, 3.10;
- Implementation Methods (i)(a) to (c);
- Section 10.2.4 - Amendments to existing Policy 5.1;
- 10.2.5 Environmental Results Anticipated (iii) and (x);
- Controlled Activity 10.6.3.2(vi);
- Convention Centre (Discretionary Activity Rule 10.6.3.3(iv));
- Deletion of proposed amendment to existing Non-Notification Rule 10.6.4(ii) (bullet point three);
- Site Standard 10.6.5.1 (i)(d) (Building Coverage (Lakeview sub-zone));
- Site Standard 10.6.5.1 (iv)(d) (Glasgow Street setback);
- Site Standard 10.6.5.1 (iv)(h) (2 metre north-western boundary setback);
- Site Standard 10.6.5.1 (vi)(a) (Verandas);
- Site Standard 10.6.5.1 (vii)(b) and (d);
- Site Standard 10.6.5.1 (xi)(d), (g), (h) and (i) (third bullet point);
- Site Standard 10.6.5.1 (xiii) (Lakeview sub-zone structure plan);
- Site Standard 10.6.5.1 (xiv)(a), (b), (c) and (d) (Active frontages Lakeview sub-zone);
- Zone Standard 10.6.5.2(i)(a) (bullet point eight);
- Zone Standard 10.6.5.2(ii)(b) (Noise);
- Figure 2 (Lakeview Structure Plan);
- Assessment Matters 10.10.2(iii) and (iv).

10.3 As a consequence of amendments that have been made by the Commission in response to the resource management issues raised, we have undertaken a further re-evaluation of the proposed policies, rules and other methods that either formed part of the notified version of Plan Change 50, or were subsequently introduced to respond to issues raised during the course of this hearing. As the Commission has recommended changes to parts of the proposed provisions, these also require re-evaluation. In arriving at our conclusions, the scale and significance of the amendments and consequent effects have been considered. The Commission has set out our re-evaluation in the Re-evaluation Table attached as **Appendix 4** to this report. We have also evaluated the new Restricted Discretionary Activity rule regime introduced to address the proliferation of non-ancillary retail and commercial activities within the Lakeview sub-zone.

10.4 The further re-evaluation addresses the following provisions:

- 10.2.4.3 Proposed Objective;
- Section 10.2.2 (Values)
- Section 10.2.4 – Further amendments to Proposed Policy 1.5;
- Section 10.2.4 – Further amendments to Proposed Policies 3.1, 3.4, 3.6;
- Controlled Activity 10.6.3.2(i);
- Controlled Activity 10.6.3.2(iv);
- New Restricted Discretionary Activity Rule 10.6.3.2A(i)(a), (b) and (c) (Predominant Uses);
- Amendments to Proposed Restricted Discretionary Activity Rule 10.6.3.2A(ii) (Visitor Accommodation with a gross floor area of over 400m^2 in the Beach Street Block);
- New Restricted Discretionary Activity Rule 10.6.3.2A(iii)(Commercial Activities less than 400m^2 gross floor area per tenancy that do not fall within definition of ancillary retail and ancillary commercial);
- New Restricted Discretionary Activity Rule 10.6.3.2A(iv)(Commercial Activities

greater than 400m^2 gross floor area that do not fall within definition of ancillary retail and ancillary commercial);
- Amendments to existing Non-Complying Activity Rule 10.6.3.4(vi);
- New Non-Complying Activity Rule 10.6.3.4(vii);
- Amendment to existing Non-Notification Rule 10.6.4(i) and (ii) (bullet point two);
- Site Standard 10.6.5.1 (i)(e) and (f) (Building coverage Isle Street West and East);
- Site Standard 10.6.5.1 (iv)(e)(setbacks Brecon Street/front yard setback);
- Site Standard 10.6.5.1 (iv)(f)(front yard setback);
- Site Standard 10.6.5.1 (iv)(g)(rear yard setback);
- Site Standard 10.6.5.1 (vii)(a), (c), (e)(Residential Activities);
- Site Standard 10.6.5.1 (xi)(c), (e), (f), (i);
- Site Standard 10.6.5.1 (xv);
- Site Standard 10.6.5.1 (xvi);
- Zone Standard 10.6.5.2(i)(a)(bullet point seven);
- Zone Standard 10.6.5.2(i)(e);
- Zone Standard 10.6.5.2(ii)(f);
- Zone Standard 10.6.5.2(iv);
- Figure 3 – Lakeview sub-zone Height Limit Plan;
- Assessment Matter 10.10.2(i)(c);
- Amendment to Assessment Matter 10.10.2(vi);
- Amendment to Assessment Matter 10.10.2(viii);
- Amendment to Assessment Matter 10.10.2(ix);
- New Assessment Matter 10.10.2(x);
- New Assessment Matter 10.10.2(xi);
- New Assessment Matter 10.10.2(xii);
- New Assessment Matter 10.10.2(xiii);
- New Assessment Matter 10.10.2(xx); and
- Amendments to the Proposed Zoning Maps 35 and 36;
- Amendments to Section 7 (Residential) to reflect retention of the Lynch Block as HDRZ with QTCZ Lakeview sub-zone bulk and location requirements.

10.5 We note, for completeness, that the provisions shaded in grey have been amended to reflect the changes to the Isle Street sub-zones (West and East) and incorporate appropriate references.

10.6 Our main findings are as summarised follows:

(a) **Objectives/Policies** - The Commission has provided further amendments to Objective 10.2.4.3 and the supporting policy framework to more appropriately reflect those ancillary retail and ancillary commercial activities that support the predominant uses within the Lakeview sub-zone. The amendments are considered to be the most effective way of managing the ancillary retail and commercial activities anticipated within the Lakeview sub-zone.

(b) **Revised Rule Framework for Predominant Uses** - The combining of three previous Restricted Discretionary Activity rules governing a convention centre, visitor accommodation and commercial activities with a gross floor area of more than 400m^2 into one rule governing predominant uses (and associated ancillary retail and commercial activities) is considered to be highly efficient both in terms of plan administration, and also in terms of adopting a more logical and practical consenting regime. The Commission considers the amended rule regime supporting predominant uses greatly

improves the effectiveness of the rules in terms of managing adverse effects, while clearly establishing the matters over which discretion is limited.

(c) **New Rule Framework for Non-Ancillary Retail and Commercial** - The new Restricted Discretionary Activity rules governing non-ancillary retail and commercial activities that fall below 400m^2 gross floor area per tenancy, and commercial activities with a gross floor area of more than 400m^2, are considered to be highly efficient in responding to the potential proliferation of these land use activities. These rules are considered to be an efficient and effective method of managing impacts on the viability of the existing Queenstown Town Centre, including the management of the cumulative effects of non-ancillary retail and commercial activities where these exceed a maximum gross floor area of 6,500m^2 across the Lakeview sub-zone;

(d) **Amended Rules Supporting Isle Street sub-zone (West and East)** - The proposed amended provisions are considered more effective in providing clear guidance to District Plan users and decision makers regarding the development expectations in relation to the Isle Street sub-zones. The revised rule framework is more responsive to the underlying resource management issues that apply to each sub-zone and is therefore considered to be more effective.

(e) **Amended Assessment Matters** – The revised assessment matters seek to provide further guidance on those changes that have been promulgated as a consequence of this decision, as broadly set out under paragraphs 10.6(a) to (d) above.

10.7 Taking into account the efficiency and effectiveness of those amended and/or newly proposed provisions supporting Plan Change 50 (which have been set out in broad terms in Appendix 4 of this decision report), the Commission has concluded that the amended rule framework is appropriate and will assist in achieving Objective 10.2.4.1 and amended Objective 10.2.4.3 of the District Plan.

11.0 PART 2 OF THE ACT

11.1 The Act defines its purpose as the sustainable management of natural and physical resources.[298] This is the over-arching purpose that guides those authorities exercising functions under the Act, such as the Council. The Act requires that, in achieving this purpose, such authorities or 'persons':

- Must consider various matters of national importance which, relevantly, include the protection of outstanding natural features, landscapes and historic heritage from inappropriate subdivision, use, and development;[299] and
- Must have particular regard to 'other matters', which include the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the

[298] The Act defines sustainable management as meaning: Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

[299] Sections 6(b) and 6(f) of the Act.

quality of the environment.

11.2 The Commission notes that there were a number of matters relevant to Section 6 raised by Plan Change 50, as well as issues of relevance under Section 7 of the Act.

11.3 In relation to Section 6, the evidence of Dr Read identified that Ben Lomond and Bowen Peak are generally accepted to be a part of an Outstanding Natural Landscape (Wakatipu Basin), as defined by the District Plan.[300] In her opinion the proposed plan change will result in a "coarsening" of the urban form within the plan change area, which will have a minor effect on the contribution of the townscape to the picturesque quality of views of Queenstown Bay and Ben Lomond/Bowen Peak. However, the high visual amenity of broader public views will be retained.[301]

11.4 The Commission has partitioned its assessment of landscape and visual amenity values into three broad categories, being (i) the Lakeview sub-zone (excluding 34 Brecon Street), (ii) 34 Brecon Street, and (iii) the Isle Street sub-zone (west and east blocks). Given that the height limit for the Beach Street Block (excluding Lot 1 DP15037) remains in accordance with the 7 metre height limit for this area under the existing HDRZ, we do not consider there will be any significant impacts on landscape and visual amenity values as a result of this aspect of the plan change.

11.5 As recorded at paragraph 9.7.19, the Commission considers that the Height Limit Plan and Structure Plan supporting the Lakeview sub-zone achieves an appropriate balance between enabling the efficient use of this land resource while maintaining the landscape and visual amenity values of the adjoining ONL(WB) of Ben Lomond and Bowen Peak. In the context of Section 6(b) of the Act, the Lakeview sub-zone (excluding 34 Brecon Street) is not considered to be an 'inappropriate' development.

11.6 As recorded at paragraphs 9.7.47 and 9.7.48 of this decision, the Commission considers that a 15.5 metre height limit (with a 2 metre roof bonus provision as defined) is appropriate for development at 34 Brecon Street. While there will be some loss of views to the Remarkables mountain range from the adjoining Queenstown Cemetery, the extent of this impact is considered to be appropriate in the context of this urban setting. When viewing the site from wider public places such as the Botanical Gardens and the beach frontage along Marine Parade, the increased height limit for 34 Brecon Street will not, in our assessment, diminish the landscape and visual amenity values of Ben Lomond Scenic Reserve to the north. Accordingly, the Commission considers a building height of 15.5 metres (plus 2 metre roof bonus, comprising 40m^2 in area) to be acceptable in Section 6(b) terms.

11.7 The Commission considers both the proposed 15.5 metre height limit provided for under Rule 10.6.5.2(i)(a)) for the Isle Street sub-zone (East) and the broader 12 metre height limit (with 2 metre roof bonus) for the Isle Street sub-zone (West and East) to be acceptable. Buildings at these heights will not detract from landscape or visual amenity values of Ben Lomond Scenic Reserve to the rear (to the north).

11.8 Dr Cawte raised matters that require the Commission to have particular regard to Section 6(f) of the Act. He described the existing cabins on the Lakeview site as having some heritage value. Mr Kyle considered that while he did not read Dr Cawte's evidence as identifying the cabins' values as being so significant as to require their ongoing protection, an appropriate mitigation response is required through the recording and documentation of these cabins in accordance with Heritage New Zealand Guidelines. As a consequence of this recording, Mr Kyle

[300] At paragraph 5.5 of Dr Read's evidence.
[301] At paragraph 8.2 of Dr Read's evidence.

considers that the plan change would not result in use or development that is inappropriate.[302] The Commission agrees with Mr Kyle's conclusion on this point. We are satisfied that any adverse effects on the historic heritage of the area have been appropriately mitigated as part the plan change, and that heritage issues do not militate against achieving section 6(f) outcomes.

11.9 Section 7 directs that in achieving the purpose of the Act the Commission is to have particular regard to certain matters, which include the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, the maintenance and enhancement of the quality of the environment, and any finite characteristics of natural and physical resources.

11.10 In relation to Objective 1 of Part 4.10 of the District Plan, the Section 32 evaluation addressed the efficient use of land as follows:

"The objective [of the plan change] seeks to enable the efficient use of the Lakeview site. This site is located within the urban confines of Queenstown and the objective provides for the intensification and diversification of land use at the site in a manner that accommodates growth and complements the Queenstown commercial centre while providing for a high quality urban environment…."[303]

11.11 The Commission is satisfied that Plan Change 50 promotes the efficient use and development of natural and physical resources. In reaching this conclusion, the Commission records:

- The plan change provides for the more intensive use of 'brown fields' land;
- The plan change is located within the Queenstown urban boundary;
- All land within the plan change is to be serviced with existing service infrastructure and roading.
- All land contained within the plan change will require infrastructure to be upgraded within proximity to the existing QTC. This is considered to be more efficient than having to establish new infrastructure, or connect to infrastructure located further away; and
- The plan change is located on the periphery of the existing QTC and offers opportunities to implement sustainable transport outcomes by adopting integrated, multi-modal and demand-managed transport outcomes supporting the plan change areas. This may involve utilising walking, cycling and passenger transport options as alternatives to providing for car parking and vehicle movements into and out of the sub-zone.

11.12 The Commission notes that a central tenet of the BSPL submission and supporting evidence in relation to 34 Brecon Street was to provide for the optimal development potential of land close to the town centre in such a way that it did not have significant "change" effects, while contributing to the stated aims in the District Plan of consolidating growth. We have concluded that while promoting the efficient use of this land resource is desirable, ultimately the scale of development proposed (a height limit of 24 metres) could not be adequately integrated with this setting and, accordingly, there was a risk that the quality of the existing environment could be diminished. The alternative 15.5 metre height limit preferred by the Commission would enable an additional storey (or up to four storeys) for future development on this property, which in our analysis appropriately responds to BSPL's objective of maximising the development potential of this site, while responding to the heritage and landscape and amenity considerations raised by this aspect of the plan change.

[302] As set out at paragraph 7.15 of Mr Kyle's primary evidence dated 10th November 2014
[303] Refer page 24 of the Section 32 evaluation.

11.13 Plan Change 50 is supported with an array of plan performance standards, which will ensure that future development within the plan change area is advanced in a manner that maintains and enhances amenity values in accordance with section 7(c) of the Act. Further, the scale of development proposed and associated supporting planning provisions seek to ensure that future development harmonises with the existing QTC and adjoining suburban areas. Over time it is envisaged that the quality of this urban area will be enhanced through appropriate built form and landscaped areas in accordance with section 7(f) of the Act.

11.14 Section 8 requires the Commission to, in exercising its functions, take into account the principles of the Treaty of Waitangi. No issues were raised through reports or evidence in relation to section 8. While the future development will increase the level of hard surfaces and potential runoff into adjoining sensitive receiving environments, the Commission accepts that the infrastructure and serving measures advanced as part of this plan change will ensure that future development will not result in discharges that compromise the quality of the receiving waters of Lake Wakatipu, or the life force or 'mauri' of this water body.

11.15 We have concluded that Plan Change 50, as amended in **Appendix 1** (attached) is effective and efficient, and achieves the purpose of the Act. We are satisfied that Plan Change 50, as amended, will promote the sustainable management of natural and physical resources in accordance with section 5(2) of the Act.

12.0 OUTCOME

Summary of Findings

12.1 The key issue for the Commission is to determine whether the land subject to Plan Change 50 should be rezoned from High Density Residential to the Queenstown Town Centre Zone (including the Lakeview sub-zone and Isle Street sub-zone).

12.2 Following our consideration of Plan Change 50, the submissions and further submissions (including submissions and evidence presented at the hearing), the Section 32 evaluation and supporting technical reports, and the Section 42A report, the Commission has concluded that the plan change should be adopted subject to the proposed amendments set out in **Appendix 1**.

12.3 The Commission has discussed the specific issues and points raised in submissions in detail in Sections 9.1 to 9.14 above. In some instances we have accepted or accepted in part submission points, resulting in modifications to Plan Change 50 (as notified) and which are attached at **Appendix 1**.

12.4 The Commission acknowledges that there are some matters that have been raised by submitters that cannot be resolved through our decision on Plan Change 50 for jurisdictional reasons. These include:

- The "Area" submissions, which sought to have additional land holdings included within the plan change area;

- The "Amendment" submissions, which sought to amend or delete elements of the operative District Plan that have not been addressed by the plan change.

12.5 In this respect, the Commission also acknowledges that there are matters that are outside the scope of our recommendations but that should be included in Council's District Plan Review (which we understand is to be notified in August 2015). We also note that some simplification of the policy and rule framework would be desirable through the course of the review. The relevant matters include:

- The rezoning of the two contiguous parcels of land (Lot 1 DP306661 and Lot 2 DP27703), on the eastern side of upper Brecon Street comprising 5,713m^2 to QTCZ as sought within the submission by QGL (50/38/01);

- The re-zoning of the existing TCTZ (fronting Man Street) as sought by MSPL (50/27);

- The rezoning of the area bounded by Shotover Street, Stanley Street, Gorge Road, Home Creek and Designation 232 to QTCZ, as sought in the submission of Kelso and Chengs (50/35); and

- The interpretation of the rule framework in relation to the Restricted Discretionary or fully Discretionary Activity status of a proposal where a Site Standard has been breached.

12.6 The key amendments that have resulted from the Commission's consideration of Plan change 50 are summarised as follows:

- A reduction in the extent of the Plan Change 50 area to be rezoned QTCZ. The western end of the Lakeview sub-zone, confined to that area of land referred to as the 'Lynch Block', has been excluded from the Town Centre zoning and the High Density Residential zoning that currently applies to this area retained, with the exception that the Lakeview sub-zone bulk and location requirements will continue to apply over this area.

- Amendments to Objective 10.2.4.3 and the supporting policy framework to more appropriately reflect ancillary retail and ancillary commercial activities that support the predominant uses within the Lakeview sub-zone have been recommended. A new definition of "ancillary retail and ancillary commercial uses" has been introduced into the Lakeview sub-zone policy and rule framework;

- A revised rule framework for predominant uses located within the Lakeview sub-zone has been formulated by combining the three previous Restricted Discretionary Activity rules governing a convention centre, visitor accommodation and commercial activities with a gross floor area of more than 400m^2 into one rule governing predominant uses (and associated ancillary retail and commercial activities). Matters of discretion have been expanded to give clear guidance in relation to the matters required to be considered.

- A new rule framework for non-ancillary retail and commercial activities that fall below 400m^2 gross floor area per tenancy and commercial activities with a gross floor area of more than 400m^2 has been introduced to manage impacts on the viability of the existing Queenstown Town Centre, including the management of the cumulative effects of non-ancillary retail and commercial activities where these exceed a maximum gross floor area of 6,500m^2 across the Lakeview sub-zone;

- The Isle Street sub-zone has been split into two areas, with revised planning provisions supporting the Isle Street sub-zone (West) and the Isle Street sub-zone (East) introduced. A revised zone map reflecting the amendment to the Isle Street sub-zones has been proposed;

- Amended rules supporting the Isle Street sub-zone (West) and (East), which are more responsive to the underlying resource management issues that apply to each sub-zone area, have been introduced. This includes the ability for development to be increased to a height of 15.5 metres within Isle Street sub-zone (East) as a Controlled Activity where sites are greater than 2,000m^2 and front either Man Street or Isle Street;

- The height limit for any buildings on 34 Brecon Street as a Controlled Activity has been increased to a total of 15.5 metres (plus a small roof bonus);

- Any future re-alignment of Cemetery Road (as reflected within amended Site Standard 10.6.5.1(xiii) Lakeview sub-zone Structure Plan) has been exempted from having to advance through a specific consent process;

- An exemption from providing a veranda has been introduced in the Beach Street block, unless building works take place on the road boundary.

- Amended assessment matters to provide further guidance on those changes that have been promulgated as a consequence of this decision, as broadly set out above, have been introduced.

12.7 These amended provisions are attached as **Appendix 1**.

12.8 Following our consideration of Plan Change 50 and the submissions and further submissions received, we have concluded that the submissions and further submissions should be accepted, accepted in part or rejected as detailed in Sections 9.1 to 9.14 of this report.

12.9 We have arrived at our recommendations having had regard to the matters to be considered in terms of Section 74, the provisions of Section 32 and Part 2 of the Act, and in particular the purpose of the Act set out in Section 5.

12.10 The outcome of our consideration is that we **recommend** that Plan Change 50, as amended, be incorporated into the Queenstown Lakes District Plan.

12.11 This report incorporating our recommendations on Plan Change 50 is dated **16 June 2015.**

SIR JOHN HANSEN
CHAIRMAN

JANE TAYLOR
COMMISSIONER

ATTACHMENTS

Appendix 1	Amended Planning Provisions
Appendix 1a	District Plan Index
Appendix 1b	Planning Maps 35 and 36
Appendix 1c	Town Centre Objectives and Policies Section
Appendix 1d	Rules for Town Centre
Appendix 1e	Rules for Revised Transport Section
Appendix 1f	Ancillary Amendments Rule
Appendix 2	Summary of the Decisions Requested and Further Submissions Received
Appendix 3	List of Submitters and Further Submitters
Appendix 4	Section 32AA Re-Evaluation Table

APPENDIX 1
Amended Planning Provisions

Appendix 1a
District Plan Index

Legend for Planning Maps

TOWN CENTRE

- Arrowtown Town Centre Zone
- Queenstown Town Centre Zone
- Wanaka Town Centre Zone
- Corner Shopping Centre Zone
- Lakeview, Isle Street & Town Centre Transition Sub-Zone
- Visitor Accommodation Sub-Zone - Pre-Feb 2012
- Visitor Accommodation Sub-Zone

Queenstown Special Character Area

- 1 Precinct 1
- 2 Precinct 2
- 3 Precinct 3

RESIDENTIAL

- High Density Residential Zone
- Low Density Residential Zone
- Residential Arrowtown Historic Management Zone
- Arrowtown Scenic Protection Area
- Community Facility Sub-Zone
- High Density Residential Sub-Zone A
- High Density Residential Sub-Zone B
- High Density Residential Sub-Zone C
- Medium Density Residential Sub-Zone
- Queenstown Heights Low Density Sub-Zone

ROADS

- Road (Maps >=1:100,000)
- Road (Maps <1:100,000)
- State Highway (Designation 84)
- Legal Road
- Unformed Road

SPECIAL ZONE

- Bendemeer Zone
- Frankton Flats Zone
- Meadow Park Zone
- Quail Rise Zone
- Remarkables Park Zone
- Resort Zone
- Rural Visitor Zone
- Three Parks Zone
- Ballantyne Road Mixed Use Zone
- Mount Cardrona Station Special Zone
- Kingston Village Special Zone
- Shotover Country Special Zone
- Penrith Park Zone
- Penrith Park Vegetation Area A
- Penrith Park Vegetation Area B
- Penrith Park Visual Amenity Area
- Deferred Rural Lifestyle Buffer Zone
- Deferred Rural Lifestyle Zone
- Hydro Generation Zone - Pre-Feb 2012
- Hydro Generation Zone

AIRPORT

- Air Noise Boundary
- Outer Control Boundary
- Airport Mixed Use Zone
- Airport Designation

TOWNSHIP

- Township Zone
- Commercial Precinct

RURAL

- Gibbston Character Zone
- Rural General Zone
- Rural Lifestyle Zone
- Rural Residential Zone
- Rural Residential Sub-Zone
- Ferry Hill Rural Residential Sub-Zone
- Ski Area Sub-Zone - Pre-Feb 2012
- Ski Area Sub-Zone

HERITAGE

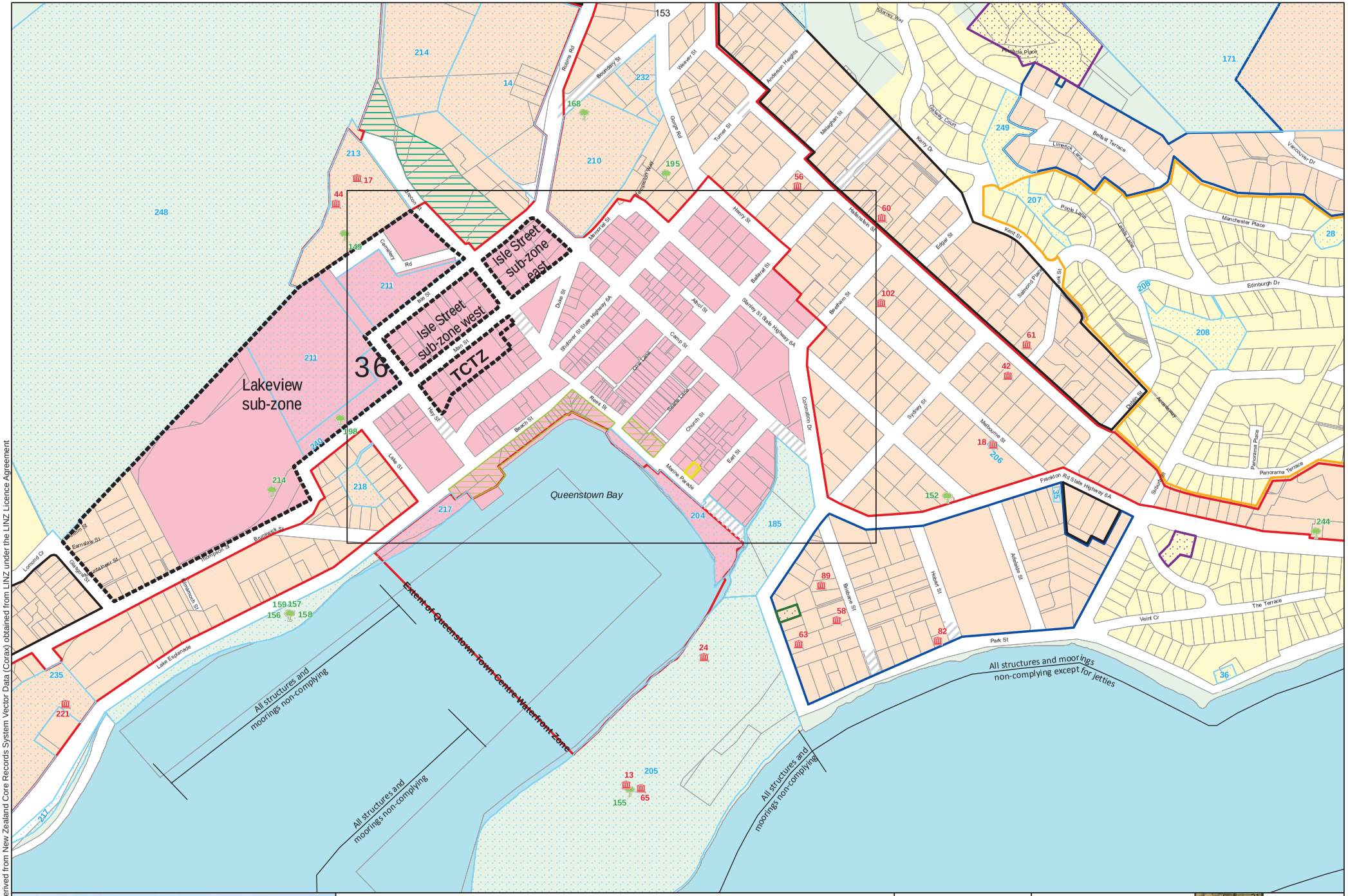
- Protected Feature
- Protected Tree (may represent many trees)
- Protected Avenue of Trees/Veg (trees not in exact location)
- Historic Precinct

OTHER

- Open Cemetery
- Mount Aspiring National Park Boundary
- Business Zone
- Industrial A Zone
- Industrial B Zone
- Open Space Zone
- Areas of Significant Indigenous Vegetation
- Building Restriction Area
- Maximum Building Height Restriction
- Designation
- Heritage Protection Order
- Cadastral Boundary
- Territorial Authority Boundary
- Water (Zoned Rural unless otherwise shown)

August 2014

Appendix 1b
Planning Maps 35 and 36



Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement

Queenstown Lakes District Council
District Plan Maps

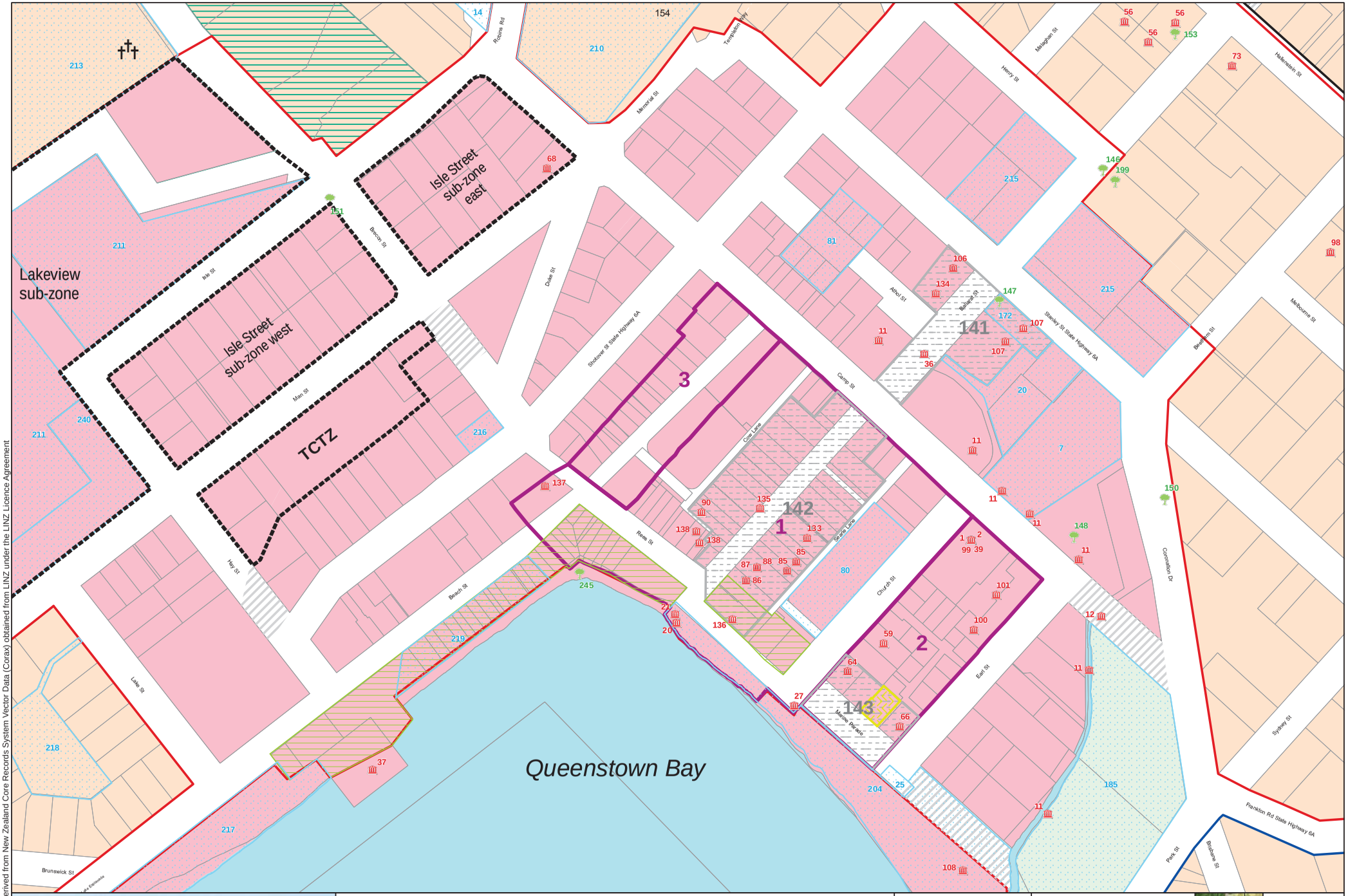
Queenstown

Map Printed: May 2015

N
0 37.5 75 150
Metres
Scale: 1:5,000

QUEENSTOWN LAKES DISTRICT COUNCIL
Maps created by QLDC GIS Department

35



Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement

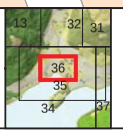
Queenstown Lakes District Council
District Plan Maps

Queenstown Central

Map Printed: May 2015

N
0 15 30 60
Metres
Scale: 1:2,000

QUEENSTOWN LAKES DISTRICT COUNCIL
Maps created by QLDC GIS Department



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Appendix 1c
Town Centre Objectives and Policies Section

10. Town Centres
Queenstown, Arrowtown & Wanaka

Corner Shopping Centres
Frankton, Fernhill & Sunshine Bay

10.1 Issues, Objectives and Policies

10.1.1 Resources, Activities and Values

Increasing visitor numbers and a growing resident population has brought about a steady growth in the retail and business floor space constructed in and around the town centres.

Aside from the peripheral expansion in Queenstown, and the general growth in activity in all centres, the main trends of relevance to the Plan are:

- increasing pressure for land suitable for large retail outlets.
- a blurring of the traditional distinctions between service industries and retailing.

These centres satisfy both a local and District function and provide the bulk of the goods and services required by the residents of the District. They are supported by local shops in the smaller settlements.

Queenstown
Queenstown is the largest and busiest of the centres with much of the activity directly attributable to tourism. It is the principal administration centre for the District and contains the greatest variety of activities.

Arrowtown
Arrowtown is more clearly a local business centre servicing a local catchment. The viability of this centre is heavily dependent on visitor activity and the special historic character of the town.

Wanaka
Wanaka is developing into an important commercial centre which serves a significant part of the District and some localities immediately outside of the District. This role will continue to grow in importance as the resident population and visitor activity in this part of the District increases.

Corner Shopping Centres
The retail activity of Corner Shopping Centres, Frankton, Fernhill and Sunshine Bay Zones is based around convenience goods stores serving the residents.

10.1.2 Issues

While the function of each centre is different and the physical character of each centre distinctive, there are a number of common issues.

i The consolidation and maintenance of existing town centres

Inappropriate location, nature and design of business activities can result in fragmentation of town centres, inefficient use of infrastructure, loss of vitality, convenience, accessibility and identity of business areas, and adverse effects on the environment of surrounding areas.

The buildings, infrastructure and car parking areas within the town centres represent a significant investment. They are encompassed within the meaning of physical resource, as defined in the Act.

The land and buildings of the town centres provide the space and resources for a wide range of activities to take place. It is therefore necessary that they are recognised for the importance of their role in the

District's economy as well as the social and cultural well being of the community.

Consolidation of the boundaries encourages the efficient use of existing resources, such as roads and utility services, and creates a degree of certainty for further growth and development. This, in turn, will assist the viability of the town centres with benefits to the community in terms of the range of services available, their convenience and accessibility. The Council can then provide and maintain efficient road networks and ensure car parking is provided at convenient locations to those areas.

Town centres are a source of identity for their communities, as they represent a meeting place for people. Consolidating the area within which these activities take place will reinforce the communities' perception of the character and form of their towns and their identity, not only as a place of business, but also as a venue for social and cultural events.

Boundaries defining the town centres may also prevent the outward spread of commercial activities into residential areas. This spread would have an adverse effect on the amenities of those areas and the presence of significant commercial activities would fragment the residential community. However, some business facilities within residential areas can provide convenient services for residents. This issue is discussed under the Section on Amenity.

ii Efficient Use of Buildings and Infrastructure

Inadequate opportunities to change or redevelop the use of business buildings and sites, and inadequate access and parking associated with business areas, can result in inefficient use of buildings and infrastructure and loss of business vitality.

Section 7 of the Act requires the Council to have particular regard to the efficient use and development of natural and physical resources. This requires consideration be given not only to the buildings and infrastructure but also that the activities undertaken are able to operate efficiently. To ensure buildings and sites continue to be occupied it is important that a broad range of activities are able to establish. A diversity of activities may also add vitality and interest to the town centres that will attract people and generate economic well being. In addition, it is recognised that unnecessary regulation may act as a barrier to the establishment of new and/or different businesses. The Council therefore seeks to impose only those rules which are necessary to maintain the amenity values of the town centre resources and sustainable management.

The effective functioning of the town centres is also dependent upon the public having access to the facilities and services provided. Efficient and safe routes for the movement of people and goods and sufficient loading and car parking at convenient locations are necessary to enable the town centres to provide a good service to the public.

iii Amenity

The establishment and operation of activities in the town centres can result in adverse effects on the centres and their surroundings, such as from noise, emissions, loss of visual amenity, lighting and traffic congestion.

In addition to making town centres physically accessible to the public it is also necessary to enhance their amenities to make them pleasant and enjoyable to visit and work within. The level of amenity will vary between different areas.

Town centres are characterised by a concentration of people and activities and are likely to have different standards of amenity than may be found in a residential environment. For example, people expect there to be more trucks and cars in town centres and tolerate more traffic noise and fumes than they would in their living environments. However, the Council wishes to ensure that the environment of the town centres remains visually attractive to new activities and an acceptable place within which to work. Although town centre activity will in significant part be determined by market forces, the Council has the responsibility to

establish the environmental parameters within which development may occur.

Within the town centres effects need to be considered both individually and cumulatively, as well as in terms of the proximity of living or other sensitive areas.

Noise - created by activities and traffic. The amenities of business areas which accommodate pedestrian-oriented activities may be adversely affected by proximity to major highways, in addition to safety and traffic efficiency concerns. Noise also needs to be controlled at the residential interface although a higher level of noise is normally acceptable within the business area.

Glare - is of concern where it affects residential properties, recreation areas and roads. The location of and direction of lights should be controlled while the establishment of landscaping can reduce glare from buildings and cars.

Visual Amenity - The visual environment of the town centre areas is characterised by one and two storey buildings built up to all boundaries, often with large display windows, verandas and advertising signs. Important issues with regard to visual amenity are to:

- retain the existing scale and spatial distribution of buildings
- retain verandas as a feature of the streetscape where appropriate
- prevent the erection of large blank walls to the street
- prevent the creation of large sealed car parking or display areas in areas with high levels of pedestrian movement
- control signage, external appearance and building design where appropriate
- protect and enhance heritage features and special character areas.

Traffic - Noise, fumes and congestion generated by traffic are expected to occur within the town centres as people and goods must be transported to and from these areas for business to take place. There is a need to ensure that public safety is not compromised by the conflict between pedestrians and vehicles and that areas where there is a high concentration of pedestrians are kept as free as possible from traffic noise and fumes. In addition traffic efficiency and safety should not be compromised by vehicular conflict. This is an issue of particular concern along State Highways which carry a large volume of through traffic which is not stopping to conduct business.

iv Retailing from Industrial Areas

Dispersal of retail activity from town centre areas will undermine the convenience, efficiency and availability of such areas to residents and visitors.

The types of activities undertaken from industrial areas has changed in recent years in response to an economic decline and the need to diversify business. Industrial areas are no longer primarily areas of processing and manufacturing. Service industries and retailing are becoming increasingly significant as complementary activities. In the past there has been limited provision for retailing activity from industrial areas. It is acknowledged that the distinction between industrial and commercial activities has blurred and there needs to be provision for a mix of activities. Such a provision will require checks on a scale to ensure there is not a general dispersion of retailing from the central commercial areas, which would undermine the integrity and form of commercial areas, and thereby the important physical resource they represent and so reduce their convenience, efficiency, attraction and availability to the District's residents and visitors.

10.1.3 Objectives and Policies

Objective 1 - Maintenance and Consolidation of the existing Town Centres and Activities Therein

Viable Town Centres which respond to new challenges and initiatives but which are compatible with the natural and physical environment.

Policies:

1.1 To maintain and enhance patterns of land use, development and character which promote and reinforce close proximity and good accessibility within the business areas and between the business areas and living areas.

1.2 To enable town centres to become the principal foci for commercial, administration, employment, cultural and visitor activities.

1.3 To provide for and encourage the integration of a range of activities within town centres, including residential activity.

1.4 To enable retail activities within town centres.

1.5 To provide for town centres to be densely developed centres of activity with maximum consolidation of space, commensurate with the essential amenity, environmental and image outcomes sought for each centre.

1.6 To provide for the staged development of a mixed use commercial core within the 3 Parks Zone provided its development does not undermine the role, function, vitality and vibrancy of the Town Centre, whilst recognising that some extensions to the Town Centre zone may also be appropriate over time.

Implementation Methods

Objective 1 and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) Provide for a wide range of activities through the zone rules.

(b) To control by zoning the out of centre spread of town centre activities

(c) Zoning of land sufficient to encapsulate the existing town centres, with any future expansion of these areas dealt with via a plan change.

(ii) Other Methods

(a) Through the acquisition and development of land, as necessary, for roads, service lanes and infrastructure.

Explanation and Principal Reasons for Adoption

A key element of urban growth is the relationship between residential and business activity areas. The way in which business and residential activities are distributed within the District will have a major influence on travel demand and energy consumption. The Council cannot expect to determine where people choose to live in relation to their employment but the opportunities for providing a convenient link between employment and living environments does have a number of advantages including:

- convenient access for those with limited access to private transport.
- reducing the cost of private transport.
- providing a choice of transport mode.

The main town centres provide a variety of retail, service, entertainment and visitor facilities which contribute to the identity of the major towns. The Council recognises that some new commercial activities will establish away from the main town centres but is determined to ensure that these town centres continue to develop and enhance their role as the principal business environments.
The town centres are important for visitor activity. However, the Council is concerned about the effects of large scale vehicle orientated activities on the amenity values of the Arrowtown, Queenstown and Wanaka town centres. In addition, these Town Centres are confined by topography and existing buildings and could have difficulty coping with anticipated business growth which will flow from increased visitor numbers. In Wanaka, the establishment of such large scale activities beyond the Town Centre is considered necessary in order to preserve the amenity, scale, character, and consolidated form of the Town Centre.

The town centres are a logical location for a wide range of activities and because of the limited land areas available they are likely to be densely developed. This provides a sense of vitality and variety and promotes convenience, accessibility and efficient utilisation of services and infrastructure. It will also assist in retaining the character of the centres. A further benefit of consolidated town centres is a consequent reduction in the out of centre expansion of the business activities and the retention and enhancement of surrounding living environments.

The Council believes positive management of the town centre environment is necessary to ensure the retention of the retail activity. Because the town centres are small and compact there are no obvious nodes of retail activity and the objective is to ensure that this general distribution of activity is maintained. This will be achieved by:

- retention of retailing activities at street level on nominated streets.
- enhancing pedestrian amenity within the town centres.
- provision of car parking and retention of the “people scale” and compact form of the town centres

Nevertheless there will be a need for some forms of retailing to locate outside the town centres because of the character and needs of the particular activity, large buildings, extensive off-street parking. This is also acknowledged as desirable if the intimate scale, pedestrian convenience and amenity value of the town centres is to be retained and enhanced. Large vehicle orientated convenience stores and bulk related activities do not enhance that amenity.

The viability, amenity and attractiveness of the town centres comes not just from successful retail and visitor activities but from the use of the town centres for a range of residential and community activities. Residential activity within the town centres enhances the economic well being of the centres and the viability, life and amenity of the centres. It also provides for a convenient and energy efficient use of resources.

Objective 2 – Amenity

Enhancement of the amenity, character, heritage, environmental quality and appearance of the town centres.

Policies:

2.1 To provide for the development of a full range of business, community and tourist activities while conserving and enhancing the physical, historic and scenic values and qualities of the geographical setting.

2.2 To ensure reserve areas and other public spaces are upgraded and integrated with development occurring on adjoining land or water areas.

2.3 To control the height, scale, appearance and location of buildings to ensure that the amenity of the area, both at street level and within adjacent developments, is maintained and enhanced.

2.4 To continue programmes of street and other public open space enhancement within the town centres.

2.5 To maintain and enhance the contribution to the image of town centres of public open spaces and reserves within and on the periphery of the town centres.

2.6 To implement methods to minimise the adverse effects of vehicles on the amenity of the town centres.

2.7 To provide public facilities and street furniture for the convenience of persons within the town centres.

2.8 To recognise and enhance the particular heritage characteristics of Queenstown and Arrowtown.

2.9 To recognise and protect the important interrelationship between land and water activities and amenity values in Queenstown Bay.

Implementation Methods
Objective 2 and associated policies will be implemented through a number of methods including the following:

(i) District Plan

(a) The use of performance standards for street appearance, setback, design, external appearance, landscaping, noise, glare and car parking.

(b) Use of rules to separate activities which generate vehicle traffic as against pedestrian traffic.

(c) The use of rules, guidelines and incentives to enhance the essential heritage and locational characteristics of the centres (i.e. building design, relationship to lake frontages).

(ii) Other Methods

(a) To provide finance through the annual plan provide and initiate projects for street and open space enhancement, traffic management, heritage protection, and public facilities.

Explanation and Principal Reasons for Adoption
The amenity, character, environmental quality and image of the town centres derives from the activities established within these areas, the built form which houses the activities as well as from the open spaces which provide the linkages or connections between buildings and activity nodes.

The town centres continue to reflect the basic underlying pattern of development established at the time each was first settled. This pattern includes the street layout, the width of the streets, the relationship of Queenstown and Wanaka to the lakes and other adjacent open spaces and the buildings and structures which remain from the early development. These elements are recognised and reinforced through specific controls on development which address building scale, height and appearance, setback from the street, heritage buildings and the relationship of buildings to adjoining buildings and open spaces. These policies are reinforced by policies relating to built form and appearance and by those specific to the particular character of each town centre.

The scale of the town centres and of individual developments within each centre is important where the overall relationship of the town centre to the surrounding physical environment is a critical factor in assessing character and image and amenity values. It is important that the core areas of the town centres are well connected, that views of the surrounding landscape are readily available, and that the surrounding landscape and setting contributes to the sense of place and belonging. The built environment should not dominate or be out of scale with the natural character and setting which provides the town centres with a sense of place within the natural landscape and in a significant way determines the image and amenity values of the area. For these reasons the Council has, through a series of interrelated standards, established the level of development appropriate within the town centres.

To ensure the coherence of the centres it is necessary to consider development proposals within the wider street context and not merely the

confines of a particular site. The context of each proposal is taken to include the buildings on either side, the street space, linkages within and beyond the immediate locality and public open spaces. Each development will, depending on design, impact on those elements. Coherence will flow from each proposal respecting these elements as important components of design. Amenity enhancement will follow from conscious attempts to include these elements in any specific development proposal.

Where possible, building design is encouraged to provide for daylight and sunlight penetration to streets and public spaces. This is achieved through overall building height and street frontage facade height controls.

Protection from the weather is desirable in some locations if the town centres are to remain attractive and convenient for pedestrians. Previous district plans have required verandas over footpaths in specified parts of town centres. Provisions in this Plan seek to achieve a continuation of this protection. It is accepted that complete protection is impracticable and in some locations unwarranted (e.g. Arrowtown) and could have an adverse effect on other elements which contribute to the amenity of town centres.

While a significant proportion of the amenity of the town centres is contributed by private developments, public actions are also very important. The Council is committed to environmental improvement and enhancement works in both Wanaka and Queenstown. These works assist in establishing the context within which new private developments will occur and against which, at least in part, they will be measured.

The Queenstown Bay and Wanaka Town Centre waterfronts are a critical element in the economic well being and the amenity values of the town centres. The waterfronts provides the visual setting and major amenity area of the town centres and are in particular, a vital, exciting and attractive element which is fundamental to the character which is Queenstown Town Centre.

Environmental enhancement and improvement includes not only physical works but also ensuring that the effects of motor vehicles on public spaces is minimised. This may mean actively discouraging or reducing the impact of vehicles on specified areas or diverting the demand for accessibility through the construction of parking buildings or open space for car parks in convenient locations on the periphery of the town centres. It may also involve restrictions on the accessibility to the town centres for large commercial vehicles.

The town centres of Queenstown and Arrowtown contain many of the identified heritage buildings and structures of the District. The policy in respect of these complements the District wide heritage policies regarding protection of heritage items by encouraging not only the retention of buildings and structures, but also those more basic elements and characteristics of the built form of the town centres, such as road layout and width, site width, service lanes and pedestrian linkages.

These outcomes will be achieved through design controls, financial incentives and the action of the Council in respect of protecting significant buildings, structures or built form elements which are under threat and which, if destroyed or modified, could compromise the overall amenity and image of the locality.

Objective 3 - Built Form

Maintenance and enhancement of a built form and style within each town centre that respects and enhances the existing character, quality, amenity values of each town centre and the needs of present and future activities.

Policies:

3.1 To ensure a built form for each town centre which relates to and is sympathetic to the physical characteristics of the site and neighbourhood including climate, neighbours and topographical features.

3.2 To provide for a built form which is responsive to and reflects the essential character and heritage of each town centre and the surrounding topography.

3.3 To create a series of core areas within each town centre, and appropriate interconnections between them.

3.4 To structure the town centres around the existing public spaces (including streets and lakes) and to relate its built form to the surrounding landscape and the built form of adjacent zones.

3.5 To promote a built form which exhibits a sense of arrival and departure and to contain the town centres within clearly established boundaries.

Implementation Methods
Objective 3 and associated policies will be implemented through a number of methods including :

(i) As for Objectives 1 and 2.

Explanation and Principal Reasons for Adoption
The town centres of are distinctive in terms of their overall form and layout. Differences arise from the particular combinations of open space, buildings, road patterns, activities and geographic setting which shape and define the built form and heritage of each centre and their respective environmental qualities and image. Retention of these qualities and characteristics is to be achieved through appropriate development standards and high quality urban form.

The District Plan acknowledges that the physical definition or form of the town centres is an expression of the nature of the built development. While public spaces make a significant contribution, and provide the all important context, the buildings themselves provide the frame or structure. The quality of the environment of the town centres is reliant upon the quality and aesthetic coherence of the buildings.

Within the overall form of the town centres it is important to have special points of interest and reference. These may be a formal open space or an informal area created by building setbacks, the entrance to a pedestrian link, or a particular activity. To give structure to the built form it is desirable that these interest points are linked, either in a visual or physical sense. They may become significant activity areas in themselves but they should promote a high amenity value. Where practicable these amenity linkages should follow movement desire lines. The enhancement of existing linkages and the identification and development of new links will make an important contribution to the built form of the town centres.

The sense of arrival is to be achieved by encouraging a built form which announces arrival at its outer limits. Appropriate containment of town centre built form will assist in reducing the impacts of the town centres on adjacent living areas. It will also remove the pressure for peripheral expansion and the existence of a transitional zone which blurs the distinction between the town centre environment and the adjoining environments.

Objective 4 - Town Centre and Building Appearance

Visually exciting and aesthetically pleasing town centres which reflect their physical and historical setting.

Policies:

4.1 To promote an image for each town centre which reflects and respects the existing dominant building themes and where new developments promote overall visual coherence.

4.2 To identify and implement controls which define appearance standards applicable to each town centre and which promote and, where appropriate, ensure harmony and compatibility of building design.

4.3 To ensure the display of outdoor advertisements does not detract from the visual amenity values of the town centres or the appearance of individual or groups of buildings within those areas.

4.4 To ensure that new developments or redevelopments of existing sites within Arrowtown town centre respect and reflect the heritage value of the town centre.

4.5 To identify within the Queenstown Town Centre a Special Character Area to ensure developments or redevelopments of sites respect and reflect

the historic subdivision pattern and development styles which give rise to the particular appearance and character of the area.

4.6 To enhance the amenity values of the Wanaka Town Centre.

4.7 To provide for the retention of the generally people scale of developments within the town centres.

4.8 To identify opportunities for and promote the integration of public spaces, reserves and streets with developments to add visual interest and diversity to the appearance of the town centres.

4.9 To establish and administer a fund to assist in the retention and enhancement of historic buildings and the development of public spaces within the town centres, most particularly Queenstown and Arrowtown.

Implementation Methods
Objective 4 and associated policies will be implemented through a number of methods including the following:

(i) District Plan

(a) Provision of rules relating to matters such as use, development, design and appearance of buildings, height, street scene and coverage.

(b) Identification of a Special Character Area within the Queenstown Town Centre and provision of rules particular to this area to promote the conservation and enhancement of the existing character.

(c) District rules for heritage and transport.

(ii) Other Methods

(a) Provision of information, particularly in respect of special character areas, on suitable design approaches for buildings.

(b) Provision of works and services, environmental street improvements in Queenstown, Arrowtown and Wanaka town centres.

(c) Retention of significant heritage items through public purchase.

(d) Progressive programmes of local network traffic improvements.

(e) Progressive upgrading of public open space within the town centre areas.

(f) District Bylaws for signs.

Explanation and Principal Reasons for Adoption
The detail of individual buildings contributes to the coherence between groups of buildings, the design of open spaces and the integration of buildings and open spaces which form the images and activities that make the town centre memorable.

Each of the town centres within the District has a different physical setting, history and structure. Developments within these activity areas should reflect and respect these differences. The objective and policies promote individuality of appearance. The constraint on this individual expression is visual cohesion with neighbouring developments. The controls on overall built form, bulk and location standards go some way to achieving this. Building appearance refers to the detail of the individual building and includes such things as the proportions and location of windows, doors, parapet, veranda details, facade materials and external appearance.

While wishing to leave as much freedom of expression and interpretation to individual building designers a number of broad appearance performance standards will be implemented. These relate to form, materials and external appearance and will assist in achieving overall visual coherence.

One of the most memorable features of the town centres of the District is the "people scale" of the built form when contrasted with the scale of the surrounding natural environment. This scale is derived from the bulk of buildings and the proportions of the public spaces about those buildings. It would be easy for this scale to be lost or severely eroded by insensitive development or lack of attention to detail. The proportions of facades and other building elements visible from public places is an important aspect of design which can impact positively or adversely on the general scale of a particular environment. The policy and the appearance standards which implement it are designed to ensure that the town centres retain a form and appearance which is friendly to and comfortable for the people who frequent them.

The appearance of a town centre is not only a function of the buildings which frame the street and other public spaces, but is also a function of the appearance of public spaces and the way those spaces are linked to or integrated with the buildings. Where the public spaces and the buildings flow together and form a pattern of linkages, the overall appearance is enhanced. Visual interest and diversity of overall appearance can also be achieved where building facades are either set back from the street line or contain areas of setback. These small variations add visual interest to the facade itself and to the streetscape and are, in some locations, to be encouraged. In other locations the visual interest derives from the continuity of the facade and the more direct penetration of the public space into, through or between buildings.

To retain and enhance the visual attractiveness of the town centres it is necessary to control the location of some types of land use activity. Those activities which contribute visual interest, colour and vitality to the appearance of the town centre are encouraged to locate adjacent to pedestrian links at the expense of those activities which, because of some inherent characteristics, tend to detract from the overall appearance or street scene. Retail activities and other activities where there is a consistent flow of people in and out of the business contribute to this vitality, whereas motor vehicle orientated activities and some service or office activities do not. This policy is complementary to those policies directed at achieving coherent and visually interesting people places within the town centres. Any activity which will not contribute positively to this desired outcome is to be discouraged from establishing in some parts of the town centres.

Objective 5 - Pedestrian and Amenity Linkages

An attractive, convenient and comprehensive network of pedestrian linkages within town centres.

Policies:

5.1 To establish and maintain a comprehensive pattern of pedestrian walkways about and within the town centres and between core areas.

5.2 To identify the locations of existing pedestrian walkways.

5.3 To ensure all pedestrian areas receive generous levels of sunlight, daylight and weather protection, as appropriate to the overall character of the particular locality.

Implementation Methods

Objective 5 and associated policies will be implemented through a number of methods including:

(i) District Plan

The use of rules and financial incentives to identify, protect and enhance pedestrian linkages within the town centres.

Explanation and Principal Reasons for Adoption

Improvements to and extensions of the pedestrian permeability of the town centres is an essential component in achieving the overall reduction in vehicle dominance. The pedestrian linkages should be direct, obvious and of high amenity standards. Provision of a pleasant and legible pedestrian environment, protected from the weather and convenient to use will also assist in managing vehicle trips within the town centres.

Pedestrian movement can also be improved in those situations where developments are located on sites which extend between streets or between

reserves and streets. If, in these instances, the building design reflects the double frontage an important through link can be created. In the case of Queenstown, the Council has identified where it believes walkway links are desirable. This is not to suggest that links in other locations would be inappropriate.

The personal safety of pedestrians is an important factor and pedestrian areas with high amenity standards assist in achieving this. The design of vehicle entries/exits to off-street parking areas is also important where these cross footpaths. Vehicle access to developments must be designed and located so that both drivers and pedestrians are able to avoid conflict.

10.1.4 Environmental Results Anticipated

Implementation of the policies and methods relating to the town centres will result in:

(i) Maintenance and enhancement of the Wanaka, Queenstown and Arrowtown centres as the primary foci of the retail, tourist, community administrative and commercial business within the District.

(ii) Maintenance of the neighbourhood and convenience retail uses of the Corner Shopping Centre Zones accommodation.

(iii) Development of convenient and cohesive business activity environments.

(iv) Development which reflects and respects the particular characteristics of the local environment.

(v) Intensification of activity and development levels in all town centre areas.

(vi) Interesting, pleasant and safe environments for people.

(vii) Pleasant and quality public space environments within town centres which are well used, accessible and maintained to high standards, including weather protection (as appropriate) and reasonable levels of daylight and sunlight penetration.

(viii) A pleasant, functional and aesthetically coherent form to the town centres reflected in their compactness, convenience, permeability and built appearance.

(ix) Integration of open spaces and the built form into a coherent environment.

(x) Protection and enhancement of the built heritage of the town centres.

(xi) Retention of viable business environments which, without compromising environmental and amenity values, meet the needs of people.

(xii) Protection of the amenity and environmental values of residential activity areas where these adjoin the town centres.

(xiii) Opportunity for and encouragement of residential activity as part of the town centre environment.

Queenstown Town Centre

10.2.1 Resources and Activities

The town centre of Queenstown is a unique place. Its uniqueness and the elements which create the sense of place and the values which are Queenstown include:

- The overwhelming grandeur of the landscape and the relationship of mountain and lake with the built environment. The vivid contrast of the town to its landscape setting and its comparative insignificance in terms of scale, bulk and spatial definition is a critical element in setting the image and character of Queenstown.

- The relationship of land and water, and the expansive views across the lake. This relationship is heightened by the existence of a series of core

areas along the waters edge, at Queenstown wharf, Earnslaw wharf, and Marine Parade beach.

- The generally small, intimate scale of the built environment, encompassing a diverse range of buildings, a variety of design styles, and a series of amenity or character areas within the town centre.

- A contained central area adjacent to the waterfront with special characteristics arising from the original settlement pattern, and the remaining historic buildings.
- The existing road network and the sense of arrival which arises from the fact that there are only three principal entry points.

- The sense of a pedestrian friendly town which arises from the open spaces which exist within and about the town centre, the pedestrian links which enhance the access of the town and the overall small scale and size of the town centre.

The town centre of Queenstown has a strong sense of place, however some of the elements which give the Queenstown town centre its special character could be lost. Uncontrolled site amalgamation and unsympathetic development has resulted in some loss of pedestrian permeability, image and the historic character, particularly in the central areas close to the waterfront.

10.2.2 Values

For the town centre to remain viable and attractive it is necessary to enhance the key elements which provide for a broad range of functions and give it a sense of place, atmosphere and image, and to avoid, mitigate or remedy the adverse effects of activities on its outstanding character.

The Queenstown town centre must be considered as an integrated whole, however, in order to best manage and protect the resource and enhance the amenity value of the town centre it is necessary to identify and conserve the characteristics of its built form. The town centre has a number of areas including:

- A Special Character Area comprising three Precincts.

- The Queenstown Bay Waterfront.

- The sloping land bound by Lake, Hay, Isle, Camp and Shotover streets, including the Town Centre transition sub-zone, the Isle Street sub-zones (West and East), and the eastern extent of the Lakeview sub-zone.

i Special Character Area

The Special Character Area comprises much of the central retail and business area and generally lies between Rees Street/Marine Parade, Earl Street, Camp Street and a line just south of Shotover Street. In the more developed parts of this area, the scale of buildings and activities is generally small and there is a pleasant relationship between the street and other public spaces and buildings. The retention of this relationship is one intended outcome of the identification of this Special Character Area within the Queenstown Town Centre zone.

The purpose of this area is twofold. Firstly, it is to ensure that the intimate and small scale character of the early parts of the Queenstown settlement, and in particular the remaining historic buildings, is not lost through insensitive or inappropriate redevelopment or new development. Secondly, it is to enhance, protect and reinstate this special character through sensitive and appropriate redevelopment or new development.

The Special Character Area comprises three distinct Precincts:

- Precinct 1: This generally encompasses an area bounded by Rees Street, Marine Parade, Church Street and Camp Street and a line one section deep and north of Cow Lane. It also includes the western and southern quadrants of the Beach Street-Rees Street intersection. This area contains a Heritage Precinct as contained in Appendix 5.

- Precinct 2: This is the block bounded by Church Street, Camp Street, Earl Street and Marine Parade.

- Precinct 3: This comprises Beach Street (between Camp and Rees Streets) and the buildings which enclose the street.

These precincts are shown on the District Plan Map No. 36.

Precinct 1
The character of Precinct 1 arises from and is expressed by the following elements:

- Narrow streets.

- The existing 1:2 proportion of facade height to street width.

- Flat building frontages and two storey (7.5 - 8.5 m high) facades with parapets obscuring the roofs behind when viewed from the adjoining street at ground level.

- Windows at first floor level which are set in solid walls, vertical in their lines comprising between 25% and 30% of the wall frontage in area, and having height to width ratio in the range 1.6:1.0 to 2.3:1.0.

- Verandas of generally lightweight character running the full length of the frontage with generally slender posts being 100mm - 200mm wide and solid fascias generally no greater than 400mm deep.

- Narrow building facades reflecting the narrow historical tent site subdivision pattern.

- Enclosed balconies at first floor level generally on the south side of the Mall.

- Detailed facade treatments and decoration.

- Street frontage material generally of painted plaster, stacked stone or painted timber weatherboards.

- External appearance is generally appropriate to the overall streetscape and historic character of the zone.

These elements have been combined to form the Queenstown Mall Heritage Precinct which is acknowledged in Appendix 3.

Two further important elements which fall within this Precinct are Cow Lane and Searle Lane. Both of these lanes have an important service access function within the town centre. They provide an opportunity for further retailing and pedestrian movement within the town centre. The development of activities which gain direct pedestrian access from these lanes is encouraged because of the benefits this will have in relation to retaining the special character of this area.

Precinct 2
The character of Precinct 2 arises in general from the existence of the remaining historic buildings and is expressed in particular by the following elements evident in those buildings:

- Residential style single storey street facades.

- Distinct setbacks from street frontages.

- Pitched roofs generally between 25 degrees and 45 degrees.

- External building materials primarily of painted plaster, painted weatherboards and grey stone.

These elements have been combined for the Marine Parade Historic Precinct, which is acknowledged in Appendix 3.

Precinct 3
The character of Precinct 3 arises from and is expressed by the following elements:

- Building setbacks from the street boundary on both sides of the street.

- More spacious character and greater sunlight penetration into the public open spaces occurring as a result of the scale and location of buildings fronting the street, despite the fact that Beach Street is a narrow street.

- The high quality pedestrian amenity and the general sense of "people scale" within the street.

- The sense of enclosure and visual interest provided by the variable building setbacks on the southern side of the street.

ii Queenstown Bay Waterfront

The second area is the Queenstown Bay Waterfront. This area is a major asset and a pivotal part of the town centre. The lake edge is alive with activity and colour, and offers a variety of recreation concessions and opportunities for further enhancement. This includes a public open space between the lake edge and the built environment of the town centre, and the links between Marine Parade Reserve and the Gardens to the east and St Omer Park to the west.

The Queenstown Bay Waterfront area forms part of the Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan (1991), prepared under the Reserves Act 1977. That Management Plan identified part of the foreshore of Queenstown Bay as being an area in respect of which a detailed development plan should be prepared to guide and control future activities in the area. A development plan was prepared in late 1993 through the process of a workshop. The detailed development plan resulting from this process was adopted by the Council on 22 February 1994 as the Queenstown Bay Waterfront Development Plan.

Many of the outcomes specified in that Development Plan cannot be directly realised through the District Plan. Parts of the Development Plan relate to reserves under the Reserves Act 1977, and to that extent the Plan has statutory force pursuant to that Act.

Those parts of the Development Plan relating to activities and structures on the foreshore, are areas which are properly subject to the District Plan. To the extent that the Development Plan deals with effects and activities the relevant parts are included as an assessment matter for activities within the Queenstown Bay Waterfront area within the Queenstown Town Centre zone.

iii Lakeview Sub-Zone

The Lakeview sub-zone provides an extension to the Queenstown town centre. Geographically this sub zone forms the north-western boundary of the Queenstown town centre zone and is situated at a higher gradient affording extensive views across Queenstown Bay and beyond. The town centre boundary is formed by the Ben Lomond recreational reserve. The western extent of this sub-zone area is within the High Density Residential Zone. This allows for activities associated with that zone to establish more intensively according to the height, bulk and location controls that apply to the Lakeview sub-zone.

A structure plan for the Lakeview sub-zone establishes a broad development layout for this part of the town centre. Through the structure plan, public reserve areas and the square set the scene for a high quality urban environment ensuring that the area is a desirable place to live, work and meet.

The development of activities and buildings in this sub-zone will be managed through the District Plan to accommodate predominant uses that include visitor accommodation, a convention centre, commercial recreation and commercial, tourism activities, and higher density residential activities. Ancillary Retail and Ancillary Commercial activities that are established in association with these predominant uses are also provided for. High quality urban form and public spaces will be achieved via urban design, and bulk and location provisions.

iii Isle Street Sub-Zones (West and East)

The Isle Street sub-zones (West and East) provide for the expansion of the Queenstown Town Centre by providing for complementary activities that connect the commercial heart of Queenstown to the commercial, community and tourist activities along Brecon Street and to the Lakeview sub-zone.

Activities and the development of buildings in these sub-zone areas will be managed through the District Plan to provide for a high quality mixed use-commercial and residential environment where built development can take advantage of the sub-zone's elevated position above the town centre.

Isle Street sub zone (West) is characterised by a mixture of residential, commercial and visitor accommodation activities and this area will be managed by the District Plan to reflect the higher proportion of established residential activities.

Isle Street sub zone (East) is characterised by a mixture of commercial uses and vacant land holdings and reflects a more urban character, given its proximate location to the existing Queenstown Town Centre Zone. This area will be managed by the District Plan to enable land use and building development that directly supports the sub-zone's existing and emerging urban character and growth of the Queenstown Town Centre.

10.2.3 Issues

In addition to the District wide issues the following issues have been identified in respect of the Queenstown Town Centre.

- retention and enhancement of the compact and cohesive character of the town centre which contributes to its built form and appearance and hence the quality of the environment.
- provision for vehicles in a manner which retains essential vehicle access to the town centre while providing the opportunity for enhanced pedestrian amenity.
- provision for growth and intensification of activity levels within the town centre and where appropriate onto suitable land in the vicinity.
- protection and enhancement of those heritage characteristics which contribute to the scale, proportion, character and image of the town centre, including the elevated views of the town centre.
- to avoid adverse effects on the elements of the environment which provide the underlying development pattern of the town centre including the tent site frontages, pedestrian linkages, mix of vehicles and pedestrians, views of and relationship to the lake, hills and mountains and the historic buildings and facades.
- integration and improvement of the land/water interface of Queenstown Bay with the town centre.
- compatibility of the town centre with the adjacent living environments.

10.2.4 Objectives and Policies

Objective 1 - Maintenance and Consolidation of the Town Centre

Maintenance and enhancement of the Queenstown Town Centre as the principal commercial, administration, cultural and visitor focus for the District.

Policies:

1.1 To provide for the concentration of buildings and developments to occur in the town centre.

1.2 To provide for growth in tourist, visitor accommodation, high density residential, community and commercial activities by zoning suitable additional land within the vicinity of the town centre.

1.3 To enable a broad range of activities to establish, and to encourage the continuing occupation and development of buildings and sites.

1.4 To minimise the adverse environmental effects of those activities both within the town centre and on the activities in the surrounding living areas.

1.5 To enable a mixed use environment within the Isle Street sub-zones (West and East) to provide for commercial activities and high density residential activities.

Implementation Methods
Objective 1 and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) Identification of the Town Centre Zone.

(b) Rules to preclude expansion of commercial activities beyond the Town Centre Zone boundaries.

(c) Provision for a wide range of activities within the zone.

(d) Provision for rules to protect the amenity of town centre users and the amenity of surrounding residential areas.

Explanation and Principal Reasons for Adoption
The town centre is the logical place for a wide range of business and leisure activities given its proximity to visitor attractions and travellers accommodation. The diversity of activities permitted to establish will assist in retaining the town centre as the prime business centre. Individual businesses will benefit from the overall success of the town centre and this will ensure that the vitality, interest and diversity of the town centre is retained.

The scale and diversity of the built environment of the town centre is greater than other parts of the Wakatipu Basin. A compact form of development and activity will attract businesses and people to the town centre and hence support for its existing activities.

Retention of the retail viability of the town centre is essential if it is to remain attractive to people. Without retail services the town centre runs the risk of becoming an unattractive environment.

Although the establishment and retention of a wide range of activities is encouraged it is necessary to ensure that adverse environmental effects are avoided. The control of noise from activities within the town centre and effects of glare, visual intrusion, shadowing are important to the well being of visitors and residents alike.

Objective 2 - Character and Heritage

A town centre in which the built form, public space and linkages reflects, protects and enhances the distinctive built heritage and image which creates its essential character.

Policies:

2.1 To identify and promote a Special Character Area within the town centre to ensure that developments or redevelopments of sites respect and reflect the historic subdivision pattern and built form which gave rise to the particular appearance and character of buildings and their relationship to each other in this area.

2.2 To ensure the shape, scale and form of development reflects the environmental qualities of the area and the particular precincts that make up the Special Character Area.

2.3 To recognise Queenstown's architectural and developmental heritage, conserve and enhance the historic character, and to promote the continued contribution of this heritage to the town centre's identity.

Implementation Methods
Objective 2 and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) Identification of a Special Character Area within the town centre and the provision of Objectives, Policies and Rules for development in the area. The zone therefore reflects the quality of the environment sought in this area.

(b) Protection and recognition of historic buildings and precincts by way of Objectives, Policies and Rules and inclusion of assessment matters in the District Plan.

(ii) Other Methods

(a) Through the Annual Plan process, to set aside funds for purchase, restoration and maintenance of heritage items.

Explanation and Principal Reasons for Adoption
The town centre of Queenstown comprises a number of inter-related but distinct precincts, each of which is characterised by a distinct built form. These differences contribute to the image and amenity of the town centre, while at the same time exhibiting sufficient similarity to permit the retention of overall town centre coherence.

While much of the built form of the town centre is recent, there are still a number of important historical elements including the narrow streets, small frontage sites, low scale of development and facade continuity and a number of historic buildings. All these are elements of the physical heritage. Some of these may not be individually important but the cumulative effect of these elements is important to the image of the town, and the consequent economic and social well being of the residents and visitors. New developments within the town centre can reflect elements of this heritage and as a consequence contribute to its retention and enhancement.

The important environmental qualities of the town centre are its scale, compactness and sense of place and its relationship with and visual accessibility to the surrounding natural environment, and the quality of public spaces. To retain the character of the town centre and enhance its attractiveness as a place for work, business and leisure activities, it is essential that these qualities are maintained and where possible enhanced.

Objective 3 – A high quality, attractive environment within the Lakeview sub-zone where new tourist, convention, community, visitor accommodation and high density residential activities will be the predominant uses. Ancillary retail and ancillary commercial activities that are established in association with predominant uses are also provided for particularly where they meet demand arising from the intensification of use within the sub-zone.

Policies

3.1 To provide a mixed use environment which is a desirable place to visit, live and work by providing for the following activities:

- *a convention centre to serve the community and visitors;*
- *tourist and commercial recreation activities;*
- *high quality visitor accommodation;*
- *ancillary retail activities and ancillary commercial activities established in association with the above predominant uses;*
- *well-designed high density residential activities; and*
- *well-designed public spaces.*

3.2 To achieve an urban environment and a built form that responds to the site's location, including any interface with the Queenstown Cemetery,

and creates an attractive, vibrant and liveable environment that is well connected with the town centre.

3.3 To require a high quality of built form and landscaping, which contribute to the visual amenity of the area.

3.4 To encourage pedestrian links within and through the Lakeview subzone, and to the surrounding public spaces and reserves and manage traffic flows and need for car parking via Integrated Traffic Assessments for new predominant uses (as defined), and larger scale non-ancillary commercial activities.

3.5 To provide appropriately scaled and located public spaces (including a square) which provide a focal point for social interaction and which contribute to a sense of place.

3.6 To enable commercial and retail floor space for ancillary retail activities and ancillary commercial activities established in association with predominant uses so as to meet demand arising from the intensification of use within the sub-zone and from growth more generally.

3.7 To avoid the development of large format retail activities or the development of large scale, standalone retail complexes in the Lakeview sub-zone.

3.8 To ensure that residential development is comprehensively designed to provide a quality residential living environment and attractive streetscape.

3.9 To manage reverse sensitivity effects through appropriate building design, imposition of building performance standards and site layout.

3.10 To prescribe a range of building height limits for the Lakeview sub-zone which will maximise views from buildings and appropriately manage built scale to preserve townscape values.

Implementation Methods

Objective 3 will be implemented through a number of methods, including:

(i) District Plan

(a) Identification of the Lakeview sub-zone over land that is zoned Town Centre and High Density Residential in order to achieve the objective and policies for this sub-zone.

(b) The use of rules and assessment matters to manage the effects of development of the sub-zone.

(c) The use of a structure plan to direct how the site will develop and connect with roading and pedestrian connections.

Objective 4 - Land Water Interface: Queenstown Bay

Integrated management of the land-water interface, the activities about this interface and the establishment of a dynamic and aesthetically pleasing environment for the benefit of the community and visitors.

Policies:

4.1 To 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.

4.2 To promote a comprehensive approach to the provision of facilities for water based activities.

4.3 To promote maximum pedestrian accessibility to and along the waterfront for the enjoyment of the physical setting by the community and visitors.

4.4 To identify the important amenity and visual values, and to establish external appearance standards to help secure and implement these values and implement those through the District Plan.

4.5 To provide for structures within Queenstown Bay waterfront area subject to compliance with strict location and appearance criteria.

4.6 To conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters.

4.7 To retain and enhance all the public open space areas adjacent to the waterfront and to manage these areas in accordance with the provisions of the Sunshine Bay, Queenstown, Frankton, Kelvin Heights Foreshore Management Plan.

Implementation Methods
Objective 4 and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) Identification of the Waterfront area as a special area in order to achieve the Objectives and Policies for the area.

(b) The use of rules to put in place performance standards for development in the area.

(ii) Other Methods

(a) The provisions of the Foreshore Management Plan.

(b) Provision of works and services.

Explanation and Principal Reasons for Adoption
The geographical setting of the Queenstown town centre is unique. While the important contribution the land/water interface makes to the character of the town centre has been recognised in the past, some developments within this area have tended to be less complementary. With the predicted increases in visitor numbers and the resident population this particular part of the town centre is likely to come under increasing pressure for development and activity as well as for retention as a vital part of the open space network along the edge of Lake Wakatipu.

The Queenstown Bay Waterfront area forms part of the Sunshine Bay, Queenstown, Frankton and Kelvin Heights Foreshore Management Plan prepared under the Reserves Act 1977. The area is also the subject of a detailed Development Plan which has been prepared to guide and control future activities and developments within the area. This objective and policies are taken from and complement those two documents. They have as their purpose the establishment of a policy framework which will enable and encourage appropriate developments and activities within the area.

Objective ~~5~~ 5 – Accessibility and Parking
A town centre which is accessible to people.

Policies:

5.1 To manage the peripheral spread of the town centre to ensure all parts are convenient to pedestrians.

5.2 To promote an integrated approach to traffic management, vehicle access and car parking within the Queenstown Town Centre.

5.3 To restrict the times when goods service vehicles will be permitted access to parts of the town centre.

5.4 To manage the street network within the town centre to ensure the network functions safely and efficiently, while seeking to enhance the pedestrian amenity of the town centre.

5.5 To enable car parking in the Queenstown Town Centre.

5.6 *To provide for roading improvements to develop a route around the town centre to reduce congestion, environmental effects and improve traffic flows.*

5.7 *To promote and investigate opportunities for public transport linkages within the town centre and between the town centre and outlying activity areas.*

5.8 *To encourage a network of pedestrian linkages within the town centre.*

Implementation Methods
Objective 5 and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) Establish a pattern of land uses within the Town Centre which reflect priorities for pedestrian movement and vehicle movement.

(b) To provide for the consolidation of the Town Centre Zone

(c) To designate an integrated off-street parking network.

(d) To identify, investigate and initiate a requirement to designate a traffic route around the town centre.

(ii) Other Methods

(a) Through by-laws, limit the time for service vehicle use and to restrict heavy vehicles access to certain streets within the town centre.

Explanation and Principal Reasons for Adoption
The Queenstown Town Centre is the principal focus for a range of activities and it is important that the centre is accessible to all forms of transport. At the same time the Town Centre represents a valuable and vital pedestrian and visitor amenity and as such the issues of vehicle accessibility need to be balanced against the protection of that amenity.

The Council recognises the need for improvements in vehicle circulation in and around the town. The town centre at present straddles an important arterial link between the residential and visitor areas of Glenorchy and the western residential areas of Queenstown and other destinations within and outside the District. As activity within the town centre intensifies conflicts between through traffic using Shotover Street and local traffic and pedestrians will increase. The Council is investigating an extension to Man Street finishing at the One Mile roundabout, to reduce the amount of through traffic having access to the town centre using Shotover Street.

The Council recognises the need to give greater priority and consideration to public transport as a means for visitor access to the town centre. In particular, the Council will further investigate innovative opportunities for public transport.

10.2.5 Environmental Results Anticipated

Implementation of the policies and methods relating to the Queenstown Town Centre will result in:

(i) A built form which recognises and responds to the physical characteristics of the site; including climate, spatial situation, surrounding topography.

(ii) A defined urban scale and character.

(iii) Enhancement of the town centre as a pleasant, attractive and vibrant place for people including tourist and community facilities and businesses.

(iv) Diversity in land use activities, built form, building external appearance, and open space all of which is responsive to the essential character of Queenstown.

(v) A town centre which is accessible to pedestrians and makes appropriate provision for vehicles.

(vi) Pleasant and safe public spaces and pedestrian areas of high quality which are supplied with generous levels of daylight, sunlight and weather protection and which promote pedestrian movement within the town centre.

(vii) A general reduction in the dominance of motor vehicles within the town centre and the commensurate establishment of a balance between the requirements of vehicle safety and accessibility into the town centre and the provision of a safe and high quality pedestrian and town centre environment.

(viii) The management of vehicle movements in the town centre in a way which ensures good accessibility, minimal congestion and personal safety.

(ix) The creation of a pattern of streets, pathways and open space which is readable to town centre users, particularly visitors.

(x) The creation of a series of core areas (of buildings and activities) within the town centre, and interconnections between them, including tourist, convention, community, visitor accommodation, high density residential and commercial activities within the Lakeview sub-zone.

(xi) The recognition and development of the waterfront and foreshore as an integral part of the town centre.

(xii) Strengthening of the visual and physical links between the waterfront and its immediate environs.

(xiii) An exciting and vibrant waterfront which maximises the opportunities and attractions of a town on a lakeshore.

(xiv) A coherent, underlying physical pattern of the central core derived from the historical town layout. This is particularly important in relation to the scale and style of building facades in the central core.

(xv) Recognition of the environmental attributes of the town and the contribution of these to its attractiveness.

(xvi) The acceptance of the town centre as an important physical resource in its own right.

(xvii) Protection and preservation of important historic buildings, and protection and development of special character areas which contribute to the identity of the town and which help to define its cultural tradition.

(xviii) A high quality built environment within the Lakeview sub-zone that provides design excellence in built and urban form.

(xix) The recognition of Queenstown's architectural and development heritage, the protection and enhancement of its historic character, and the continued contribution of its heritage to its unique identity by means of:

- the protection, preservation and restoration of important historic buildings and facades
- the preservation, protection and enhancement of the historic characteristics identified in the three distinct parts of the Special Character Area.

(xx) A built environment of high architectural quality and buildings of appropriate external appearance in relation to their neighbours and surroundings.

(xxi) A visually interesting roofscape when viewed from the many elevated vantage points within and around the town centre.

(xxii) Preservation of the living environment adjacent to the town centre in terms of light admission, noise and glare.

(xxiii) The opportunity for residential living within the centre which does not place undue constraints upon the general nature of activity and development with the zone.

(xxiv) Moderate ambient levels of noise and glare, recognising the large number of activities, vehicles, buildings and people in the relatively small areas of the town centre.

10.3 Wanaka Town Centre

10.3.1 Resources, Activities and Values

The Wanaka town centre is the commercial, cultural and retailing centre of the north western part of the District and services a significant geographical area. The town centre of Wanaka has, until recently, developed as two adjacent but not directly related parts. The division is a result of historical patterns of activity, topography, the location of Bullock Creek, and past roading patterns.

10.3.2 Values

The present and foreseeable future function of the town centre is to provide a wide variety of retail, administrative and cultural activities.

The Council has adopted the findings of the Wanaka Town Centre Study (1994). This study focused on the environment of the town centre and on ways in which improvements could be undertaken. Most of these improvements will occur outside of the District Plan but where appropriate this Plan will support and complement the recommendations arising from that study.

The principal values which contribute to the character of the Wanaka Town Centre are:

- the general proportions of public open spaces
- the low scale of developments
- the views to Lake Wanaka and the surrounding mountains from within the town centre, the relationship of commercial activities and surrounding residential, open space and recreational activities
- the clear definition of the edge of the town centre
- the variety of land use activities established within the town centre

10.3.3 Issues

In addition to the District wide Issues, the following have been identified in respect of the future management of the Wanaka Town Centre.

- The consolidation, maintenance and enhancement of the existing business area.
- The retention and enhancement of the visual image and lakeshore amenity.
- The sustainable use of the existing buildings and infrastructure.
- Retention of the existing scale, form and intensity of the built form.
- Ease of access and circulation for vehicles and pedestrians.

10.3.4 Objective and Policies

Objective - Consolidation and Amenity of the Town Centre

The establishment of a wide range of facilities within a compact and convenient built form which retains the essential character of the town centre.

Policies:

1.1 To promote the retention and enhancement of those features of the town centre which contribute to its character and environmental quality.

1.2 To establish standards in respect of the form, style and external appearance of buildings.

1.3 To identify and implement environmental enhancement works in respect of the public areas and the streets.

1.4 To provide for the establishment of a wide range of activities to ensure the continued viability and vitality of the town centre.

1.5 To promote coherence of the built form of the town centre through provision of pedestrian and activity linkages and by generally restricting any outward expansion.

Implementation Methods
The objective and associated policies will be implemented through a number of methods including: As for Section 10.1.3, Objective 1.

Explanation and Principal Reasons for Adoption
The town centre, although not physically constrained by the surrounding topography, is dependent on it for its image and character. This quality contributes to the environment and the amenities of the town centre and the adjacent residential areas. Controlling the scale of development is essential to the retention of this characteristic low rise development.

The Wanaka Town Centre Study (1994) has identified a number of improvements to public spaces within the town centre. These include the provision of wider footpaths, street tree planting, improvements to traffic flows through changed traffic management techniques, more direct links between Helwick Street and the lakeshore and the improvement of public signage and lighting within the town centre.

The improvements within the town centre will reinforce a form and character which building developments can relate to in terms of height, bulk and appearance. Building design which will enhance the character of the town centre in terms of building scale and appearance will be promoted.

The wide open streets of the town centre and extensive on-street parking are features which contribute to the image and convenience. Parking is complemented by two strategically located off-street parking areas.

Extensions to the existing service lanes is considered desirable and the removal of service vehicles from the retail frontages of streets will reduce the dominance of motor vehicles and enhance the safety and comfort of pedestrians.

10.3.5 Environmental Results Anticipated

Implementation of the policies and methods relating to the Wanaka Town Centre will result in:

(i) A town centre which is compact, convenient, and accessible to pedestrians and vehicles.

(ii) A built form which is coherent, functional, attractive and gives rise to a well integrated central business area.

(iii) Diversity in land use activities, built form, building external appearance, and open space which contribute to the distinctive character.

(iv) Recognition of the environmental attributes of the town centre and the contribution of these to its attractiveness.

(v) Pleasant and safe public spaces and pedestrian areas of high quality which are supplied with generous levels of daylight, sunlight and weather protection.

(vi) A built environment of good architectural quality and buildings of appropriate external appearance in relation to their neighbours and surroundings.

(vii) Moderate ambient levels of noise and glare, recognising the number of activities, vehicles, buildings and people in the relatively small area of the town centre and their visual and aural proximity to surrounding residential areas.

(viii) Maintenance of the characteristic low rise development within the town centre which reinforces the dominance of the surrounding natural land forms.

10.4 Arrowtown Town Centre

10.4.1 Resources and Activities

The Arrowtown Town Centre encompasses the historic central commercial area of the town. The area is one of New Zealand's identified icons and is a place of cultural and built heritage.

The major resources contributing to the heritage value include individual buildings, groups of buildings, the streetscape, the landscape and the overall amenity of the area. The historic buildings on Buckingham Street are of particular value and make a significant contribution to the character of Arrowtown and are a precious heritage resource. They provide an important window to the settlement history of the District and define the character and scale of Arrowtown.

Within the town, visitor activities are combined with the shopping of the Arrowtown community. These two functions need to be managed in a compatible and sustainable manner to ensure any adverse effects are avoided.

10.4.2 Values

The Arrowtown town centre has a special character. The principal values which contribute to this character are:

- The narrow main street which varies in width to provide visual interest and enclosure.
- Single storey buildings which are intimate in scale and provide a pleasant protective enclosure.
- A main street which discourages fast moving through traffic and encourages pedestrian movement.
- Existing enclosed or partly enclosed open space which contributes to the amenity of the area, provides visual or physical linkages to the river, preserves the historic character of the town and the relationship between historic buildings.
- The small scale of buildings and the well conserved historic detailing and character.
- The collection of historic buildings, many of which are unique or representative of a type of which there are only a relatively small number in New Zealand.
- Design elements comprising areas of glass and timber parapet and gabled facades.
- A small area of landscaping and planting.

10.4.3 Issues

In addition to the District Wide Issues, the following issues have been identified in respect of the town centre.

- Retention of the compact character of the town centre, which contributes to its amenity.

- Protection and enhancement of existing historic buildings and places, and the historic subdivision and land use patterns in respect of scale, density, setback of buildings and activities undertaken.
- Provision for new development that expresses the era of construction and can be distinguished from historic buildings.

- Enhancement of visual and physical linkages with the Arrow River area and the surrounding landscape.

- Retention of the predominantly pedestrian oriented main street with a lack of fast moving and heavy traffic.

- Retention of the historic character of the area with respect to the suitability of street furniture, signs and decorations.

10.4.4 Objective and Policies

Objective 1 - Character and Heritage

Retention of the historic character of the Arrowtown Town Centre; compatibility and linkages of the built environment with the surrounding landscape; and maintenance and enhancement of low traffic volumes in the main street.

Policies:

1.1 To ensure the scale, density and setback of new buildings; the type of activities undertaken; and the nature of street improvements reflects the historic character and enhances its coherence.

1.2 To ensure any additions or alterations to historic buildings or places is undertaken in a manner that complements and respects the historic character.

1.3 To encourage visual and physical linkage with the Arrow River area and the surrounding landscape.

1.4 To maintain and enhance the amenity and peaceful by discouraging fast and heavy traffic and encouraging pedestrian movements.

1.5 To acknowledge the visual, functional and amenity value of existing open space areas and to preserve these.

Implementation Methods

The objective and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) Identification of a compact town centre zone.

(b) Protection and recognition of Historic Buildings and Precincts by way of Objectives, Policies and Rules and inclusion of assessment matters in the District Plan.

(c) Provision of rules including performance standards and controls on land use to protect the amenity and historic character of the town centre.

(d) Recognition in the assessment matters of the desire to improve linkages with the Arrow River and the surrounding landscape.

(ii) Other Methods

(a) Through the Annual Plan process to fully investigate the compatibility and suitability of street improvements with the historic character.

(b) Through the use of by-laws to limit heavy traffic using the main street.

Explanation and Principal Reasons for Adoption

The geographic location of the town centre adjacent to the Arrow River and in the Arrowtown basin, is a feature of the town which can be used to greater advantage by the development of linkages with the river from the town centre and compatibility of buildings with the surrounding environment.

The low key and authentic character of the core of the town is a precious and vulnerable resource which requires careful management to ensure any adverse effects are anticipated and mitigated so protecting the education, enjoyment and living experience for future generations.

In order to retain the historic character of the town centre, it is necessary for additions or alterations to existing historic buildings and places to complement and respect the historic character of these buildings and places. The integrity of these buildings will be enhanced by the establishment of new buildings that express their time of construction, rather than replicate an earlier period. However, in order to maintain the amenity and historic character of the town centre, historic features such as land use and subdivision patterns, building density, building setback and scale should be maintained.

The amenity of the town centre is enhanced by the slow pace of vehicular traffic, the absence of heavy vehicles, the predominance of pedestrians and the variety of pedestrian links between Arrow Lane, Buckingham Street, Ramshaw Lane and the river. It is important that these features are retained as they make a significant contribution to the historic and pedestrian character, both its built resource and heritage.

Much of the heritage value of the town comes as a result of development in the public areas including the design of the streets, planting, footpaths, road surfaces and drainage systems. The importance of these matters will be considered through the annual plan process when upgrading and maintenance is taking place.

10.4.5 Environmental Results Anticipated

Implementation of the policies and methods relating to the Town Centre will result in:

(i) A town centre which is compact and convenient and is accessible to pedestrians and vehicles.

(ii) A built form which is coherent, functional, attractive and which conserves the unique historical character and atmosphere.

(iii) Diversity in built form, building external appearance, which contribute to the distinctive character of Arrowtown.

(iv) Recognition of the environmental attributes and geographical location of the town centre and the contribution of these to its attractiveness.

(v) Recognition and enhancement of the physical resource.

(vi) Pleasant and safe public spaces and pedestrian areas of high quality which are supplied with generous levels of daylight, sunlight and weather protection.

(vii) Buildings of appropriate external appearance in relation to their neighbours and surroundings.

(viii) Moderate ambient levels of noise and glare, recognising the number of activities, vehicles, buildings and people in the relatively small area of the town centre and their visual and aural proximity to surrounding residential areas.

(ix) Maintenance of the characteristic low rise development.

(x) Building setback, density and scale that reflects the historic character of Arrowtown.

10.5 Corner Shopping Centres

10.5.1 Background

The existing corner shops currently provide an important and convenient shopping facility for the Queenstown-Wakatipu Basin residents. These existing

buildings are a valuable physical resource but are constrained in terms of any expansion opportunity by adjoining zonings.

10.5.2 Issues

- **The amenity and resources of the Queenstown Town Centre.**

The Council has rejected major expansion of the town centre beyond the existing Town Centre Zone boundaries because of the limited land area available and because it would require compromise in terms of density, parking, visual amenity and substantial traffic within the existing town centre. The impact of significant increased retail development beyond the existing boundaries would result in a deterioration of the Queenstown Town Centre resource and amenity. The Council acknowledges that some additional convenience shopping facilities will be required within the general Wakatipu locality in the future.

In considering the need for and extent of new retail activity within the Queenstown-Wakatipu area regard must be had not just to the shopping needs of the existing and future residents but also to the impact of any major new retail activity on the physical resources and the amenities of the Town Centre.

The town centre and the retail activities therein are a valuable physical resource generating a level of amenity and character which is important to the well being of the people in the District. New developments which threaten the viability of activities in the town centre and thereby the outstanding character, amenity, heritage, pedestrian and other values the Centre provides, should be avoided, or the effects mitigated.

- **The opportunity to provide for neighbourhood retail zones.**

The Council has sought to recognise the small scale residential neighbourhood shopping centres which provide for the day to day needs of local communities.

10.5.3 Objectives and Policies

Objective 1 - Existing Corner Shopping Centre

Consolidation of existing shopping centres at their present location.

Policies:

1.1 To recognise and provide for the existing shopping centres to serve the day to day needs of the community.

1.2 To anticipate and provide for a range of commercial and business activities to establish in existing shopping centres.

1.3 To control the adverse effects of development and activity.

1.4 To protect and enhance the open space and visual amenity of the approach to Queenstown on State Highway No. 6 as an attractive gateway entrance to Queenstown and Frankton.

Implementation Methods

Objective 1 and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) Identification of zones to enable for the continued operation of the existing retail and resident facilities.

(b) District wide rules on transport and subdivision.

(c) Opportunities for a wide range of business activities.

Explanation and Principal Reasons for Adoption

It is anticipated that the existing shopping centres will continue to provide goods and services for a section of Queenstown-Wakatipu Basin.

10.5.4 Environmental Results Anticipated

Implementation of the policies and methods relating to the Corner Shopping Centres will result in:

(i) The continuing development of retail opportunities to meet the needs of residents and visitors.

Appendix 1d
Rules for Town Centre

10.6 Queenstown Town Centre Zone Rules

10.6.1 Zone Purpose

The Queenstown Town Centre Zone covers the main concentration of commercial activity in the District.

The purpose of the zone is to allow for a wide range of activities which will enhance the town centre while preserving the important physical and natural character which gives the town its outstanding qualities and image. The zone rules contain a range of standards to achieve the desired environmental outcomes relating to built form, open space, traffic management, heritage protection and pedestrian amenity.

10.6.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

(i)	Heritage Protection	**- Refer Part 13**
(ii)	Transport	**- Refer Part 14**
(iii)	Subdivision, Development and Financial Contributions	**- Refer Part 15**
(iv)	Hazardous Substances	**- Refer Part 16**
(v)	Utilities	**- Refer Part 17**
(vi)	Signs	**- Refer Part 18**
(vii)	Relocated Buildings and Temporary Activities	**- Refer Part 19**

10.6.3 Activities

10.6.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Restricted Discretionary, Discretionary, Non-Complying or Prohibited Activity** shall be a **Permitted Activity**.

10.6.3.2 Controlled Activities

The following shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying, Discretionary, or Restricted Discretionary Activity** and they comply with all the relevant **Site and Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

i Buildings located in the town centre outside the special character area and outside of the Lakeview sub-zone

(a) Design, appearance, landscaping signage (which may include directional street maps), lighting, materials, colours and contribution to the character of the streetscape; and

(b) In relation to the Isle Street sub-zones (West and East), the urban design principles (contained in the assessment matters at 10.10.2(iv)); and

(c) The provision of pedestrian links through the Isle Street sub-zone (West); and

(d) Servicing requirements within the Isle Street sub-zones (West and East).

ii Verandas

All verandas in respect of design, appearance, materials and impact on and relationship to adjoining verandas.

iii Premises Licensed for the Sale of Liquor

(a) Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 11pm and 7am with respect to the scale of the activity, car parking, retention of amenity, noise and hours of operation. This rule shall not apply to the sale of liquor:

- To any person who is living on the premises
- To any person who is present on the premises for the purpose of dining.

(b) Premises licensed for the sale of liquor under the Sale of Liquor Act 1989 **within the Town Centre Transition sub-zone,** for the consumption of liquor on the premises between the hours of 6 pm and 11 pm with respect to the scale of this activity, car parking, retention of amenity, noise and hours of operation. This rule shall not apply to the sale of liquor.

- To any person who is residing (permanently or temporarily) on the premises:
- To any person who is present on the premises for the purpose of dining.

iv Visitor Accommodation

Visitor Accommodation in respect of:

(a) Building external appearance

(b) Setback from internal boundaries

(c) Setback from roads

(d) Access

(e) Landscaping

(f) Screening of outdoor storage and parking areas.

And, in addition, in the **Town Centre Transition sub-zone**, within the **Isle Street sub-zones (West and East)** and within **34 Brecon Street (**legally described as Lot 1 DP 27703 and located within the Lakeview sub –zone) in respect of:

(g) The location of buildings

(h) The location, nature and scale of activities on site

(i) The location of parking and buses and access, and

(j) The management of noise.

v Commercial Activities (including those that are carried out on a wharf or jetty) within the Queenstown Town Centre Waterfront Zone, except for those commercial activities on the surface of water provided for as discretionary activities pursuant to Rule 10.6.3.3 (i) in respect of:

- Traffic generation
- Access and loading
- Screening of outdoor storage

vi Buildings located in the Lakeview sub-zone in respect of:

(a) Design, appearance, landscaping signage (which may include directional street maps), lighting, materials, colours and contribution to the character of the streetscape; and

(b) The extent to which outside storage areas and outside parking areas are screened from view from public places;

(c) The extent to which any fences, walls, landscaping forward of the front of buildings provide visual connections between any building and adjoining public spaces;

(d) Urban design principles (contained in the assessment matters at 10.10.2);

(e) The provision of pedestrian links through the sub-zone and between public spaces / reserve areas.

(f) The provision of services.

(g) With respect to buildings that provide for residential activities, the extent to which the design provides for a mixture of unit sizes and numbers of bedrooms to promote housing diversity.

(h) The extent to which the design and setback of buildings erected at 34 Brecon Street and/or the Lakeview Camping Ground mitigates any adverse effects on the heritage values of the adjoining Queenstown Cemetery.

10.6.3.2A Restricted Discretionary Activities

i Predominant Uses (as defined) within the Lakeview sub-zone and including:

(a) **Convention Centres (including any ancillary retail or ancillary commercial activities consented as part of a convention centre);**

(b) **Visitor Accommodation (including any anciliary retail or ancillary commercial activities consented as part of a visitor accommodation development), excluding 34 Brecon Street (legally described as Lot 1 DP 27703);**

(c) **Commercial recreation and/or commercial tourist activity (including any ancillary retail or ancillary commercial activities consented as part of commercial recreation or commercial tourist activity) with a gross floor area of more than 400m^2, excluding 34 Brecon Street (legally described as Lot 1 DP 27703);**

Council's discretion is restricted to the following matters:

(i) To manage effects on the transportation network: an integrated transport assessment, including a comprehensive travel, access and parking plan shall be provided to address transport impacts related to the activity, and may include:

- directional street map signage to assist pedestrian and vehicle movements to the site; and
- whether traffic generation related to the activity requires additional road safety improvements to the transport network.
- The enhancement of pedestrian connections and networks from the site to the Queenstown commercial centre (Shotover Street or surrounds).

(ii) Provision for landscaping.

(iii) Provision for screening of outdoor storage and parking areas and its siting proximate to adjoining properties.

(iv) The design and layout of buildings and activities on site.

(v) Management of the effects of noise.

(vi) Hours of operation.

(vii) The positive effects of the activity.

(viii) The gross floor area occupied by the ancilliary retail or ancilliary commercial activities either individually and/or collectively.

(ix) Setback from internal boundaries and roads.

ii Visitor Accommodation within land bounded by Hay, Beach, Lake and Man Streets and Commercial Activities with a gross floor area of more than 400m^2 within land bounded by Hay, Beach, Lake and Man Streets,

Council's discretion is restricted to the following matter:

(a) To manage effects on the transportation network: an integrated transport assessment, including a comprehensive travel, access and parking plan shall be provided to address transport impacts related to the activity, and may include directional street map signage to assist pedestrian and vehicle movements to the site.

iii Commercial and retail activities with a maximum gross floor area of less than 400m^2 per tenancy in the Lakeview sub-zone (excluding 34 Brecon Street (legally described as Lot 1 DP 27703)) that do not fall within the definition of ancillary retail and ancillary commercial uses:

Council's discretion is restricted to the following matters:

(a) any impacts on the viability of the Queenstown Town Centre from non-ancillary retail and commercial activities establishing within the Lakeview sub-zone, particularly where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 in the Lakeview sub-zone.

Note: 34 Brecon Street is not included when calculating the maximum gross floor area of 6,500m^2 of existing and consented commercial and retail activities in the Lakeview sub-zone; and

(b) Traffic generation, access, parking and loading.

iv Commercial activities with a gross floor area of more than 400m^2 that do not fall within the definition of ancillary retail and ancillary commercial uses in the Lakeview sub-zone, excluding 34 Brecon Street (legally described as Lot 1 DP 27703):

Council's discretion is restricted to the following matters:

(a) any impacts on the viability of the Queenstown Town Centre from non-ancillary retail and commercial activities establishing within the Lakeview sub-zone, particularly where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 in the Lakeview sub-zone.

Note: 34 Brecon Street is not included when calculating the maximum gross floor area of 6,500m^2 of existing and consented commercial and retail activities in the Lakeview sub-zone; and

(b) To manage effects on the transportation network: an integrated transport assessment, including a comprehensive travel, access and parking plan shall be provided to address transport impacts related to the activity, and may include:

- directional street map signage to assist pedestrian and vehicle movements to the site; and
- whether traffic generation related to the activity requires additional road safety improvements to the transport network.

10.6.3.3 Discretionary Activities

The following shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying Activity** and they comply with all the relevant **Zone** Standards.

i Surface of Water and Interface Activities

(a) Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone between the Town Pier and St Omer Park.

(b) Commercial Surface of Water Activities within the Queenstown Town Centre Waterfront Zone.

ii Motor vehicle repairs

iii Buildings located within the Special Character Area

Buildings located within the Special Character Area including alterations to existing buildings with the Council's discretion restricted to the external appearance, materials, signage, lighting, streetscape heritage values and compatibility with adjoining buildings.

iv Convention Centres (outside of the Lakeview sub-zone)

v Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone Standards** but does not comply with one or more of the **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.

10.6.3.4 Non-Complying Activities

The following shall be **Non-Complying Activities** provided that they are not listed as a Prohibited Activity.

i Factory Farming

ii Forestry Activities

iii Mining Activities

iv Airports

Airports **other than** the use of land and water for emergency landings, rescues and fire fighting.

v Surface of Water and Interface Activities

(a) Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone between the Town Pier and Queenstown Gardens.

(b) Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone

(c) Buildings or boating craft within the Queenstown Town Centre Waterfront Zone if used for visitor, residential or overnight accommodation.

vi Residential Flat

Residential Flat, except in Town Centre Transition sub-zone and the Isle Street sub-zones (West and East) where residential flats are permitted.

vii Retail activities in the **Lakeview sub-zone** and the **Isle Street sub-zone (West and East)** that exceed a maximum gross floor area of 400m^2 per tenancy. Retail activities that fall within the definition of ancillary retail activity within the Lakeview sub-zone shall be exempt from this rule.

viii Any Activity which is not listed as a **Prohibited Activity** and does not comply with one or more of the relevant **Zone** Standards.

10.6.3.5 Prohibited Activities

The following shall be **Prohibited Activities**

(i) Panelbeating, spray painting, motor vehicle dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

10.6.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain the written approval of affected persons and need not be notified in accordance with section 93 of the Resource Management Act 1991, unless the Council considers special circumstances exist in relation to any such application.

(i) All applications for **Controlled** and **Restricted Discretionary** Activities set out in Rule 10.6.3.2A(i)(a) and Rule 10.6.3.2A(i)(b).

(ii) Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:

- **Building Coverage** (with the exception of those lots described as Sections 10, 11, 17 and 18, Block VIII contained within that land bounded by Hay, Lake, Beach and Man Streets)

- **Historic Building Incentive**

- **Residential Activities**

10.6.5 Standards

10.6.5.1 Site Standards

i Building Coverage

(a) Special Character Area

Precinct 1: Minimum building coverage - 95%; except where a public open air pedestrian link to an existing or proposed walkway is provided, the minimum site coverage can be reduced by the amount necessary to provide for that link.

Precinct 2: Maximum building coverage - 70%.

Precinct 3: Maximum building coverage - 80%.

(b) The Town Centre Transition sub-zone: Maximum building coverage - 70%

(c) Town Centre outside of the Special Character Area and the Town Centre Transition sub-zone - Maximum building coverage 80% except that on that land bound by Man, Duke and Brecon streets, for every cubic metre of un-utilised volume within the permitted building height envelope, the maximum allowable coverage shall be increased by the equivalent volume.

(d) Lakeview sub-zone: Maximum building coverage – 80%.

(e) Isle Street sub-zone (East): Maximum building coverage - 80%

(f) Isle Street sub-zone (West): Maximum building coverage – 70%

ii Historic Building Incentive

Where an historic structure listed in Appendix 5 is retained as part of the development of the site the gross floor area of the historic building, or part thereof remaining on the site will be excluded from the gross floor area for the purposes of development levy calculations.

iii Retailing

The use of the ground floor of every building fronting onto the street within Precinct 1 of the Special Character Area shall be limited to retail activities, places of entertainment, pedestrian accessways to other ground floor activities, restaurants, the reception areas of visitor accommodation, and to the entrances to independent businesses above ground floor level.

iv Street Scene

(a) In **Precinct 1** of the **Special Character Area**, buildings shall be built up to the street boundary along the full frontage of the site, except where an entranceway to a pedestrian linkage is required to be 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.

(b) In **Precinct 3** of the **Special Character Area** the following shall apply:

- buildings on the north side of Beach Street shall be set back a minimum of 0.8m;
  and

- buildings on the south side of Beach Street shall be set back a minimum of 1m.

Nothing in this rule shall preclude the inclusion of recessed entrances within any facade.

(c) In the Town Centre Transition sub-zone, the minimum setback from road boundaries of any building shall be of 4.5 metres along the Man Street boundary.

(d) In the Lakeview sub-zone, the minimum setback of any building from boundaries shared with Glasgow Street shall be 4.5 metres.

(e) In the Isle Street sub-zones (West and East), no setback is permitted for any building from boundaries shared with Brecon Street. The maximum setback of any building from other road boundaries shall be 1.5 metres.

(f) From the 17th September 2014 on any site involving the construction of a new building(s) in the Isle Street sub-zones (West and East) there shall be no parking of vehicles in the front yard.

(g) In the Isle Street sub-zone (West), the minimum setback of any building from the rear yard boundary shall be 6m.

Note: For the avoidance of doubt, corner sites have no rear boundary.

(h) On the allotments described as Sections 11 and 17, Block VIII, Town of Queenstown the minimum setback of any building from the north-western side yard boundary shall be 2m.

v Storage

Within the **Special Character Area** and for all sites with frontage to the following roads all storage areas shall be situated within the building.

- Shotover Street (Stanley to Hay)
- Camp Street
- Earl Street
- Marine Parade
- Stanley Street (Beetham to Man)
- Beach Street

In all other parts of this zone storage areas shall be screened from view from all public places, adjoining sites and adjoining zones.

vi Verandas

(a) Every building with road frontage to the roads listed below shall, on its erection or on being reconstructed or altered in a way that changes its external appearance other than repainting, be provided with a veranda or other means of weather protection. Except that this rule shall only apply to building on Lot 1 DP 15037 where this is immediately adjacent to the western boundary of Hay Street and/or Shotover Street.

(b) Verandas shall be no higher than 3m above pavement level and of a width compatible with verandas on neighbouring buildings and shall provide continuous cover for pedestrians. No verandas on the north side of a public place or road shall extend over that space by more than 2 m. Those verandas on the south side of roads shall not extend over the space by more than 3 m.

- Shotover Street (Stanley Street to Beach Street)

- Hay Street (Beach Street to Man Street)

- Beach Street
- Rees Street
- Camp Street (Church Street to Man Street)
- Brecon Street (Man Street to Shotover Street)
- Church Street (north west side)
- Queenstown Mall (Ballarat Street)
- Athol Street
- Stanley Street (Coronation Drive to Memorial Street)

vii Residential Activities

(a) Except in the Lakeview sub-zone for which site standards (d) and (e) apply and the Isle Street sub-zones (West and East) for which site standard (e) applies, Any building or part of a building used for residential activities shall provide a separate outdoor living area for the exclusive use of each separate residential unit. The outdoor living area shall have a minimum area of 5m² and a least dimension of 2m. The outdoor living area must be located immediately adjoining and have direct access from the residential activity.

(b) Residential activities shall not be situated at ground level in any building with frontage to the following roads.

- Stanley Street (Coronation Drive to Memorial Street)
- Camp Street (Man Street to Coronation Drive)
- Queenstown Mall (Ballarat Street)
- Church Street
- Marine Parade (north of Church Street)
- Beach Street
- Rees Street
- Shotover Street
- Brecon Street (Man Street to Earl Street)
- Athol Street
- Duke Street

(c) Except in the Lakeview sub-zone and the Isle Street sub-zones (West and East) where residential activities are proposed at ground level on a site with frontage to any other road in this zone, then an outdoor living area of 36m² and with a least dimension of 4 m shall be provided for each ground floor unit, except that:

- In Town Centre Transition sub-zone where residential activities are proposed at ground level on a site with frontage to a road, then an outdoor living area of 20m² and with a least dimension of 4m shall be provided for each ground floor unit.

This living area must be located immediately adjoining and have direct access from the residential building.

(d) In the Lakeview sub-zone residential activities shall not be located at ground level in locations identified as active frontages on Figure 2 Lakeview sub-zone Structure Plan.

(e) Residential Activity in the Lakeview sub-zone and the Isle Street sub-zones (West and East) shall achieve the following noise insulation standard:

A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 1 in Appendix 13.

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.

viii Flood Risk

No building greater than 20m² shall be constructed or relocated with a ground floor level less than RL 312.0m above sea level (412.0m Otago Datum) at Queenstown.

ix Provision of Pedestrian Links

All new buildings and building redevelopments located on sites which are identified for pedestrian links in Figure 1 to this Rule shall provide a ground level pedestrian link in the general location shown. Any such link must be at least 1 metre wide and have an average minimum width of 2.5 m and be open to the public during all retailing hours.

Where a pedestrian link is required to be provided and is open to the public during retailing hours the Council will consider off-setting any such area against development levies and car parking requirements.

Nothing in this rule shall prevent a building or part of a building being constructed at first floor level over a pedestrian link.

Location of Pedestrian Links within the Queenstown Town Centre.

1 Shotover St / Beach St, Lot 2 DP 16293, 2910645200. Lot 2 DP 11098 (2910648800), Lot 3 DP 1098 (2910648800), Sec 27 Blk VI Town of Queenstown (2910648800).

2 Trustbank Arcade (Shotover St/Beach St), Lot 1 DP 11098 (2910648700), Part Section 24 Block VI Queenstown (2910648700), Part Section 23 Block VI Town of Queenstown, (2910648700)

3 Plaza Arcade, Shotover St/Beach St, Section 27 BLK VI, Queenstown (2910648800.) Lot 1 DP 17661 (2910645900).

4 Cow Lane/Beach Street, Sec 30 Blk I Town of Queenstown.

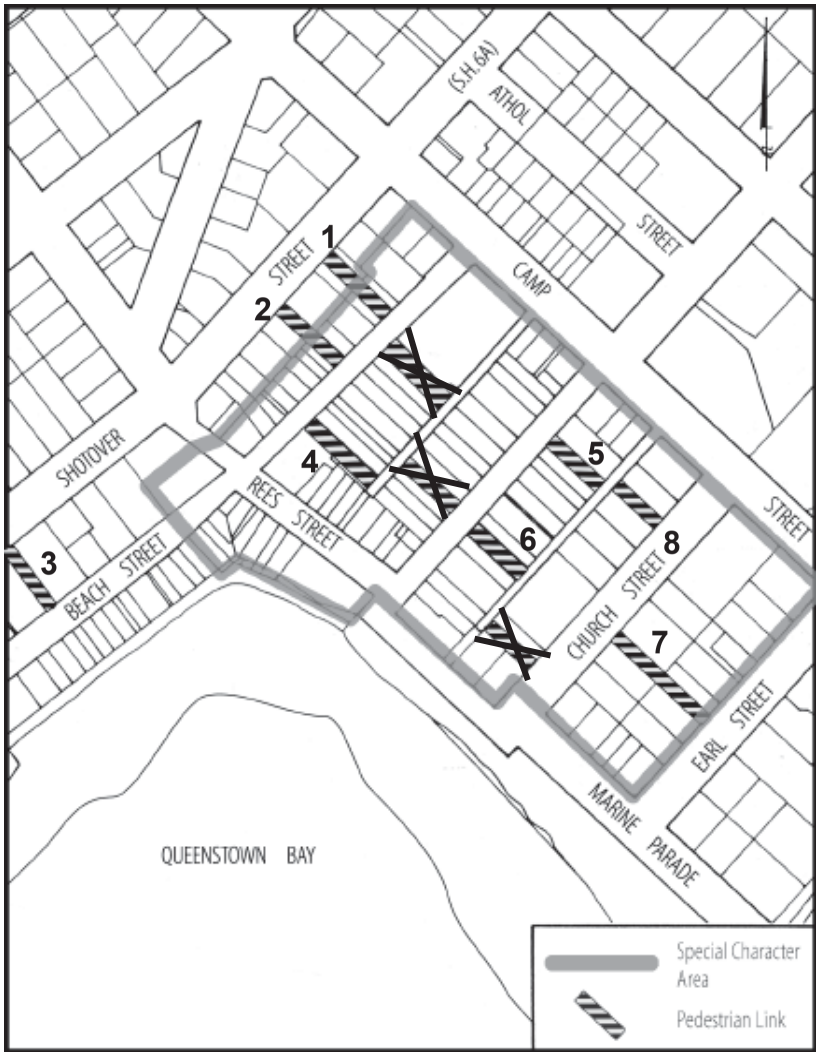
5 Ballarat St/Searle Lane, Sections 1, 2, 3, 27, Pt 26b BLK II Queenstown, (2910504300).

6 Eureka Arcade, Ballarat Street/Searle Lane, Section 22 (2910503800) and part Sections 23 (2910503800) and 24 (2910504000) Block II, Queenstown.

7 Church St/Earl St, Sections 2, 3, 12, 13 BLK III, Queenstown, (2910504900).

8 Searle Lane/Church St, Sec 30 Blk II Town of Queenstown (2910503000).

QUEENSTOWN TOWN CENTRE ZONE: PROVISION FOR PROTECTION OF PEDESTRIAN LINKS (FIGURE I)



x Earthworks [NOTE – TO BE REMOVED VIA SEPARATE COUNCIL PLAN CHANGE 49]

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

1. Earthworks

(a) The total volume of earthworks does not exceed **100m³** per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.

(b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site (within a 12 month period).

(c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).

(d) No earthworks shall:

(i) expose any groundwater aquifer;
(ii) cause artificial drainage of any groundwater aquifer;
(iii) cause temporary ponding of any surface water.

2. Height of cut and fill and slope

(a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it maybe located up to the boundary, if less or equal to 0.5m in height.

(b) The maximum height of any cut shall not exceed 2.4 metres.

(c) The maximum height of any fill shall not exceed 2 metres.

3. Environmental Protection Measures

(a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

(b) Any person carrying out earthworks shall:

(i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

(ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.

(c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

4. Protection of Archaeological sites and sites of cultural heritage

(a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

(b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

xi Building and Façade Height

(a) In that area bound by Man, Brecon, Shotover and Hay streets but excluding the Town Centre Transition sub-zone and that land legally described as Sections 23, 24, 25 and 26 Block IX Town of Queenstown, the maximum building height shall be 12 metres above ground level and, in addition, no part of any building shall be more than 4 metres higher than the nearest point of Man Street (legal boundary of Man Street); and

(b) In that area legally described as Sections 23, 24, 25 and 26 Block IX Town of Queenstown, the maximum building height shall be 12 metres above ground level and, in addition, no part of any building shall be more than 1.5 metres higher than the nearest point of Man Street (legal boundary of Man Street); and

(c) Except in the Lakeview sub-zone and the Isle Street sub-zones (West and East) 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 10 metres above the street boundary.

(d) In the Lakeview sub-zone, the maximum building height shall not exceed the height limits specified on Figure 3: Lakeview sub-zone Height Limit Plan.

(e) In the Isle Street sub-zones (West and East), the maximum building height shall not exceed 12m, except that in the Isle Street sub-zone (East) where:

(i) a site is greater than 2,000m^2 in area; and

(ii) where the site has frontage to either Man Street and Isle Street, then

the maximum building height shall be 15.5m above ground level and shall be limited to no more than four storeys in height.

(f) In the Lakeview sub-zone the maximum building height limits specified on Figure 3: Lakeview sub-zone Height Limit Plan may be exceeded by the use of a roof bonus which provides for additional height of 2m above the specified maximum height. The following additional controls apply to the application of the roof bonus:

(i) The roof bonus shall not enable an additional floor to be erected.

(ii) The roof bonus may be incorporated into the space of the upper-most floor level permitted by the maximum building height rule.

(iii) Where the roof bonus is utilised no additional structures (including lift shafts) or plant or equipment shall be accommodated on top of the roof.

(iv) In the case of 34 Brecon Street (legally described as Lot 1 DP 27703) and which forms part of the Lakeview sub-zone any roof bonus shall be limited to 2m in height and shall not exceed 40m^2 in area and any roof bonus shall be located a minimum distance of 10 metres off adjoining road boundaries and 17 metres off the adjoining Queenstown Cemetery boundary.

(g) In the Isle Street sub-zones (West and East) the maximum 12m building height limit may be exceeded by the use of a roof bonus which provides for additional height of 2m above the specified maximum height. The following additional controls apply to the application of the roof bonus:

(i) the roof bonus shall not enable an additional floor to be erected.

(ii) The roof bonus may be incorporated into the space of the upper-most floor level permitted by the maximum building height rule.

(iii) Where the roof bonus is utilised no additional structures (including lift shafts) or plant or equipment shall be accommodated on top of the roof.

(iv) The roof bonus shall not apply to the 15.5m height limit specified for sites that are greater than 2,000m2 in area and has frontage to either Man Street and Isle Street.

(h) In the Lakeview sub-zone, no part of any building shall protrude through a recession line inclined towards the site at an angle of 25º commencing from a line 2.5 metres above the Glasgow Street boundary.

(i) In the Lakeview sub-zone, no part of any building shall protrude through a recession line inclined towards the site at an angle of 45º commencing from a line 4.5 metres above the Thompson Street boundary.

(i) In the Isle Street sub-zones (West and East), on the south and south western side boundaries of a site adjoining a building used for residential activities which had building consent issued on or before 17 September 2014:

- No part of any building exceeding 8m in height shall be within 3.2m from the relevant boundary; and the roof bonus set out in (f) shall not apply within this 3.2m set back.
- This setback control does not apply where any building on an adjoining site has been issued building consent for a new building after 17 September 2014, in which case no side yard setback is required and does not apply to the internal boundaries of sites that have been amalgamated into one Title (with the exception that this exemption does not apply to the Glenarm Cottage which is located at 50 Camp Street).

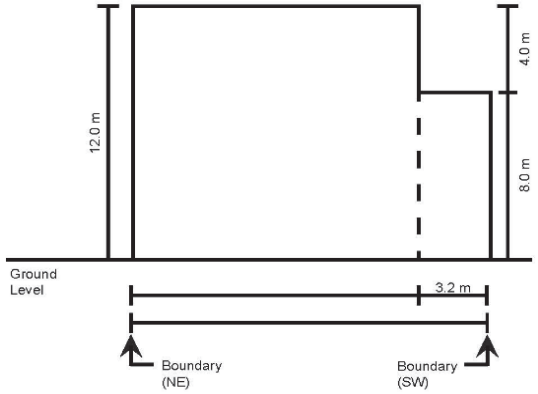


Figure II: Interpretative Diagram for site standard 10.6.5.1(i) to demonstrate the 8m and 12m height limits.

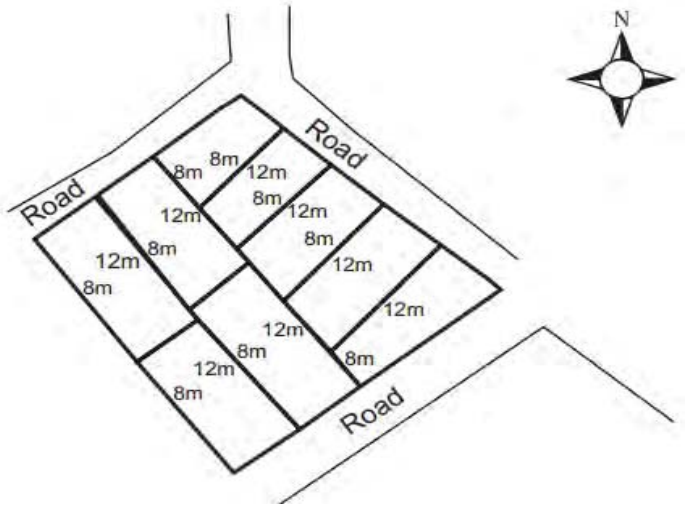


Figure III: Interpretative Diagram for site standard 10.6.5.1(i) to demonstrate the boundaries where the 8m and 12m height limits may apply.

- On the allotments described as Sections 10, 11, 17 and 18, Block VIII, Town of Queenstown, the maximum building height shall be 7m. The maximum building height for Lot 1 DP 15037 shall not exceed the dimensions set out within Appendix 4 – Diagram 8 insofar as that Diagram relates to that lot. For the avoidance of doubt, Diagram 8 does not govern the maximum building height for Sections 10, 11, 17 and 18, Block VIII, Town of Queenstown.

Refer to the building restriction area shown on Planning Map 36 and the interpretative diagrams contained in Appendix 4.

Note:

- Diagrammatic Profiles A, B and C show the effect of site standard (a) in an indicative diagram – site specific surveying

is necessary to ascertain how the rules apply to any development on the site.

- Diagrammatic Profiles D and E show the effect of site standard (b) in an indicative diagram – site specific surveying is necessary to ascertain how the rules apply to any development on the site.

xii Premises licensed for the Sale of Liquor

(a) Premises within The Town Centre Transition sub-zone which are licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 11pm and 7am with respect to the scale of the activity, car parking, retention of amenity, noise and hours of operation. This rule shall not apply to the sale of liquor.

- To any person who is living on the premises;
- To any person who is present on the premises for the purpose of dining.

xiii Lakeview sub-zone Structure Plan

The layout of buildings, roading and public spaces within the Lakeview sub-zone shall be in general accordance with Figure 2: Lakeview sub-zone Structure Plan. Departures from Figure 2: Lakeview sub-zone Structure Plan shall not exceed 5m change in any direction. This 5m departure from the Structure Plan does not apply to the direct extensions of the existing widths and alignments of Isle Street (south westwards beyond Hay Street through to the intersection with Thompson Street) and Thompson Street (northwards beyond Man Street) into the Lakeview sub-zone, which shall be in general accordance with the Structure Plan.

The extension of Hay Street (and the Hay Street viewshaft) through the Lakeview sub-zone, as shown on the Structure Plan, shall not be developed, required or enforced while Designation 211 remains in place.

The Lakeview sub-zone Structure Plan does not preclude the widening of Thompson Street, including a corner splay, which may encroach the Lakeview sub-zone.

If there is a proposal to re-align Cemetery Road along the northern boundary of the sub-zone and connecting to Brecon Street then it is deemed that this shall not comprise an exceedance of this site standard.

Nothing in this rule shall provide for the secondary view shaft identified on Figure 2:Lakeview sub-zone Structure Plan and sites in the western part of the Lakeview sub-zone to extend across the legal boundary of adjoining land to the west described as Lots 3 and 4 DP 9388 Deposited Plan 9388.

xiv Active Frontages in the Lakeview sub-zone

For buildings in sites adjoining an active frontage (refer Figure 2: Lakeview sub-zone Structure Plan) the following standards shall apply:

(a) Buildings shall contribute to the enhancement of the appearance of the Lakeview sub-zone and retail activities by:

a. Providing at least 5m of the frontage width or 80% of the frontage width, whichever is greater, of clear glazing (or equivalent);

b. Being capable of use for displaying goods and services to passing pedestrians;

c. Not having painted, covered or otherwise altered clear glazed areas so as to render them ineffective in achieving the purpose of this rule;

d. Having a minimum ground floor internal floor to floor height of 4m above ground level.

e. Having a minimum ground floor internal depth of 8m from the active frontage.

(b) Vehicular access across sites with active frontages shall not use any more than 10% of the defined active frontage.

(c) The principal public entrance to a building shall be provided from the active frontage.

(d) No residential activity shall be located on the ground floor of a building adjoining an active frontage.

xv Premises Licensed for the Sale of Liquor in the Lakeview sub-zone and the Isle Street sub-zones (West and East)

(a) Sound from premises licensed for the sale of liquor measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i) night-time (2200 to 0800 hrs) 50 dB $L_{Aeq(15\ min)}$

(ii) night-time (2200 to 0800 hrs) 70 dB L_{AFmax}

(b) Sound from premises licensed for the sale of liquor which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803: 1999.

(e) The noise limits in (a) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance 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.

xvi Visitor Accommodation in the Lakeview sub-zone and the Isle Street sub-zones (West and East)

Visitor Accommodation activities in the Lakeview sub-zone and the Isle Street sub-zones (West and East) shall achieve the following noise insulation standard:

A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 1 in Appendix 13.

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.

10.6.5.2 Zone Standards

i Building and Facade Height

(a) The maximum building height shall be 12 m except that:

- In the specific area identified on Planning Map No. 36 where the maximum height shall be 8m; and
- For any buildings located on a wharf or jetty where the maximum height shall be 4 m above RL 312.0 masl (412.0m Otago Datum).
- In Precinct 2 of the Special Character Area the maximum height shall be 8m;

- In that area bound by Man, Brecon, Shotover and Hay streets but excluding the Town Centre Transitional sub-zone and that land legally described as Sections 23, 24, 25 and 26 Block IX Town of Queenstown, no part of any building shall be more than 4 metres higher than the nearest point of Man Street (legal boundary of Man Street);

- In that area legally described as Sections 23, 24, 25 and 26 Block IX Town of Queenstown, the maximum building height shall be 12 metres above ground level and, in addition, no part of any building shall be more than 1.5 metres higher than the nearest point of Man Street (legal boundary of Man Street);

- In the Town Centre Transitional sub-zone the maximum building height shall be 8m above ground level, provided that in addition any part of a building may extend up to the maximum permitted height at the nearest point of the sub-zone internal boundary.

- This rule does not apply to the Lakeview or the Isle Street sub-zones and that land bounded by Hay, Lake, Beach and Man Streets [given that specific clauses of site standard 10.6.5.1(xi) apply to these sub-zones].

- Refer to the building restriction area shown on Planning Map 36 and the interpretative diagrams contained in Appendix 4.

Note:

Diagrammatic Profiles A, B and C show the effect of zone standard (a) (fourth bullet point) in an indicative diagram – site specific surveying is necessary to ascertain how the rules apply to any development on the site

Diagrammatic Profiles D and E show the effect of zone standard (a) (fifth bullet point) in an indicative diagram – site specific surveying is necessary to ascertain how the rules apply to any development on the site

(b) On that land bounded by Man, Duke and Brecon streets, the following shall apply in addition to (a) above:

- No building shall protrude through a horizontal plane drawn at RL 332.20 masl (being 432.20 Otago datum), 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 1 metre or less; and

- No part of any building shall protrude through a recession line inclined towards the site at an angle of 45º commencing from a line 10 metres above the street boundary.

- Refer to the building restriction area shown on Planning Map 36 and the interpretive diagrams contained on Appendix 4.

(c) In **Precinct 1** of the **Special Character Area**, the following shall apply in addition to (a) above:

- 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.

(d) In Precinct **3** of the **Special Character Area** the following shall apply in addition to (a) above:

- For buildings on the south side of Beach Street the road frontage parapet height and the recession line shall be the same as for Precinct 1 of the Special Character Area.

- For buildings on the north side of Beach Street:
- the street front parapet shall be between 6.0 and 6.5m in height; and
- no part of any building, except a street front parapet shall protrude through a recession line inclined towards the site at an angle of 30 degrees commencing from a line 6.0m above any street boundary.

(e) For all other sites within the zone where there is a 12 metre maximum building height, 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. This standard does not apply to the Lakeview sub-zone or the Isle Street sub-zones (West and East).

ii Noise

(a) Sound from activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i)	daytime	(0800 to 2200 hrs)	60 dB $L_{Aeq(15\ min)}$
(ii)	night-time	(2200 to 0800 hrs)	50 dB $L_{Aeq(15\ min)}$
(iii)	night-time	(2200 to 0800 hrs)	70 dB L_{AFmax}

(b) Sound from activities in the Town Centre Transition sub-zone and from activities located on land bounded by Hay Street, Man Street, Lake Street and Beach Street measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i)	daytime	(0800 to 2200 hrs)	50 dB $L_{Aeq(15\ min)}$
(ii)	night-time	(2200 to 0800 hrs)	40 dB $L_{Aeq(15\ min)}$
(iii)	night-time	(2200 to 0800 hrs)	70 dB L_{AFmax}

(c) Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(d) The noise limits in (a) and (b) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803: 1999.

(e) The noise limits in (a) and (b) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance 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.

(f) These noise standards (a) through (e) do not apply to premises licensed for the sale of liquor in the Lakeview sub-zone or the Isle Street sub-zones (West and East) at night-time (2200 to 0800 hrs) when site standard 10.6.5.1(xv) applies.

iii Glare

(a) All exterior lighting installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting.

(b) 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.

(c) 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.

(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.

10.6.6 Resource Consents - Assessment Matters

The Assessment Matters which apply to the consideration of resource consents in the Queenstown Town Centre Zone are specified in Rule 10.10

Figure 2 Lakeview sub-zone Structure Plan

Figure 3 Lakeview sub-zone Height Limit Plan

10.7 Wanaka Town Centre Zone Rules

10.7.1 Zone Purpose

The purpose of this zone is to recognise and preserve the significant elements which contribute to the character of the Wanaka town centre and to enhance those elements by encouraging the intensification of activity within the town centre rather than peripheral expansion of the centre.

The zone makes provision for a wide range of activities necessary to retain the importance of Wanaka's role as the dominant rural servicing centre in the Upper Clutha. The town centre is generally bounded by Ardmore Street, Brownston Street and Dungarvon Street.

10.7.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

(i)	Heritage Protection	- Refer Part 13
(ii)	Transport	- Refer Part 14
(iii)	Subdivision, Development and Financial Contributions	**- Refer Part 15**
(iv)	Hazardous Substances	**- Refer Part 16**
(v)	Utilities	- Refer Part 17
(vi)	Signs	- Refer Part 18
(vii)	Relocated Buildings and Temporary Activities	- Refer Part 19

10.7.3 Activities

10.7.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited Activity** shall be a **Permitted Activity**.

10.7.3.2 Controlled Activities

The following Activities shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site and Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

i Buildings

All buildings in respect of external appearance, materials, signage, lighting and impact on the streetscape.

ii Verandas

All verandas in respect of design, external appearance, materials and impact on and relationship to adjoining verandas.

iii Visitor Accommodation

Visitor Accommodation in respect of:

(a) Building external appearance

(b) Setback from internal boundaries

(c) Setback from roads

(d) Access

(e) Landscaping

(f) Screening of outdoor storage and parking areas.

10.7.3.3 Discretionary Activities

The following Activities shall be **Discretionary Activities** provided they are not listed as **Prohibited or Non-Complying Activity** and they comply with all the relevant **Zone** Standards.

i **Premises Licensed for the Sale of Liquor**

Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 11pm and 7am with the Council's discretion restricted to hours of operation and the effects on residential zones. This rule shall not apply to the sale of liquor:

- to any person who is living on the premises;
- to any person who is present on the premises for the purpose of dining.

ii Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone Standards** but does comply with one or more of the **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.

10.7.3.4 Non Complying Activities

The following Activities shall be **Non-Complying Activities** provided that they are not listed as a Prohibited Activity.

i **Factory Farming**

ii **Forestry Activities**

iii **Mining Activities**

iv **Airport**

The take-off or landing of aircraft other than for emergency rescues or fire-fighting.

v **Residential Flat**

vi Any Activity which is not listed as a **Prohibited Activity** and does not comply with one or more of the relevant **Zone** Standards.

10.7.3.5 Prohibited Activities

The following activities shall be **Prohibited Activities**

i Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

10.7.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain the written approval of affected persons and need not be notified in accordance with Section 93 of the Resource Management Act 1991, unless the Council considers special circumstances exist in relation to any such application.

(i) All applications for **Controlled** Activities.

(ii) Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:

- **Building Coverage**
- **Residential Activities**

10.7.5 Standards

10.7.5.1 Site Standards

i Building Coverage

Maximum building coverage - 80%

ii Setback from Internal Boundaries

Where the site adjoins a Low Density Residential or High Density Residential Zone or public open space the setback shall be 4.5m.

iii Retailing

The use of the ground floor fronting onto the street of every building fronting Helwick Street shall be limited to retail activities, restaurants, pedestrian accessways to other ground floor activities and entrances to independent businesses above ground floor.

iv Street Scene

(a) **Setback of Buildings**

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.

(b) **Minimum Facade Height**

The minimum street facade of all buildings within the zone shall be 3m.

(c) **Setback of buildings adjoining open spaces**

All buildings adjoining public open spaces, other than formed roads, shall be set back not less than 4.5m from the site boundary.

v Storage

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.

In all other parts of this Zone storage areas shall be screened from view from all public places and adjoining zones by a solid fence of not less than 2m height.

vi Sunlight and Outlook of Residential Neighbours

Buildings within this zone shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above Low Density Residential or High Density Residential Zone boundaries. Except that gable ends may project beyond the recession line where the maximum height of the gable end is no greater than 2.5m above the recession line.

vii Verandas

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, be provided with a veranda which shall be situated no higher than 3m above pavement level and shall provide continuous cover for pedestrians.

viii Residential Activities

All residential activities shall be restricted to first floor level or above.

Any building or part of a building used for residential activities shall provide a separate outdoor living area for the exclusive use of each separate residential unit. The outdoor living area shall have a minimum area of 5m² and a least dimension of 2m. This living area must be

located immediately adjacent to and have direct access from the residential unit.

ix Flood Risk

No building greater than 20m² shall be constructed or relocated with a ground floor level less than RL 281.9masl (381.9m Otago Datum) at Wanaka.

* Note: This ground floor minimum includes 1.3 metres to allow for wave action where necessary

x Earthworks [NOTE – TO BE REMOVED VIA SEPARATE COUNCIL PLAN CHANGE 49]

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

1. Earthworks

(a) The total volume of earthworks does not exceed **100m³** per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.

(b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site (within a 12 month period).

(c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).

(d) No earthworks shall:

(i) expose any groundwater aquifer;

(ii) cause artificial drainage of any groundwater aquifer;

(iii) cause temporary ponding of any surface water.

2. Height of cut and fill and slope

(a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

(b) The maximum height of any cut shall not exceed 2.4 metres.

(c) The maximum height of any fill shall not exceed 2 metres.

3. Environmental Protection Measures

(a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

(b) Any person carrying out earthworks shall:

(i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

(ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.

(c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the

Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

4. Protection of Archaeological sites and sites of cultural heritage

(a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

(b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

10.7.5.2 Zone Standards

i Building and Facade Height

The maximum building height shall be:

- 8m to the eave line
- 10m to the ridge line.

ii Noise

(a) Sound from activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i)	daytime	(0800 to 2200 hrs)	60 dB $L_{Aeq(15\ min)}$
(ii)	night-time	(2200 to 0800 hrs)	50 dB $L_{Aeq(15\ min)}$
(iii)	night-time	(2200 to 0800 hrs)	70 dB L_{AFmax}

(b) Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

(d) 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.

iii Glare

(a) All exterior lighting installed on sites or buildings within the shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting.

(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 zoned Low Density Residential or High Density Residential 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.

iv Service Lanes

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.

10.7.6 Resource Consents - Assessment Matters

The resource consent Assessment Matters which apply to the consideration of resource consents in the Wanaka Town Centre Zone are specified in Rule 10.10.

10.8 Arrowtown Town Centre Zone Rules

10.8.1 Zone Purpose

The Town Centre covers the area of land bounded by Berkshire Street, Ramshaw Lane, Wiltshire Street and Arrow Lane.

The purpose of this zone is to recognise and conserve the significant physical and natural resources which contribute to the character of the town centre and enhance these by encouraging compatible land use activities and an intensification of activity rather than permitting peripheral expansion. In addition, the zone provisions seek to enhance those elements which give rise to the particular sense of place, building scale and atmosphere that is characteristic of Arrowtown.

The zone makes provision for a wide range of activities necessary to retain the Arrowtown's role as a major visitor attraction and as a centre servicing the day to day needs of the resident population.

10.8.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

(i)	Heritage Protection	- Refer Part 13
(ii)	Transport	- Refer Part 14
(iii)	Subdivision, Development and Financial Contributions	- Refer Part 15
(iv)	Hazardous Substances	- Refer Part 16
(v)	Utilities	- Refer Part 17
(vi)	Signs	- Refer Part 18
(vii)	Relocated Buildings and Temporary Activities	- Refer Part 19

10.8.3 Activities

10.8.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited Activity** shall be a **Permitted Activity**.

10.8.3.2 Controlled Activities

The following Activities shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site and Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

i Verandas

All verandas in respect of design, external appearance, materials and impact on and relationship to adjoining verandas.

ii Visitor Accommodation

Visitor Accommodation in respect of:

(a) Building external appearance
(b) Setback from internal boundaries
(c) Setback from roads
(d) Access
(e) Landscaping
(f) Screening of outdoor storage and parking areas.

10.8.3.3 Discretionary Activities

The following Activities shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying Activity** and they comply with all the relevant **Zone** Standards.

i Premises Licensed for the Sale of Liquor

Premises licensed for the sale of liquor under the Sale of Liquor Act 1989 for the consumption of liquor on the premises between the hours of 11pm and 7am with the Council's discretion restricted to hours of operation and the effects on residential zones. This rule shall not apply to the sale of liquor:

- to any person who is living on the premises;
- to any person who is present on the premises for the purpose of dining.

ii Buildings

All new buildings including external alterations to existing buildings, with the Council's discretion restricted to the external appearance, materials, signage, lighting, streetscape, relationship to heritage values, compatibility with adjoining buildings and the retention of pedestrian linkages between Arrow Lane, Buckingham Street and Ramshaw Lane.

iii Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone Standards** but does comply with one or more of the **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.

10.8.3.4 Non-Complying Activities

The following Activities shall be **Non-Complying Activities** provided they are not listed as a Prohibited Activity.

i Factory Farming

ii Forestry Activities

iii Mining Activities

iv Airport

The take-off or landing of aircraft other than for emergency rescues or fire-fighting.

v **Residential Flat**

vi Any Activity which is not listed as a **Prohibited Activity** and does not comply with one or more of the relevant **Zone** Standards.

10.8.3.5 Prohibited Activities

The following activities shall be **Prohibited Activities**

i Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or fish or meat processing or any activity requiring an Offensive Trade Licence under the Health Act 1956.

10.8.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain the written approval of affected persons and need not be notified in accordance with Section 93 of the Resource Management Act 1991, unless the Council considers special circumstances exist in relation to any such application.

i All applications for **Controlled** Activities.

ii Application for the exercise of the Council's discretion in respect of the following **Site** Standards:

- **Building Coverage**
- **Residential Activities.**

10.8.5 Standards

10.8.5.1 Site Standards

i Building Coverage

Maximum building coverage 90%

ii Setback from Internal Boundaries

There shall be a setback of 3m from any rear boundary.

iii Retailing

The use of the ground floor of every building fronting onto that section of Buckingham Street located within the Zone shall be limited to retail activities, places of entertainment, pedestrian access to other ground floor activities, restaurants, the reception area of visitor accommodation and to the entrance to independent businesses above ground floor level.

iv Street Scene

The minimum street facade of all buildings within the zone shall be 3m.

v Outdoor Storage

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.

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 by a solid fence of not less than 2m height.

vi Sunlight and Outlook of Residential Neighbours

Buildings within this zone shall not project beyond a recession line constructed at an angle of 35º inclined towards the site from points 5m above the site boundaries. 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.

vii Residential Activities

All residential activities shall be restricted to first floor level or above.
Any building or part of a building used for residential activities shall provide a separate outdoor living area for the exclusive use of each separate residential unit. The outdoor living area shall have a minimum area of 5m²a least dimension of 2m. This living area must be located immediately adjacent to and have direct access from the residential unit.

viii Loading

Notwithstanding the requirements in Rule 14 (Transport) 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.

ix Earthworks [NOTE – TO BE REMOVED VIA SEPARATE COUNCIL PLAN CHANGE 49]

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

1. Earthworks

(a) The total volume of earthworks does not exceed **100m³** per site (within a 12 month period). For clarification of "volume", see interpretative diagram 5.

(b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site (within a 12 month period).

(c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).

(d) No earthworks shall:

(i) expose any groundwater aquifer;
(ii) cause artificial drainage of any groundwater aquifer;
(iii) cause temporary ponding of any surface water.

2. Height of cut and fill and slope

(a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

(b) The maximum height of any cut shall not exceed 2.4 metres.

(c) The maximum height of any fill shall not exceed 2 metres.

3. Environmental Protection Measures

(a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

(b) Any person carrying out earthworks shall:

(i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

(ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.

(c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

4. Protection of Archaeological sites and sites of cultural heritage

(a) The activity shall not modify, damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

(b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

10.8.5.2 Zone Standards

i Building Height

The maximum building height shall be 7m.

ii Noise

(a) Sound from activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i) daytime (0800 to 2200 hrs) 60 dB $L_{Aeq(15\ min)}$

(ii) night-time (2200 to 0800 hrs) 50 dB $L_{Aeq(15\ min)}$

(iii) night-time (2200 to 0800 hrs) 70 dB L_{AFmax}

(b) Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

(d) 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.

iii Glare

(a) All exterior lighting installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting.

(b) 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.

(c) No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned Residential Arrowtown Historic Management or Low Density Residential 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.

10.8.6 Resource Consents - Assessment Matters

The Assessment Matters which apply to the consideration of resource consents in the Arrowtown Town Centre Zone are specified in Rule 10.10.

10.9 Corner Shopping Centre Zones Rule

10.9.1 Zone Purpose

The purpose of the zone is to provide convenient access to goods and services, community activities and local opportunities for employment. No expansion of the zone is proposed and the zone will continue to accommodate business activities of a modest scale. It is recognised the activity structure of the centre may change and convert to a range of uses including residential, office and retail as appropriate.

10.9.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met, then consent will be required in respect of that matter:

(i)	Heritage Protection	- Refer Part 13
(ii)	Transport	- Refer Part 14
(iii)	Subdivision, Development and Financial Contributions	- Refer Part 15
(iv)	Hazardous Substances	- Refer Part 16
(v)	Utilities	- Refer Part 17
(vi)	Signs	- Refer Part 18
(vii)	Relocated Buildings and Temporary Activities	- Refer Part 19

10.9.3 Activities

10.9.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited Activity** shall be a **Permitted Activity**.

10.9.3.2 Controlled Activities

The following Activities shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site and Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

i Buildings

All buildings in respect of external appearance, signage, lighting, materials and impact on the streetscape.

ii Verandas

All verandas in respect of design, materials, external appearance and impact on and relationship to adjoining verandas.

10.9.3.3 Discretionary Activities

The following Activities shall be **Discretionary Activities** provided that they are not listed as a **Prohibited or Non-Complying Activity** and they comply with all the relevant **Zone** Standards.

i Visitor Accommodation

Visitor Accommodation.

ii Premises Licensed for the Sale of Liquor

Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 11pm and 7am with the Council's discretion restricted to hours of operation and the effects on residential zones. This rule shall not apply to the sale of liquor:

- to any person living on the premises;
- to any person present on the premises for the purpose of dining.

iii Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone Standards** but does comply with

one or more of the **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.

10.9.3.4 Non-Complying Activities

The following Activities shall be **Non-Complying Activities** provided they are not listed as a Prohibited Activity.

i **Factory Farming**

ii **Forestry Activities**

iii **Mining Activities**

iv **Airport**

The take-off or landing of aircraft other than for emergency rescues or fire-fighting.

v **Residential Flat**

vi Any Activity which is not listed as a **Prohibited Activity** and does not comply with one or more of the relevant **Zone** Standards.

10.9.3.5 Prohibited Activities

The following activities shall be **Prohibited Activities**

i Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

10.9.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain the written approval of affected persons and need not be notified in accordance with section 93 of the Resource Management Act 1991, unless the Council considers special circumstances exist in relation to any such application.

i All applications for **Controlled** Activities.

ii Applications for the exercise of the Council's discretion in respect of the following **Site** Standards:

- **Building Coverage**
- **Residential Activities**

10.9.5 Standards

10.9.5.1 Site Standards

i **Building Coverage**

Maximum building coverage - 75%.

ii **Setback from Internal Boundaries**

Where the site adjoins a Low Density Residential or High Density Residential Zone or public open space the setback shall be 4.5m.

iii **Street Scene**

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.

iv **Storage**

All storage areas shall be screened from view from all public places and adjoining zones by a solid fence of not less than 2m height.

v Residential Activities

All residential activities shall be restricted to first floor level or above.
Any building or part of a building used for residential activities shall provide a separate outdoor living area for the exclusive use of each separate residential unit. The outdoor living area shall have a minimum area of $5m^2$ and a least dimension of 2m. This living area must be located immediately adjacent to and have direct access from the residential unit.

vi Earthworks [NOTE – TO BE REMOVED VIA SEPARATE COUNCIL PLAN CHANGE 49]

The following limitations apply to all earthworks (as defined in this Plan), except for earthworks associated with a subdivision that has both resource consent and engineering approval.

1. Earthworks

(a) The total volume of earthworks does not exceed **100m³** per site (within a 12 month period). For clarification of "volume" see interpretative diagram 5.

(b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site.

(c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).

(d) No earthworks shall:

(i) expose any groundwater aquifer;
(ii) cause artificial drainage of any groundwater aquifer;
(iii) cause temporary ponding of any surface water.

2. Height of cut and fill and slope

(a) The height of any cut or fill shall not be greater than the distance of the cut or fill from the site boundary (see interpretative diagram 6). Except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

(b) The maximum height of any cut shall not exceed 2.4 metres.

(c) The maximum height of any fill shall not exceed 2 metres.

3. Environmental Protection Measures

(a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.

(b) Any person carrying out earthworks shall:

(i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

(ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.

(c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

4. Protection of Archaeological sites and sites of cultural heritage

(a) The activity shall not interfere with or destroy any Waahi Tapu, Waahi Taoka or archaeological sites that are identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

(b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgment Areas.

10.9.5.2 Zone Standards

i Building Height

The maximum building height shall be 8 m.

ii Noise

(a) Sound from activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:

(i)	daytime	(0800 to 2200 hrs)	60 dB $L_{Aeq(15\ min)}$
(ii)	night-time	(2200 to 0800 hrs)	50 dB $L_{Aeq(15\ min)}$
(iii)	night-time	(2200 to 0800 hrs)	70 dB L_{AFmax}

(b) Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.

(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

(d) 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.

(e) The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport.

iii Glare

(a) All exterior lighting installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting.

(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 zoned Low Density Residential or High Density Residential 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.

10.9.6 Resource Consents - Assessment Matters

The resource consent Assessment Matters which apply to the consideration of resource consents in the Corner Shopping Centre Zones are specified in Rule 10.10.

10.10 Resource Consents - Assessment Matters:

Queenstown, Wanaka, Arrowtown Town Centre Zones, Corner Shopping Centre Zones:

10.10.1 General

i The Assessment Matters are other methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.

ii In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant *Assessment Matters* set out in Clause 10.10.2 below.

iii In the case of *Controlled and Discretionary Activities*, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall only be those relevant to that/these standard(s).

iv In the case of *Controlled Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.

v Where an activity is a *Discretionary Activity* because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

10.10.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

i **Building Height and Site Coverage**

(a) Whether any earthworks have been carried out on the site prior to the date of notification, 10 October 1995, that have lowered the level of the site.

(b) Whether there are rules requiring the site to be built up.

(c) With regard to proposals that exceed one or more zone standard(s) and for the Lakeview sub-zone and the Isle Street sub-zones proposals that exceed site standards 10.6.5.1 (xi) and 10.6.5.1(i)(d), (e) and (f) whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

(d) The extent to which any height infringement to the height limits specified on Figure 3: Lakeview sub-zone Height Limit Plan will:

(i) adversely affect the visual quality and amenity values of the adjoining landscape;

(ii) adversely affect the heritage values of the adjoining Queenstown Cemetery; and

(iii) adversely affect outlooks from within the 'Square' identified within Figure 2: Lakeview sub-zone Structure Plan.

Note: Assessment matter 10.10.2(i)(c) provides guidance as to the circumstances where resource consents shall be assessed against the objective and policies of 4.10.1 of the District Plan.

ii Controlled Activities - Buildings - Wanaka Town Centre

Conditions may be imposed to ensure:

(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 below the roof line.

(c) The roof line reflects and complements the surrounding topography. The pitch of roofs, except in the case of canopies, verandas or where existing buildings needed to be matched, should be between 25^{o}-45^{o} from the horizontal.

(d) The views along a street or of an outstanding natural feature have been taken into account.

(e) The building facade reflects the importance of open space on to which it fronts, and 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

iii Controlled Activities Rules 10.6.3.2(vi) Buildings - Queenstown Town Centre Lakeview sub-zone

Urban Design Principles (refer Rule 10.6.3.2(vi)(d))

(1) Public Spaces

- The design of buildings fronting parks and the Square contribute to the amenity of the public spaces.
- The design of buildings at 34 Brecon Street or the Lakeview Camping Ground are compatible with the setting of the adjoining Queenstown Cemetery.

(2) Street Edges (including Active Frontages)

- Built form contributes to providing a high quality, spatially well-defined and contained streetscape and associated urban amenity.
- Visual interest is provided through a variety of building forms and frontages in terms of footprint, height and design.
- Buildings should avoid blank walls which are visible from public spaces.
- Where provided, car parking is accessible and does not dominate the streetscape.
- Buildings and streetscape design comply with CPTED principles.

3. Sustainable Buildings

- The adoption of sustainable building design principles using sustainable materials, passive and active solar energy collection (where this is workable), water conservation techniques and/or, grey water recycling.

4. Landscaping

Planting and landscaping is designed to:

- Maintain access to winter sun.

- Integrate site landscape design with the wider context.

- Comply with CPTED principles.

iv Controlled Activities - Buildings - Queenstown Town Centre (Refer also Assessment Matters vii and viii) excluding the Lakeview sub-zone

Conditions may be imposed to ensure:

(a) The building has been considered as part of the surrounding urban environment in terms of how it reflects its location within the town and the nature of open spaces which it may face.

(b) The individual design elements of the building are in scale with the relatively fine grained individual site development which may have individual characteristics of the town centre in situations where sites are to be aggregated.

(c) The design of the ground floor frontage of the building maintains a sense of variety which is desirable in promoting diversity.

(d) The views along a street to a landmark, a significant building, or the Lake have been considered in the design of the building, and that the external appearance of buildings on prominent sites has taken into account their importance in terminating vistas or framing views.

(e) The building facade reflects the importance of open space on to which it fronts, and 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

(f) The top of a building has been treated as an important termination, as may be seen from numerous vantage points and the quality of the roof design.

(g) The ground and first floor facades of the building establish a strong relationship to pedestrians, and the ground floor appears accessible.

(h) Any buildings proposed along the lake frontage strongly recognise the unique quality of the open space and waterfront amenity.

(i) The adverse effects of any colour scheme which incorporates colours, which act as a form of advertising on the visual coherence and harmony of the locality, are avoided or mitigated.

(j) The extent to which new buildings within the Isle Street sub-zones (West and East) provide for the following urban design principles and include:

- Built form contributes to providing a high quality, spatially well-defined and contained streetscape and associated urban amenity.
- Buildings should avoid blank walls which are visible from public spaces.
- Where provided, car parking is accessible and does not dominate the streetscape.
- Buildings and streetscape design comply with CPTED principles.
- The adoption of sustainable building design principles using sustainable materials, passive and active solar energy

collection (where this is workable), water conservation techniques and/or, grey water recycling.

v Controlled Activity – Verandas

Conditions may be imposed to ensure:

The external appearance, of verandas avoids or mitigates adverse effects on:

- neighbouring buildings and verandas
- the extent to which the veranda effects the use and enjoyment of the streetscape
- the appearance of the building.

vi Controlled Activity - Visitor Accommodation in the Town Centre Transition sub-zone and within the Isle Street sub-zones (West and East)

In considering imposing conditions on visitor accommodation in the Town Centre Transition sub-zone, those matters listed in Section 7.7.2 (ii) shall be considered.

In relation to the Isle Street sub-zones (West and East) conditions may be imposed to ensure:

(a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and
  (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding properties and in the case of Isle Street sub-zone (West) adjoining residential neighbourhoods.
  (ii) Loss of privacy
  (iii) In the case of Isle Street sub-zone (West), the proximity of outdoor facilities to residential neighbours.
  (iv) Hours of operation

(b) Any adverse effects from the activity are avoided, remedied or mitigated in terms of:
  (i) The adequacy and location of car parking for the site
  (ii) Noise, vibration and lighting from vehicles entering and leaving the site;
  (iii) Pedestrian safety within the vicinity of the activity
  (iv) Provision for coaches to be parked off-site

(c) Mitigation of noise emissions beyond the property boundary considering:
  (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building.
  (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.

vii Controlled Activities - Commercial Activities within the Town Centre Waterfront Zone

Conditions may be imposed to ensure that:

(a) Any commercial activity does not create any adverse effect through additional traffic generation.

(b) The location and design of vehicle access and loading areas is such that it ensures safe and efficient movement of pedestrians, and vehicles on adjoining roads.

(c) Outdoor storage areas do not have an adverse effect on the visual amenity of the surrounding area, or impede pedestrian or vehicle movement.

viii Restricted Discretionary Activity Rule 10.6.3.2A (i)(a), (b) and (c) Predominant Uses

Design and Layout

1. The extent to which the external scale and design and appearance of buildings (including materials and colours), equipment and structures:

   - Provide visual interest through a variety of forms in terms of footprint, height and design.
   - Break down the building bulk and scale by architectural articulation and modulation of building form.
   - Minimise adverse effects of shading on adjacent public spaces (including footpaths).
   - Contribute positively to local public spaces and streetscape character and amenity through bulk, scale, architectural articulation and modulation, rooflines and the choice of materials and colours.
   - Visually enhance those parts of the site visible from public spaces e.g. major arterial transport corridor frontages, Queenstown Bay and the Square.

Transportation

2. The extent to which effects on the transportation network are managed via adherence to the requirements of an integrated transport plan, including:
   - the need to address the cumulative traffic effects of the development on the existing environment (including existing consented development not yet built); and
   - the implementation of any road safety improvements to the transportation network as a consequence of the development.

3. The extent to which parking, loading, manoeuvring areas and outdoor service areas are designed and located to:
   - Protect amenity values of the Square, the streetscape and adjoining sites by screening and landscaping.
   - Be away from the front of the site and the primary entrances to buildings.
   - Ensure traffic flows minimise adverse effects on amenity values.
   - Minimise traffic conflicts and provide safe and efficient vehicle circulation on the site.
   - Create an attractive environment that maintains safety and amenity for pedestrians.
   - Integrate with adjacent activities and development in terms of the provision of entrances, publicly accessible spaces, parking (including the degree to which the parking resource is available for use by other activities in the sub-zone), and where appropriate provide for the adoption of demand-managed transport options utilising walking, cycling and passenger transport options as alternatives to providing for car parking and pedestrian linkages beyond the site, linking to the Queenstown commercial centre.

Landscaping

4. The extent to which planting and landscaping is designed to:
   - Maintain access to winter sun.
   - Integrate site landscape design with that of the Square.
   - Comply with CPTED principles.

ix Restricted Discretionary Activity Rules 10.6.3.2A (ii) Visitor Accommodation and Commercial activities with a gross floor area

of greater than 400m^2 within land bounded by Hay, Beach, Lake, and Man Streets

(a) The extent to which effects on the transportation network are managed via adherence to the requirements of an integrated transport plan, including the need to address the cumulative traffic effects of the development (including existing consented development not yet built).

x Restricted Discretionary Activity Rules 10.6.3.2A (iii) Commercial and retail activities with a gross floor area of less than 400m^2 (that do not fall within the definition of ancillary retail and commercial activities)

(a) The extent to which the non-ancillary retail or commercial activities support the demand arising from the intensification of use within the Lakeview sub-zone and growth more generally;

(b) The extent to which traffic generation from the activity will, in conjunction with traffic generation from other activities in the Lakeview sub-zone and other activities within the vicinity, have any cumulative effects.

(c) The extent to which access, parking and loading are been designed and located to:

- Protect amenity values of the Square, the streetscape and adjoining sites by screening and landscaping.
- Be away from the front of the site and the primary entrances to buildings.
- Ensure traffic flows minimise adverse effects on amenity values.
- Minimise traffic conflicts and provide safe and efficient vehicle circulation on the site.
- Create an attractive environment that maintains safety and amenity for pedestrians.

xi Restricted Discretionary Activity Rules 10.6.3.2A (iv) Commercial and retail activities with a gross floor area of more than 400m^2 (that do not fall within the definition of ancillary retail and commercial activities)

(a) The extent to which the non-ancillary retail or commercial activities support the demand arising from the intensification of use within the Lakeview sub-zone and growth more generally;

(b) The extent to which the effect of non-ancillary retail and non-ancillary commercial activities impact upon the viability of the existing Queenstown Town Centre, particularly where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 in the Lakeview sub-zone;

(c) The extent to which effects on the transportation network are managed via adherence to the requirements of an integrated transport plan, including:

- the need to address the cumulative traffic effects of the development (including existing consented development not yet built); and
- the implementation of any road safety improvements to the transportation network as a consequence of the development.

xii Controlled and Discretionary Activity – Height within the Isle Street sub-zones

(a) The extent to which additional height will enable better quality urban design internal outcomes, in respect of floor to ceiling heights for the uses proposed within the building;

(b) The extent to which additional height will successfully integrate with the scale of buildings within the adjoining Queenstown Town

Centre and will not adversely affect wider streetscape and townscape values;

(c) The extent to which any exceedance of a 12 metre discretionary height limit, when considered in conjunction with any other buildings within the same block contained within the Isle Street sub-zone (West) will result in adverse effects upon adjoining properties and the wider townscape.

xiii Discretionary Activity – Height within within land bounded by Hay, Beach, Lake, and Man Streets

(a) The extent to which increased building height would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, sunlight and day light and loss of opportunities for views.

xiv Discretionary Activity - Visitor Accommodation

(a) The extent to which the visitor accommodation will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding area.

(b) In considering imposing conditions on visitor accommodation in the Town Centre Transition sub-zone, those matters listed in Section 7.7.2 (vi) shall be considered.

(c) Any adverse effects of the proposed visitor accommodation in terms of:

(i) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a town centre zone environment.

(ii) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road(s).

(iii) Pedestrian safety in the vicinity of the activity.

(iv) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.

(d) The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas, or through the provision of screening or through other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.

xv Controlled and Discretionary Activity - Licensed Premises

In considering any application for the sale of liquor between the hours of 11pm and 7am, (10pm and 8am in the Lakeview and Isle Street sub-zones), the Council shall, in deciding whether to impose conditions, have regard to the following specific assessment matters:

(a) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods.

(b) The effect on the existing and foreseeable future amenities of the neighbourhood, particularly in relation to noise and traffic generation.

(c) The topography of the site and neighbouring areas.

(d) The nature of existing and permitted future uses on nearby sites.

(e) The adequacy and location of car parking for the site.

(f) The adequacy of screening and buffer areas between the site and other uses.

(g) The previous history of the site, and the relative impact of adverse effects caused by activities associated with sale of liquor.

xvi Discretionary Activity - Wharfs, Jetties and Buildings in the Queenstown Town Centre Waterfront Area

(a) The extent to which the proposal achieves the following design objectives:

(i) Creation of an exciting and vibrant waterfront which maximises the opportunities and attractions inherent in a visitor town situated on a lakeshore.
(ii) Provision of a continuous waterfront walkway from Horne Creek right through to St Omer Park.

(iii) Maximisation of ability to cater for commercial boating activities to an extent compatible with maintenance of environmental standards and the nature and scale of existing activities.

(iv) Provision for one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping.

(b) The extent to which any proposed structures or buildings will:

(i) enclose views across Queenstown Bay.

(ii) result in a loss of the generally open character of the Queenstown Bay and its interface with the land .

Any assessment matters referred to in the Queenstown Bay Waterfront Development Plan which is available from the Council.

xvii Discretionary Activity - Buildings in the Special Character Area - Queenstown Town Centre

(a) The nature and proportion of all design elements when compared with other buildings on adjacent sites. Where there are no adjacent buildings then reference shall be made to other buildings within the Special Character Area.

(b) The design response of the building to the identified character of the relevant Special Character Precinct, and the way in which the building promotes the retention or enhancement of that character, having regard to:

- Facade Design
- Building materials
- Symmetry
- External appearance
- Roof design
- Fenestration, including proportion of wall area to be glazed
- Proposed signage

(c) Whether the individual design elements of the building are in scale with the fine grained historical subdivision site pattern in situations where sites are to be aggregated.

(d) Whether the bulk and location of the building ensures the retention of the heritage values of existing neighbouring buildings and their setting.

Please also refer to the Planning Design Guide documents available from the Council.

xviii Discretionary Activity - Verandas, Arrowtown Town Centre Zone (Refer also Assessment Matter xvii)

(a) The effect on the visual integrity and character of the streetscape.

(b) The design of the veranda. The construction of verandas should generally either be a simple skillion roof or bull nose with closed ends. Veranda posts should have a positive base detail which does not decrease in dimensions from the main support post. Veranda brackets are acceptable.

xix Discretionary Activity - Buildings, Arrowtown Town Centre Zone

(a) The extent to which the external appearance of any finished surfaces which are not natural materials are based on heritage colours.

(b) Whether the design of the ground floor frontage of the building maintains a sense of variety which is desirable in promoting diversity.

(c) The extent to which the ground and first floor facades of the building establish a strong relationship to pedestrians, and whether the ground floor appears accessible.

(d) The extent to which any building blends harmoniously with and contributes to the historic character of the town centre. New buildings do not necessarily need to replicate historic buildings styles. In this regard the following matters are considered important by the Council:

(e) **Building Form**

The extent to which building forms match the forms of the authentic historic buildings

- rectangular in plan form;
- main elevations facing the street;
- symmetrical in building form;
- only buildings on corners of Buckingham, Wiltshire and Berkshire Streets to have chamfered corners;
- overall form of the facade to be horizontal.

(f) **Roofing**

The extent to which roof design reflects the following:

(h) Roofs should generally be gabled structures either expressed or behind a parapet. Hips at the rear are acceptable.

(ii) Hipped roofs behind parapets are acceptable.

(iii) Expressed gables to the street should generally roof the whole building with a single gable. The proportion of expressed gable buildings to parapet buildings should generally not be greater than existing currently.

(iv) Pitches of roofs should generally be between 25 and 40 degrees and of verandas approximately 10 degrees.

(v) Schist buildings should generally have semi circular return parapets.

(g) **Exterior Materials and Finishes**

The choice of building materials and their finishes generally shall be:

- schist with lime mortar with or without a low percentage of cement for walls and chimneys, with a natural finish or finished with a lime, sand plaster and/or a natural limewash;
- painted timber rusticated or shiplap weatherboards for walls;
- painted corrugated steel for roofs and side walls;

- painted timber for roof and wall coverboards, baseboards, and boxed corners;
- painted timber windows, glazing bars, sills, and frames;
- painted timber door panels, stiles, mullions, rails, glazing bars, sills, and frames;
- natural or limewashed bricks for chimneys;
- painted timber architraves to doors and windows for timber clad houses;
- limes and rendered architraves may be applied to schist buildings;
- painted galvanised steel for gutters and downpipes;
- painted timber tongue and groove flat boarding for parapets and pediments;
- painted timber cornices, string courses and other decorative elements;
- smooth painted cement render;
- painted timber framing to verandas.

(h) **Details**

The symmetry of existing entrances to buildings generally should be continued, with symmetry of entrance elements preferred.

Decoration to the body of the building, if applied, generally should be simple and use Neo-Classical details such as cornices, pilasters and string course.

Buildings with horizontal, stepped or raking parapets to the street are encouraged. Segmental, triangular or composite pediments to the parapets are also encouraged. Parapets should generally extend across the entire face of the building, and generally be in the same plane as the front wall of the building. The parapet should be framed by timber coverboards.

Timber framed buildings generally should have timber corner coverboards or boxed corners. Timber architraves generally should be applied around doors and windows which are not shopfronts.

The restoration of gas lamps is encouraged on the authentic buildings which originally had these items.

The choice of windows is between the domestic scaled glazing and the shop front style of glazing. The existing window opening proportions of the authentic buildings generally should be followed for either type of glazing.

Doors and doorways generally should follow the existing authentic buildings in overall proportion, including toplights and location within the facade.

(i) **Facade Dimensions**

Proportions for parapet height to wall should be between 1:3 and 1:1.5. Pediments should be less than the height of the parapet.

Shopfront window proportions generally should be square and follow the existing general dimensions of authentic heritage buildings. Openings of non-shop front windows generally should be between 1:1.5 and 1:3 width to height.

xx Building Coverage

(a) The effect of any increase or decrease of building coverage in terms of the building's bulk and scale on the amenities of the adjoining area, and adjoining buildings;

(b) The extent to which the major part or important features of an historic building are to be retained in any development/redevelopment;

(c) The extent to which any increase in coverage will jeopardise the provision of pedestrian linkages;

(d) The scale of any existing buildings in the area and the effects of any further cumulative increases in coverage;

(e) Any likely requirements for additional parking and access that will be generated having regard to the existing provisions on the site and/or in the locality.

(f) The extent to which increased building coverage within land bounded by Hay, Beach, Lake, and Man Streets would have any adverse effects on adjoining residential properties in terms of dominance by buildings, loss of privacy, sunlight and day light and loss of opportunities for views.

xxi Historic Building Incentive

(a) The extent to which the historic building structure or facade is important to District heritage values.

(b) The extent to which the building is an important element in the character of the area and especially to streetscape and adjoining buildings.

xxii Retailing

(a) The effect of non-retail activity on adjacent retailing.

(b) Any likely adverse effects on street life of any non provision of retail frontage

(c) The visual impact on the street facade of any non-retail activities.

xxiii Street Scene

(a) The effect of any increased or reduced setback or lowered or increased facade height on the visual impression of the streetscape;

(b) The adequacy or provision of space for pedestrian movement;

(c) The effect of any setback proposed on the existing pattern, height and design of the building facades including, where applicable, the provision of continuous veranda cover to any pedestrian area;

(d) The provision of any type of landscaping in respect to any set-back requirement;

(e) Any adverse effects on traffic movements by vehicle, public transport or pedestrians in terms of the proposed setback;

(f) The impact of any increased or reduced setback, or lowering or raising of facade heights, or outdoor storage, on the appearance of the building and site from any public space;

(g) The compatibility of the building with scale, facade height and setback of adjoining buildings;

(h) Any other proposed or design features including the provision of street furniture to compensate for lack of building height or increased or reduced setback;

(i) The quality and features of the external appearance of proposed buildings;

(j) In Arrowtown, any particular effects of increased height above street facades on the integrity of the buildings within the zone.

xxiv Loading and Outdoor Storage

(a) The effect of any off-street loading or outdoor storage area on the visual amenity of the adjacent streets;

(b) The effect of any off-street loading or outdoor storage area on the coherence and character of the adjacent streets;

(c) The form, nature, type and servicing of any loading area and the effects of these on the surrounding locality.

xxv Setback from Internal Boundaries and Sunlight and Outlook of Adjoining Residential Zone Neighbours

(a) Any adverse impacts on the use and enjoyment of residential properties, particularly outdoor living spaces or main living areas of dwellings;

(b) The effect in terms of the area of adjoining land affected by increased shadowing and the number of properties involved;

(c) The visual effects of building height, scale and appearance, in terms of dominance and loss of privacy on adjoining properties;

(d) Any proposed landscaping provision adjacent to the boundary, and whether it would adversely effect or mitigate outlook from any affected residential property;

(e) The use to be made of any buildings adjoining residential properties.

xxvi Verandas

(a) The extent to which the veranda departs from a height above footpath level, measured to the underside of the veranda of between 2.5 m to 3.0 m and the effect of this on the general streetscape and the appearance of the subject building.

(b) The extent to which the veranda is compatible, in terms of coverage provided, with those on neighbouring buildings.

(c) The extent of footpath that may be exposed to adverse weather conditions if a veranda is not provided or if a continuing of veranda cover is not provided;

(d) The volume of pedestrian movement in the vicinity of the building concerned;

(e) The effect of any non provision of a veranda on the use, external appearance of adjoining buildings, and the continuity of the street facade;

(f) The effect on the streetscape in general, and the appearance of the building, of a veranda which is to be situated higher than 3m above the footpath levels;

(g) The effect on the use and enjoyment of the streetscape of any proposal to support the veranda by poles, columns or similar structural elements which extend from the ground to the veranda and which will be situated on the street.

(h) The effect of any veranda on the manoeuvring of vehicles adjacent to the kerb in the vicinity of the veranda.

xxvii Residential Activities

(a) The compatibility of the activity and the building design with surrounding retail outlets;

(b) The extent to which the development would compromise retail amenity, frontage and access;

(c) The extent to which the living environment of any residents would be adversely impacted on.

xxviii Flood Risk

(a) The likelihood of the proposed activity being threatened by flooding or ponding;

(b) The quantity of the assets that will be vulnerable to flooding as a result of the establishment of the activity;

(c) The extent to which the construction of the building will result in the increased vulnerability of other sites to flooding.

xxix Earthworks [TO BE DELETED VIA A SEPARATE COUNCIL PLAN CHANGE 49]

1. Environmental Protection Measures

(a) The extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.

(b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.

(c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.

(d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.

(e) Whether appropriate measures to control dust emissions are proposed.

(f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

2. Effects on landscape and visual amenity values

(a) Whether the scale and location of any cut and fill will adversely affect:

- the visual quality and amenity values of the landscape;
- the natural landform of any ridgeline or visually prominent areas;
- the visual amenity values of surrounding sites.

(b) Whether the earthworks will take into account the sensitivity of the landscape.

(c) The potential for cumulative effects on the natural form of existing landscapes.

(d) The proposed rehabilitation of the site.

3. Effects on adjacent sites:

(a) Whether the earthworks will adversely affect the stability of neighbouring sites.

(b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.

(c) Whether cut, fill and retaining are done in accordance with engineering standards.

4. General amenity values

(a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition

of sediment, particularly where access to the site is gained through residential areas.

(b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

(c) Whether natural ground levels will be altered.

5. Impacts on sites of cultural heritage value:

(a) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.

(b) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

Appendix 1e
Rules for Revised Transport Section

14.2 Transport Rules

14.2.1 Purpose

Ease of accessibility for people and goods by all modes of transport to all parts of the District is essential to the social, cultural and economic well being of the community. Accessibility is dependent on an efficient and safe transport network and the availability of safe and suitable loading and parking. Protection is provided for pedestrians on major traffic routes.

14.2.2 Activities

14.2.2.1 Permitted Activities

Any activity which complies with all the **Site Standards** specified below and is not listed as a **Controlled** or **Discretionary** Activity shall be a **Permitted Activity.**

14.2.2.2 Controlled Activities

The following shall be **Controlled Activities** provided they are not listed as a **Discretionary Activity** and comply with all the relevant **Site Standards.** The matter in respect of which the Council has reserved control and listed with each **Controlled Activity**:

i **Car Parking Areas in the Town Centre, Business, Industrial A, and Industrial B Zones, Ballantyne Road Mixed Use Zone, Corner Shopping Centre Zone and Activity Area 2 of the Kingston Village Special Zone.**

Car parking areas in respect of their access, location, landscaping, separation from pedestrians, compatibility with surrounding activities and method of provision in the Town Centre, Business, Industrial, Corner Shopping Centre Zones and Activity Area 2 of the Kingston Village Special Zone.

14.2.2.3 Discretionary Activities

The following shall be **Discretionary Activities:**

i **Car parking for Non-Identified Activities**
Car parking for any activity not identified in Table 1, and which is not a permitted or controlled activity within the zone in which it is located.

ii Any activity which does not comply with the following **Site Standards** shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.

14.2.3 Non-Notification of Applications

An application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Resource Management Act 1991, unless the Council considers special circumstances exist in relation to any such application.

i All applications for **Controlled** and **Discretionary** Activities.

14.2.4 Site Standards

14.2.4.1 Parking and Loading

i **Minimum Parking Space Numbers**
Activities shall provide on-site parking space in accordance with Table 1 **except for:**

(a) Activities in the Town Centre Zones, (excluding the Town Centre Transition sub-zone and the Town Centre Lakeview sub-zone), which shall be subject to the existing car parking requirements.

Table 1 - Parking Space Requirements

Note: GFA = Gross Floor Area
PFA = Public Floor Area

ACTIVITY	PARKING SPACES REQUIRED FOR: RESIDENTS/ VISITOR	STAFF/ GUEST
Residential units:		
High Density Residential (HDR) Zone and Queenstown Town Centre Lakeview sub-zone		
i. Subzone A- Queenstown & Wanaka; Subzones B, B1, C Queenstown only unless listed in ii below and the Queenstown Town Centre Lakeview sub-zone	1 per unit	none
ii. Queenstown Subzone B, C: Thompson St-Lomond Cres-Glasgow St; and Queenstown Subzone C: Vancouver Drive-Belfast Tce; Aspen Grove	1.25 per unit	0.25 per unit (1) (2) (3)
All Other Zones & Wanaka HDR Sub-zones B, C	2 per unit	none
Residential Flat	1 per residential flat	
Elderly Persons Housing	1 per residential unit	
Homestays and Registered Homestays	1 per bedroom used for homestay.	
Visitor Accommodation - unit type construction, (includes all units containing a kitchen facility, e.g. motels, cabins):		
Wanaka Low Density		
Residential Zone and Wanaka High Density Residential Subzones B&C	2 per unit	none
Queenstown Low Density Residential Zone and Queenstown High Density Residential Zone Subzone B, C: Thompson St-Lomond Cres-Glasgow St; and Subzone C: Vancouver Drive-Belfast Tce; Aspen Grove	1.25 per unit	0.25 per unit (1) (2) (3)
All Other Zones; HDR Subzone A; Queenstown HDR Subzones B, B1, C not listed above	1 per unit up to 15 units; thereafter 1 per 2 units. In addition 1 coach park per 30 units. (4)	1 per 10 units
Visitor Accommodation (guest room type construction, e.g. hotels)	1 per 3 guest rooms up to 60 guest rooms; thereafter 1 per 5 guest rooms. In addition 1 coach park per 50 guest rooms	1 per 20 beds
Visitor Accommodation (Backpacker Hostels)	1 per 5 guest beds. In addition 1 coach park per 50 guest rooms	1 per 20 beds
Queenstown Town Centre Lakeview sub-zone: Visitor Accommodation (unit type construction)	A maximum of 1 per unit up to 15 units, and a maximum of 1 per 2 units thereafter, for guests. In addition, a maximum of 1 per 10 units for staff. A minimum of 1 coach park is provided per 30 units.	
Queenstown Town Centre Lakeview sub-zone: Visitor Accommodation (guest room type construction)	A maximum of 1 per 3 guest rooms up to 60 guest rooms, and a maximum of 1 per 5 guest rooms thereafter.	

ACTIVITY	PARKING SPACES REQUIRED FOR: RESIDENTS/ VISITOR	STAFF/ GUEST
	A minimum of 1 coach park is provided per 50 units.	
Commercial Activities (except for the Queenstown Town Centre Lakeview sub-zone where there is no minimum parking requirement)	1 per 25m² GFA	
Comprehensive Residential Development within the Low Density Residential Zone – excluding Wanaka	1.25 per residential unit	0.25 per residential unit (1) (2) (3)
Wanaka	2 per residential unit	none
Industrial Activity		1 per 25m² area used for manufacturing, fabricating, processing, or packing goods plus 1 per 100m² storage space
Industrial Activity-Frankton		3 per 100m² GFA Workshop Area and for unit storage businesses 1 per 10 storage units
Meeting places and entertainment facilities	1 per 10m² PFA or 10 seats, whichever is greater	
Motor vehicle repair and servicing	1 per 25m² of servicing area plus 2 per establishment for heavy commercial vehicle parking	1 per 25m² workshop area.
Drive-through facility	5 queuing spaces per booth or facility	
Sports fields	20 per hectare of playing area plus 2 coach parks per hectare	
Hospitals	1 per 5 beds	2 per 5 beds
Health Care Services	2 per professional staff	1 per professional staff plus 1 per 2 other full time staff, or 1 per consulting room (whichever is greater)
Offices	1 per 50m² GFA	
Restaurants (except for in the Queenstown Town Centre Lakeview sub-zone)	1 per 25m² PFA	1 per 100m² PFA (2 minimum)
Taverns or Bars (except for in the Queensotwn Town Centre Lakeview sub-zone)	2 per 25m² PFA	1 per 100m² PFA (2 minimum)
Educational	1 per 10 students over 15 years of age.	1 per 2 staff.
Daycare facilities		1 per 10 children.
Rural selling places	3 for the initial 25m² GFA and outdoor display area; and thereafter 1 per 25m² GFA and outdoor display area.	
Home Occupation (in addition to residential requirements) (except for in the Queenstown Town Centre Lakeview sub-zone)	1 per home	
Community Care Activities	1 per 6 residents	1 per 6 residents
Service Stations	1 per 25m² of GFA used for retail sales, plus 2 per air hose, plus 3 queuing spaces per car wash	3 per station
Service Activities	1 per 100m²	1 per 100m²
Warehousing	Nil	1 per 50m² GFA plus 1 per 100m² outdoor storage area
Convention Centre	1 car park per 10 persons or 1 car park per 10 m^2 of public floor area, whichever is greater. In addition, one coach park per 50 people the site is designed to accommodate.	
Commercial Recreational Activities within the Lakeview sub-zone	1 carpark per 5 people the facility is designed to accommodate.	

Appendix 1f
Ancillary Amendments Rules

Ancillary Amendments to the Queenstown Lakes District Council District Plan

1. Additions to the Residential Chapter 7:

7.5.5.2 Site Standards –Residential Activities and Visitor Accommodation

i. Building Coverage

Add new exemption statement as follows:

This rule does not apply to the High Density Residential Zone Sub-Zone A that is contained within the Lakeview sub-zone. The building coverage control for the Lakeview sub-zone shall apply to this area.

iii. Setback from Roads

Add new exemption statement as follows:

In the case of the High Density Residential Zone Sub-Zone A contained within the Lakeview sub-zone, the minimum setback of any building from boundaries shared with Glasgow Street shall be 4.5 metres.

7.5.5.3 Zone Standards – Residential Activities and Visitor Accommodation

ii.(b) Building Coverage

Add new exemption statement as follows:

This rule does not apply to the High Density Residential Zone Sub-Zone A that is contained within the Lakeview sub-zone. The building coverage control for the Lakeview sub-zone shall apply to this area.

v.(a) Building Height

Add new exemption statement as follows:

(viii) Except this rule does not apply to the High Density Residential Zone Sub-Zone A that is contained within the Lakeview sub-zone. The maximum building height limits specified for this area will be in accordance with Figure 3: Lakeview sub-zone Height Limit Plan.

v.(b) Building Height

Add new exemption statement as follows:

(viii) Except this rule does not apply to the High Density Residential Zone Sub-Zone A that is contained within the Lakeview sub-zone. The maximum building height limits specified for this area will be in accordance with Figure 3: Lakeview sub-zone Height Limit Plan.

7.5.6.3 Zone Standards – Non-Residential Activities

ii. Building Coverage

Add new exemption statement as follows:

This rule does not apply to the High Density Residential Zone Sub-Zone A that is contained within the Lakeview sub-zone. The building coverage control for the Lakeview sub-zone shall apply to all non-residential activities located within this area.

iii.(a) Building Height

Add new exemption statement as follows:

(ix) Except this rule does not apply to the High Density Residential Zone Sub-Zone A that is contained within the Lakeview sub-zone. The maximum building height limits specified for this area will be in accordance with Figure 3: Lakeview sub-zone Height Limit Plan.

v.(b) Building Height

Add new exemption statement as follows:

(vii) Except this rule does not apply to the High Density Residential Zone Sub-Zone A that is contained within the Lakeview sub-zone. The maximum building height limits specified for this area will be in accordance with Figure 3: Lakeview sub-zone Height Limit Plan.

2. Addition to the Subdivision Chapter 15:

15.2.6.3 Zone Subdivision Standards – Lot Sizes and Dimensions

(i)(a) Lot Sizes

Amended supporting Table as follows:

Queenstown Town Cenre – including: • the Lakeview sub-zone; • the Isle Street sub-zones (West and East)	No Minimum – Controlled Activity

15.2.3.3 Discretionary Subdivision Activities

ix In the Queenstown Town Centre Lakeview sub-zone any subdivision which is not in general accordance with Figure 2: Lakeview sub-zone Structure Plan (and any departures from the Structure Plan provided for in site standard 10.6.5.1 (xiii)).

3. Changes to be made to the Definitions in the Queenstown Lakes District Plan

Convention Centre: means building(s) and their use for functions and may include auditorium(s), concert hall(s), lecture hall(s), meeting room(s), conference room(s), banquet room(s), exhibition space(s) and ancillary services. For the purpose of this definition, convention centres do not include visitor accommodation.

Predominant Use: means convention centre, visitor accommodation, commercial recreation and/or commercial tourist activities within the Lakeview sub-zone area, but excludes the existing Queenstown Municipal Camping Ground.

Ancillary Retail or Ancillary Commercial activity: means any retail or commercial use located within the Lakeview sub-zone that is on the same site as a predominant use (as defined) or building housing a predominant use, and whose use is incidental to that predominant use. The Ancillary Retail or Ancillary Commercial activities must be consented at the same time as the predominant use.

Examples include a restaurant or souvenir shop in association with a hotel or retail activity associated with a commercial recreation and or tourist activity.

4. Changes to be made to Volume 1 Appendix 13:

Appendix 13

Acoustic Insulation and Ventilation Requirements

The following table sets out the ventilation requirements within the airport Outer Control Boundary (OCB) and Air Noise Boundary (ANB) and applies to specific activities in the Queenstown Town Centre zone.

APPENDIX 2
Summary of the Decisions Requested and Further Submissions Received

SUMMARY OF DECISIONS REQUESTED FOR PLAN CHANGE 50 – QUEENSTOWN TOWN CENTRE ZONE EXTENSION

INCLUDING PRIMARY AND FURTHER SUBMISSIONS

Michael Legge

Submission Number	Position	Topic	Decision Requested
50/01/01	Oppose	Plan Change itself	Plan Change will result in environmental and visual damage of high rise approach, will turn town into surfers paradise. Request an understanding that plan change can be scrapped by future councils (or by ratepayer referendum).

Further Submissions	
Submission Number	**Submitter**
F50/49/08	Remarkables Jet Limited (support)

Phebe Darkin

Submission Number	Position	Topic	Decision Requested
50/02/01	Oppose (in part)	Affordable Housing	Submitter is owner of Cabin 112 at Lakeview Holiday Park, and considers that concession will need to be made with regard to housing issues. A large number of families and people could be displaced with resulting pressure on an already tight rental market. Submitter fearful that she will not be able to afford a market rental in Queenstown. Great potential for the plan change to have a very negative social impact if this process is not handled sensibly and sympathetically.
50/02/02		Cabins	Requests that Cabin owners remain on site through extension of lease where they are not affected by development process.

Reid Investment Trust

Submission Number	Position	Topic	Decision Requested
50/03/01	Support (in part)	Town Centre Transition Sub-Zone	Submitter supports deletion of paragraphs explaining the Town Centre Transition Sub-Zone (TCTSZ) in section 10.2.2, however requests subsequent changes to the TCTSZ as a result of PC50.

Further Submissions	
Submission Number	**Submitter**
F50/10/01	BSPL (support)
F50/24/01	John Thompson (oppose)
F50/49/07	Remarkables Jet Limited (support)

50/03/02	Support	Isle Street sub zone	Submitters supports the rezoning of Isle Street Sub Zone and Beach Street Blocks.

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/02	BSPL (oppose)	
	F50/49/07	Remarkables Jet Limited (support)	
50/03/03	Oppose	Lakeview sub zone	Submitter opposes the rezoning of Lakeview sub-zone, and seeks deletion of Lakeview sub-zone (both in maps and reference to the Lakeview sub-zone in the text).
	Further Submissions		
	Submission Number	**Submitter**	
	F50/46/07	Remarkables Jet Limited (support)	
50/03/04	Oppose	Town Centre Transition Sub-Zone	The submitters land is controlled by the provisions of the TCTSZ. If PC50 is to be adopted, the submitter seeks that the TCTSZ be deleted and seeks the following relief relating to the TCTSZ: 1. 10.2.2 - Remove reference to the TCTSZ. 2. Rule 10.6.5.1(i)(b) (Building coverage) - delete subsection (b) in its entirety. 3. Rule 10.6.5.1(iv)(c)(Street scene) - delete subsection (c) in its entirety. 4. Rule 10.6.5.1(vii)(c) (Residential Activities) - delete the word “except that” at the end of paragraph (c) and delete the entirety of the following bullet point relating to the TCTSZ. 5. Rule 10.6.5.1(xi)(a) and (b) (Building height and façade) - delete subsections (a) and (b) in entirety 6. Rule 10.6.5.1(xii) (Premises licensed for the Sale of Liquor) - delete this rule in its entirety. 7. Rule 10.6.5.2(i)(a)(Building and Facade Height) - delete the fourth, fifth and sixth bullet points in their entirety. 8. Rule 10.6.5.2(ii)(b)(Noise) - delete reference to the TCTSZ. 9. Rule 10.10.2(v)(Assessment Criteria) -delete entire criterion (relating to Visitor Accommodation in the TCTSZ). 10. 10.10.2(vii)(b)(Assessment Criteria) - delete sub clause (b) relating to the TCTSZ. 11. 14.2.4.1(i) (Minimum Parking Space Numbers) - delete reference to the TCTSZ.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/24/01	John Thompson (oppose)	

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/27/14	Man Street Properties (support)	
	F50/28/14	Any Old Fish Company (support)	
	F50/26/14	The Dairy Guest House (support)	
	F50/49/07	Remarkables Jet Limited (support)	

David Odell

Submission Number	Position	Topic	Decision Requested
50/04/01	Oppose	Plan Change itself	Submitter opposes the plan change for rezoning and high density development and seeks that Lakeview site should be excluded from high density development.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/03	BSPL (oppose)	
50/04/02		Traffic, Parking and Infrastructure	Plan change will only compound traffic and parking problems.
50/04/03		Growth Limits	Submitter proponent of growth limits applied successfully in areas such as Aspen and Boulder.
50/04/04		Lakeview sub zone	Submitter considers that Lakeview site should be utilised as another park.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/04	BSPL (oppose)	
50/04/05		Frankton Business Area	The idea that the town centre is at risk due to development at Frankton has no merit.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/05	BSPL (oppose)	
50/04/06		Existing Town Centre	Existing town centre should be beautified, and supported with a parking friendly centre with areas of recreational open space.

Submission Number	Position	Topic	Decision Requested
50/04/07		Affordable Housing	The existing cabins provide an important source of housing that already exists, for families trying to live and work in Queenstown. The plan change will displace people, including families, elderly and disabled and fledgling business owners.
50/04/08		Cabins	Campground and cabins provide income. Cabin leases should be extended and cabins renovated.
50/04/09		Convention Centre	Submitter considers that Lakeview site should be developed as a park and parking instead of a convention centre and considers that the private sector should build the hotel/convention centre by the airport where there is more room, parking and no taxpayer risks. The Council should consider other options.

Daniela Bagozzi

Submission Number	Position	Topic	Decision Requested
50/05/01	Oppose	Heritage	Many of the cabins on this site have heritage value, represent a link with the past of Queenstown as a family holiday resort and represent a tourist attraction. The submitter is the holder of a Licence to Occupy for Cabin 151 Earnslaw Terrace (let as worker accommodation). This cabin does not have of itself heritage value, but most of the surrounding ones do. The income I derive from this cabin is negligible, and does not determine my views. Submitter requests that the Cabins and Cribs be allowed to stay.

Further Submissions	
Submission Number	**Submitter**
F50/10/06	BSPL (oppose)

50/05/02		Cabins	The cabins provide a return to QLDC through Ground Rent (with submitter paying $5400 p.a.)
50/05/03		Convention Centre	Too many cities and holiday resorts have built (and some are still considering building) large Convention Centres, which prove very expensive for the local authority funding or subsidising them. International trends suggest there is no need for more convention centres. The submitter requests that no convention centre be built.
50/05/04		Traffic, Parking and Infrastructure	Submitter considers that more infill housing and/or high rise buildings in Queenstown (be they residential or hotel developments), add to infrastructure, traffic management and other costs. The submitters requests that a moratorium be placed on new high rise buildings in Queenstown.

Further Submissions	
Submission Number	**Submitter**
F50/10/07	BSPL (oppose)

David Stringer

Submission Number	Position	Topic	Decision Requested
50/06/01	Oppose (in part)	Cabins	The submitter is opposed to the removal of 'Kiwiana' cribs/batches on Antrim Street and Earnslaw Street and seeks Antrim Street and Earnslaw Street cribs/baches be retained by partial exclusion of zone extension over this part of Lakeview site.

Further Submissions	
Submission Number	**Submitter**
F50/10/08	BSPL (oppose)

Tai Ward-Holmes

Submission Number	Position	Topic	Decision Requested
50/07/01	Oppose (in part)	Cabins	The submitter is opposed to the removal of 'Kiwiana' cribs/baches on Antrim Street and Earnslaw Street and seeks Antrim Street and Earnslaw Street cribs/baches be retained by partial exclusion of zone extension over this part of Lakeview site.

Further Submissions	
Submission Number	**Submitter**
F50/10/08	BSPL (oppose)

Robins Road Limited

Submission Number	Position	Topic	Decision Requested
50/08/01	Oppose (in part)	Expansion of Plan Change boundary	The submitter considers that the plan change does not, on balance, rigorously analyse options to alleviate the issues associated with the identified shortage of land zoned as "Town Centre" and that plan change should have included the Gorge Road and Robins Road corridors and their ability to accommodate mixed use zoning. Seeks amendment of PC50 to include all areas on the periphery of the Town Centre Zone so that properly developed mixed use zones can be established as a whole for areas that include commercial and mixed use

Submission Number	Position	Topic	Decision Requested
			activity in close proximity to the CBD.

Further Submissions	
Submission Number	**Submitter**
F50/10/09	BSPL (oppose)
F50/35/04	Kelso and Chengs (support/part)
F50/49/04	Remarkables Jet Limited (support)

50/08/02		Inadequate Consultation	The failure to consider areas on the periphery is highlighted by the failure to consult with parties in these areas. The consultation boundaries are considered to be constrained and as such, submitter considers that a failure to consultation has occurred.

Further Submissions	
Submission Number	**Submitter**
F50/49/04	Remarkables Jet Limited (support)

D J and E J Cassells

Submission Number	Position	Topic	Decision Requested
50/09/01	Oppose (in part)	Traffic, Parking and Infrastructure	The submitter has raised general concerns relating to traffic and parking and has reserved the right to oppose this aspect of the proposed plan change

Further Submissions	
Submission Number	**Submitter**
F50/49/06	Remarkables Jet Limited (support)

50/09/02		Scale, Height and Density	The submitter has raised general concerns relating to the scale, height and density and has reserved the right to oppose this aspect of the proposed plan change.

Further Submissions	
Submission Number	**Submitter**
F50/49/06	Remarkables Jet Limited (support)

50/09/03		Convention Centre	The submitter has raised general concerns relating to the convention centre and Lakeview proposal and queries the justification and nature of this part of the plan change. Submitter wishes to reserve the right to oppose this aspect of the proposed plan change.

	Further Submissions		
	Submission Number	**Submitter**	
	F50/49/06	Remarkables Jet Limited (support)	
50/09/04		Inconsistent with Queenstown Town Centre Zone	The submitter has raised general concerns that the plan change will be inconsistent with the nature and amenity of the CBD and Queenstown. Submitter wishes to reserve the right to oppose this aspect of the proposed plan change.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/49/06	Remarkables Jet Limited (support)	

Brecon Street Partnership Ltd

Submission Number	**Position**	**Topic**	**Decision Requested**
50/10/01	Support (in part)	Plan Change itself	PC50 is supported, in part, as it is broadly appropriate to provide for the continued strategic development of Queenstown as the centre of the District into the future by way of appropriate intensification on land that is: (i) well connected and within easy working distance of existing centre; and (ii) sufficiently set back from that core area that it can accommodate greater development height and intensity without significantly impacting upon the intimate character area.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/27/01	Man Street Properties (support/part)	
	F50/28/01	Any Old Fish Company (support/part)	
	F50/26/01	The Dairy Guest House (support/part)	
50/10/02		Lakeview sub zone - Height	PC50 is, in places, unjustifiably conservative and does not reflect a successful balancing of the need to maximise the potential efficiency of land. No sound resource management, environmental effects, effectiveness or efficiency, urban design or town planning grounds to promote building heights of up to 26m in height within that part of the Lakeview sub-zone that relates the most poorly to the existing town centre "core", while suppressing the potential of that part of the sub-zone that is closest to the existing "core" to accommodate buildings to a similar or even greater height.

Submission Number	Position	Topic	Decision Requested
			The submitter seeks that PC50 be amended including relevant provisions and diagrams to allow building heights up to seven habitable storeys on the site at 34 Brecon Street, and any such similar increase in maximum building heights between that site and the proposed sub-zone "peak" of 26m, and incorporate complementary bulk and location requirements so as to maintain suitable amenity on adjacent sites.

Further Submissions	
Submission Number	**Submitter**
F50/27/01	Man Street Properties (support/part)
F50/28/01	Any Old Fish Company (support/part)
F50/26/01	The Dairy Guest House (support/part)

50/10/03		Cemetery Road	Seeks that the Plan Change be amended to provide for the placement of Cemetery Road in the eastern part of the structure plan as a permitted activity (should such improvements be agreeable between the relevant land owners and the Council at the time of development).
50/10/04		Rules	The submitter supports, in part, the following relevant provisions: (i) Figure 2: Lakeview sub-zone Structure Plan; (ii) 10.6.5.1(xiii); (iii) 10.6.5.1(xiv). Cemetery Road currently follows a dog-leg shape from the intersection of Brecon and Isle Streets upwards to the proposed Hay Street extension. More logical outcome to promote a legible development if, through a land-swap process, Cemetery Road was able to follow a direct and straight route from the proposed Hay Street extension along the northern edge of the sub-zone and adjoining the cemetery boundary. Seeks amendments to the Structure Plan, and/or amend clauses 10.6.5.1(xiii) and 10.6.5.1(xiv) to allow these to happen as permitted activities.
50/10/05		Rules	The submitter supports, in part, the following relevant provisions: (i) Figure 2: Lakeview sub-zone Structure Plan; (ii) Figure 3: Lakeview sub-zone Height Limit Plan; (iii) 10.6.3.3; (iv) 10.6.4; (v) 10.6.5.1(i)(d); (vi) 10.6.5.1(xi)(d); (vii) 10.6.5.1(xi)(f);

Submission Number	Position	Topic	Decision Requested
			(viii) 10.10.2. Seeks amendments to the height limit plan to provide for buildings at 34 Brecon St up to 19m as a controlled activity, and amend 10.6.3.3, 10.6.4, and/or 10.6.5.1(xi)(d) so as to provide, as a non notified restricted discretionary activity, buildings up to 24m height. Discretion would be restricted to the relevant matters for the Lakeview sub-zone set out in 10.2.2, and ensuring the additional building height is designed to be visually recessive and add visual interest to the remainder of the building. An alternative to this is to set the restricted discretionary height limit at 22.5m provided that 10.6.5.1(xi)(f) was also amended so as to allow habitable space inside the 2m roof bonus, and in consequence specify that roof plant may exceed this provided that it is no greater than an additional 3m in height, is no greater than $40m^2$ in area, and is located at least 10m from any road boundary.

Further Submissions	
Submission Number	**Submitter**
F50/38/01	Queenstown Gold Ltd (oppose)

50/10/06		Rules	Amend Clause 10.6.5.1(i)(d) so that any building height greater than 19m at 34 Brecon St must comply with a maximum building coverage of 70%.
50/10/07		Rules	Amend the Structure Plan and Height Limit Plan to add a building setback of 17m from the existing southern boundary of the cemetery, applying to all building height above 15m (note: in the event that Cemetery Road was realigned in accordance with other submission points, all buildings would need to be clear of that road from the ground and no further setback would be required unless the road was narrower than 17m).
50/10/08		Rules	Amend Clause 10.6.5.1(xiv)(a)(d) to specify a minimum 3.5m ground floor floor-to-ceiling height limit so as to remove the uncertainty that exists around interfloor and service height in a floor-to-floor requirement, and ensure the most efficient possible use of space.

Queenstown Chamber of Commerce

Submission Number	Position	Topic	Decision Requested
50/11/01	Support	Convention Centre	The submitter agrees that the construction of a Convention Centre is important to diversifying the current economic base, providing for additional visitors

Submission Number	Position	Topic	Decision Requested
			outside of the seasonal peaks of summer and winter, and supporting the existing businesses in the District.
50/11/02		Convention Centre	The submitter supports the proposed Plan Change, and the location of the proposed Convention Centre at the Lakeview site.

Further Submissions	
Submission Number	**Submitter**
F50/49/01	Remarkables Jet Limited (support/part)

50/11/03		Impacts Upon Existing Town Centre	Seeks to strategically stage the release of commercial capacity so it does not compete with the existing Queenstown CBD, this may be undertaken by a "health check" type provision to be included as part of the Plan Change as has been included in the "3 Parks Plan Change" in Wanaka to protect the Wanaka CBD.

Further Submissions	
Submission Number	**Submitter**
F50/10/10	BSPL (support)
F50/35/05	Kelso and Chengs (support/part)
F50/49/01	Remarkables Jet Limited (support/part)

50/11/04		Existing Town Centre	Support amendment of the existing provisions of the Town Centre to provide for PC50 as opposed to the creation of a new special zone.
50/11/05		Pedestrian Links	Support the well-resourced provision of quality connections and the use of urban design techniques to ensure the connections between the PC50 area and the existing CBD, however, ensure that adequate resources are afforded to the development of quality urban design and attractive and safe pedestrian linkages to the existing town centre from the site

Further Submissions	
Submission Number	**Submitter**
F50/10/11	BSPL (support)

Alan Bunting

Submission Number	Position	Topic	Decision Requested
50/12/01	Oppose (in part)	Isle Street sub zone	The submitter objects to the proposed height limits proposed within the Isle Street sub-zone, due to concerns relating to loss of sun (which will cause

Submission Number	Position	Topic	Decision Requested
			shading in winter and summer) and seeks the retention of the existing High Density Residential Zone height limit (7 metre height limit), so as to mitigate the loss of sun and protect some of the best views of Queenstown.

Further Submissions	
Submission Number	**Submitter**
F50/10/12	BSPL (oppose)
F50/27/02	Man Street Properties (oppose)
F50/28/02	Any Old Fish Company (oppose)
F50/26/02	The Dairy Guest House (oppose)

50/12/02		Isle Street sub zone	The submitter objects to the proposed site coverage and setbacks within the Isle Street sub-zone and seeks that site coverage be increased to 60% and that setbacks should be provided off all boundaries.

Further Submissions	
Submission Number	**Submitter**
F50/27/02	Man Street Properties (oppose)
F50/28/02	Any Old Fish Company (oppose)
F50/26/02	The Dairy Guest House (oppose)

50/12/03		Rates	The submitter objects to the increase in rates as a consequence of the change of town centre zoning and seeks that if a property within the Isle Street sub-zone for residential purposes that the rates be the same as High Density Residential formula.

Further Submissions	
Submission Number	**Submitter**
F50/27/02	Man Street Properties (oppose)
F50/28/02	Any Old Fish Company (oppose)
F50/26/02	The Dairy Guest House (oppose)

50/12/04		Isle Street sub zone	The submitter objects to the fact that no provision is made for on site parking within the Isle Street sub-zone, and seeks that on site parking be provided for retail, office, visitor accommodation and residential accommodation and requests that parking should be the same as the existing High Density Residential Zone.

Submission Number	Position	Topic	Decision Requested
		Further Submissions	
	Submission Number	**Submitter**	
	F50/27/02	Man Street Properties (oppose)	
	F50/28/02	Any Old Fish Company (oppose)	
	F50/26/02	The Dairy Guest House (oppose)	
50/12/05		Isle Street sub zone	The submitter objects to the potential noise from bars-restaurants and night clubs and requests that these activities not be provided for within the Isle Street sub-zone and that this is reinforced by a prohibited activity for all bars, night clubs and restaurants.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/27/02	Man Street Properties (oppose)	
	F50/28/02	Any Old Fish Company (oppose)	
	F50/26/02	The Dairy Guest House (oppose)	

Louise Wright

Submission Number	Position	Topic	Decision Requested
50/13/01	Support (in part)	Isle Street sub zone - Height Provisions	The submitter supports PC50, generally, however has concerns with the Site Standards supporting the Isle Street sub-zone. The submitter considers that within the Isle Street sub zone the combination of 12m height limit in conjunction with the proposed site restrictions dictates unusual built form. Dominated by the recession planes the resultant forms are asymmetrical and truncated. The submitter considers that combined sites (eg 21-23 Isle Street) give rise to aggregated forms being low, squat and again truncated edges on 3 sides and aggregate forms like this can be seen in Tauranga / Mt Maunganui. The resulting rooflines are more a reflection of the shading protections than of any character or quality in the built form. The roof bonus is marginally beneficial on single sites due to the overriding restriction on built form above 5m in height. Combined sites is encouraged by these rules to increase economic floor areas. The increase in height in this zone, combined with the restrictive planes may not provide upper level spaces of any economic merit or visual quality. No parking on the front boundaries may give rise to 3m driveway gaps to access rear parking areas.

50/13/02	Support (in part)	Isle Street sub zone - Height Provisions	Grant Plan Change 50, however amend Site Standards as follows: 1. Consider qualitative volumetric controls as opposed to maximum height limits, setbacks and recession planes. Qualitative volumetric controls should allow for higher height limits for developments that provide lower site coverage and quality forms that afford sunlight access and quality built form; or 2. Remove sunlight recession plane restrictions; 3. Provide for a variation over proposed height limits for quality developments. 4. Provide Appendix 4 diagrams.

Further Submissions	
Submission Number	**Submitter**
F50/10/13	BSPL (support)
F50/27/03	Man Street Properties (support)
F50/28/03	Any Old Fish Company (support)
F50/26/03	The Dairy Guest House (support)

Alan and Marie Brown

Submission Number	Position	Topic	Decision Requested
50/14/01	Oppose	Scale, Height and Density	The submitter strongly opposes the height increase proposed in Man Street and directly against higher ground, eg the camping ground - Gorge Road.

Further Submissions	
Submission Number	**Submitter**
F50/27/04	Man Street Properties (oppose)
F50/28/04	Any Old Fish Company (oppose)
F50/26/04	The Dairy Guest House (oppose)

New Zealand Institute of Architects – Southern Branch

Submission Number	Position	Topic	Decision Requested
50/15/01	Support (in part)	Use of Community Reserve Land	The submitter raises concerns relating to the use of community reserve land and displacement of affordable housing. The lack of objectives in the proposed plan change for use as affordable housing, community services or community amenity is of concern on reserve and community land.

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/49/02	Remarkables Jet Limited (support)	
50/15/02		Affordable Housing	The lack of objectives in the proposed plan change for use as affordable housing, community services or community amenity is of concern on reserve and community land. The submitter therefore request that 30 percent of any residential uptake on reserve and council owned land be for community housing.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/49/02	Remarkables Jet Limited (support)	
50/15/03		Need for Plan Change	The submitter raises concerns relating to the need for the plan change and notes that there appears to be no analysis of existing empty office space or land in the town centre, given that there appears to be office space within the town centre still to be built or empty. The submitters concern is that the expanded area of the town centre is too large as proposed and will grossly undermine the existing town centre.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/14	BSPL (support)	
	F50/49/02	Remarkables Jet Limited (support)	
50/15/04		Convention Centre	The submitter considers that the location of the conference centre is too far from the town centre for walking and the associated commercial activity will struggle.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/15	BSPL (support)	
	F50/49/02	Remarkables Jet Limited (support)	
50/15/05		Assessment Matters	The submitters states that the plan change proposes to add additional objectives and policies to the Queenstown town Centre Objectives around achieving quality urban design and building design.

Submission Number	Position	Topic	Decision Requested
			The submitter seeks that the proposed assessment matters addressing urban design outcomes be replaced with one assessment matter which requires an urban design panel review mechanism In the Council's Urban Design Strategy it states that every council project should be the subject of Urban Design Review by the panel. Introduce new assessment matter as follows: " A positive review by the QLDC Urban Design Panel".

Further Submissions	
Submission Number	**Submitter**
F50/24/02	John Thompson (oppose)
F50/49/02	Remarkables Jet Limited (support)

Maximum Mojo Holdings Limited

Submission Number	Position	Topic	Decision Requested
50/16/01	Support (in part)	Isle Street sub zone	The submitter supports and wishes PC50 to be approved, however, this support is conditional upon two key factors. Firstly, that the proposed Lakeview Sub-Zone is not confirmed unless the proposed Isle Street Sub-Zone is also confirmed. Without the Isle Street Sub-Zone, the Lakeview Sub-Zone would be an isolated piece of commercial zoning, separate from the QTCZ. Both sub-zones are intricately linked in terms of the appropriate expansion of the QTCZ. The submitter believes that the sub-zones cannot be separated. Secondly, whilst a rigorous planning, architectural and urban design analysis has been given to the Lakeview Sub-Zone, the submitter considers that the same level of detailed assessment (from the same disciplines prescribed above) should occur for the Isle Street Sub-Zone. The Isle Street Sub-Zone has to be controlled and developed in a matter befitting its important location next to, and overlooking the QTCZ.

Further Submissions	
Submission Number	**Submitter**
F50/10/16	BSPL (support)
F50/24/03	John Thompson (support/part)
F50/60/01	Berry & Co (support)

Submission Number	Position	Topic	Decision Requested
50/16/02		Isle Street sub zone	For a number of practical reasons, the two rectangular shaped blocks located to the north of Man Street (within the Isle Street Sub-Zone) should both included in the expansion of the QTCZ. These reasons include: 1. The re-zoning of the area would constitute a natural progression of the town centre. 2. This area is located between commercial and non-residential activities in all directions. 3. There is a non-residential focus in this area at present due to the existence of the nearby QTCZ to the south, Commercial Precincts to the north, large pedestrian movements to and from the Gondola and the Council's camping ground. If approved, the Lakeview Sub-Zone will considerably add to the commercial focus in this location. 4. The existing commercial and non-residential uses already undertaken from this area. 5. The decreasing residential population as commercial and visitor accommodation activities increase in numbers. 6. The location of this area next to the large 24 hour commercial car parking building.

Further Submissions	
Submission Number	**Submitter**
F50/60/02	Berry & Co (neutral)

50/16/03		Isle Street sub zone - Height Provisions	Whilst the 12m height limit is considered appropriate, more detailed work needs to be undertaken as to the potential loss of outlook from a number of properties. This assessment should also take into consideration the existing height rules - which will have some effect on removing views from a number of properties. The submitter also believes that with a number of reasonably narrow sites within the Isle Street Sub-Zone, buildings will struggle to gain 12m in height due to the proposed recession planes. The 2m roof bonus will become redundant for many sites. the submitter believes further assessment should be undertaken by the Council in terms of the exact makeup of the presently proposed recession planes, especially considering the mixed use of the Isle Street Sub-Zone. The submitter believes that the recession planes should either be scrapped and another design solution put forward, or the angle/height of the recession planes are relaxed. Whilst recession planes have some benefits, many properties will not be able to maximise the 12m height limit at all, or alternatively, oddly shaped/slanted buildings will occur under the presently proposed rule.

Submission Number	Position	Topic	Decision Requested
		Further Submissions	
	Submission Number	**Submitter**	
	F50/24/04	John Thompson (support/part)	
	F50/60/03	Berry & Co (support)	
50/16/04		Isle Street sub zone - Building Setbacks	The submitter acknowledges that internal setbacks will have some benefit of allowing natural light to penetrate into a building or buildings. However, the proposed internal setbacks could create small narrow tunnels between sites, which will most likely end up as dead or redundant space. The submitter also considers that the internal setbacks will disrupt the continuity of the road frontages within the Isle Street Sub-Zone. The submitter considers that further consideration should be given to demonstrate the effectiveness and appropriateness of the internal setbacks, especially when taking into account fire rating issues as prescribed under the Building Act 2004.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/10/17	BSPL (support/part)	
	F50/24/05	John Thompson (support)	
	F50/60/04	Berry & Co (support)	
50/16/05		Isle Street sub zone	The submitter believes that further and substantial assessment needs to occur in relation to the provisions that apply to the Isle Street Sub-Zone. This is especially the case if the Council truly wants to create a high quality urban mixed use environment.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/10/16	BSPL (support)	
	F50/60/05	Berry & Co (support)	

Christopher Mace and Queenstown Trust

Submission Number	Position	Topic	Decision Requested
50/17/01		Lakeview sub zone	The Submitter is the owner of 15 Brunswick Street and the Trust owns 3, 5, 9 and 11 Brunswick Street. The Submitter seeks that Council ensures that Plan Change 50 contains adequate provisions and controls to ensure

Submission Number	Position	Topic	Decision Requested
			that: (a) The proposed roading network in the Lake View sub-zone can efficiently and safely cater for the increased traffic arising from the proposed expansion of the CBD. The current corner between Man Street and Thomson Street to the northwest of the submitter's landholdings may well prove unsafe and inefficient in dealing with increased traffic flows. The proposed Lake View Structure Plan indicates that this roading alignment will not now be altered (as previously proposed). (b) Sufficient car parking will be provided within the wider area proposed to be zoned Town Centre, to avoid traffic or parking congestion or other adverse amenity impacts on residential neighbours. (c) Development of the land zoned reserve for hot pools (or other uses) will be subject to detailed controls to avoid any adverse effects on neighbouring residential properties including noise, light, odour and traffic. This contemplated change of use has potential for adverse effects including noise, shadowing, light spill, odour, visually bland or dominant buildings, walls and fences and effects arising from pedestrian and vehicle entrance arrangements. It will be important that the planning framework addresses these matters, ensuring that activities on this site appropriately avoid, remedy or mitigate any such offsite effects.
50/17/02		Lakeview sub zone	The submitter requests the following relief: (a) That the Lake View Structure Plan incorporate an appropriate realignment of Thompson Street to create a more safe and efficient road environment for that road and its intersection with Man Street; (b) That the Decision on Plan Change 50 be based on evidence that the roading network, public parking provision and on-site parking rules are adequate to accommodate the land use activities proposed and protect the amenity of neighbouring residences; (c) That the rules for the reserve land proposed to front Thompson Street in the Lake View Structure Plan relating to noise, light spill, vehicle and pedestrian access, odour and building, wall and fence controls be strengthened as necessary to protect the amenity of nearby residential properties and public places is appropriately protected; (d) That noise rules for the wider zone be strengthened as necessary to ensure the amenity of properties and public places within and beyond the zone is appropriately protected. (e) Such other relevant planning controls, requirements or remedies in relation to protection of neighbouring residential amenity as may arise once detailed evidence in support of the Plan Change has been heard.

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/34/01	Ngai Tahu Tourism (oppose)	

Marjory Pack and John Allan

Submission Number	Position	Topic	Decision Requested
50/18/01	Oppose (in part)	Isle Street sub zone	The submitters own 16 Isle Street, which lies within that part of Isle Street Sub Zone. The submitters oppose the rezoning of their land to Isle Street sub-zone given the residential character of the area and the level of amenity they currently enjoy. However, in the event that the land is rezoned, they seek amendments to the proposed rules, site and zone standards and include the following: 1. Rezoning 2. S32 Report 3. Policy 2.1: Amenity 4. Policy 3.2: Built Form 5. 10.2.4 – Proposed Policy 1.2 6. 10.2.4 – Proposed Policy 1.5 7. 10.2.4 – Objective 4 5 8. 10.6.3.2 – i Buildings located in the town centre 9. 10.6.3.2 - iii Premises Licensed for the Sale of Liquor 10. 10.6.3.2 – iv Visitor Accommodation 11. 10.6.4 – Non-Notification of Applications 12. 10.6.5 – i Building Coverage 13. 10.6.5 – iv Street Scene 14. 10.6.5 – vii Residential Activities 15. 10.6.5 – xi Building and Façade Height (i) Recession Planes 16. 10.6.5 xv Premises Licensed for the Sale of Liquor in the Lakeview sub-zone and the Isle Street sub-zone. 17. 10.6.5.2 I Building and Façade Height 18. 10.6.5.2 ii Noise 19. 10.6.5.2 iv Retail Activities in the Lakeview sub-zone and the Isle Street sub-zone.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/18	BSPL (oppose)	
50/18/02		Adequacy of Section 32 report	The s32 report also contains broad statements such as ‘the changes are appropriate’ and ‘that benefits outweigh the costs’ without fully analysing the costs and benefits. This does not fulfil the requirements of s32 and the submitters consider that that has led to the potential effects and implications of the rezoning not

Submission Number	Position	Topic	Decision Requested
			being fully considered.
50/18/03		Isle Street sub zone - Objectives and Policies	The proposed amendment to the wording of Policy 2.1 is supported and seeks retention of this policy as notified. The proposed amendment to the wording of Policy 3.2 is supported and seeks retention of this policy as notified. That proposed Policy 1.2 be deleted, or the proposed Policy 2.1 is rewritten to provide greater clarity on the meaning of the word 'suitable'. Introduce the following objective and policies: *"Proposed Objective 4* *A high quality, attractive environment within the Isle Street sub-zone where visitor accommodation, high density residential and small scale commercial activities will be the predominant use, and development will be sensitive to existing residential activities.* *Policy 4.1* *To provide a mixed use environment by enabling the establishment of the following activities:* *· Small scale commercial activities;* *· high quality visitor accommodation; and* *· well-designed high density residential activities.* *Proposed Policy 4.2* *To achieve an urban environment and a built form that responds to the site's location and creates an attractive, vibrant and liveable environment that is well connected with the adjoining town centre.* *Proposed Policy 4.3* *To develop a desirable place to visit, live and work by requiring a high quality of built form and landscaping, which will contribute to the visual amenity of the area and acknowledge the changing character and amenity of the Isle Street sub-zone.* *Proposed Policy 4.4* *To enable the establishment of small scale commercial activities to meet demand for growth within the Queenstown town centre area, and to avoid the development of large scale retail activities."*

Further Submissions	
Submission Number	**Submitter**
F50/24/06	John Thompson (oppose/part)
F50/27/13	Man Street Properties (support/part, oppose/part)
F50/28/13	Any Old Fish Company (support/part, oppose/part)

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/26/13	The Dairy Guest House (support/part, oppose/part)	
50/18/04		Transport Section - Objectives and policies	That the wording of Policy 4.15.1 remains unchanged.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/24/07	John Thompson (oppose)	
50/18/05		Rules	Amend 10.6.3.2 Controlled Activities i as follows: *"i Buildings located in the town centre outside the special character area and outside of the Lakeview sub-zone* *Buildings in respect of design, appearance, signage and servicing requirements within the Isle Street sub-zone, ~~(which may include directional street maps for buildings, and servicing requirements within the Isle Street sub-zone)~~, lighting, materials and impact on the streetscape. (Refer District Plan Map No. 36.)"* That the following rule be included in the Plan: *"10.6.3.2 Controlled Activities* *iii Premises licensed for the Sale of Liquor within the Isle Street sub-zone* *(c) Premises within the Isle Street sub-zone which are licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 7am and 11pm with respect to the scale of the activity, car parking, retention of amenity, noise and hours of operation. This rule shall not apply to the sale of liquor.* *• To any person who is living on the premises;* *• To any person who is present on the premises for the purpose of dining."* *10.6.3.3 Discretionary Activities* *"(v) Premises licensed for the Sale of Liquor within the Isle Street sub-zone* *Premises within the Isle Street sub-zone which are licensed for the sale of liquor* *under the Sale of Liquor Act 1989, for the consumption of liquor on the premises* *between the hours of 11pm and 7am with respect to the scale of the activity, car* *parking, retention of amenity, noise and hours of operation. This rule shall not apply* *to the sale of liquor.* *• To any person who is living on the premises;*

Submission Number	Position	Topic	Decision Requested
			• To any person who is present on the premises for the purpose of dining." That Rule 10.6.3.2(iv) be retained as notified. That Site Standard 10.6.5.1l(e) is retained as notified.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/24/08	John Thompson (oppose)	
	F50/27/13	Man Street Properties (support/part, oppose/part)	
	F50/28/13	Any Old Fish Company (support/part, oppose/part)	
	F50/26/13	The Dairy Guest House (support/part, oppose/part)	
50/18/06	Oppose (in part)	Non-notification	The submitter is opposed to 'noise' being included within the notification clause 10.6.4, given that noise can adversely impact on adjoining sites, affecting the ability to use outdoor living areas and the ability to sleep. Seeks that provision 10.6.4 is not amended as proposed.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/24/09	John Thompson (oppose)	
50/18/07		Rules	The submitter seeks amendments to 10.6.5 Site Standards (iv street scene), which currently proposes a reduction of 0.5 metres from the 2 metre setback required under the High Density Residential zone rules. Amend Site Standard 10.6.5 iv as follows: iv street scene "*(e) In the Isle Street sub-zone, the maximum setback of any building from road boundaries shall be ~~1.5~~ 2.5 metres.* *(g) In the Isle Street sub-zone, the minimum setback of any building from other site boundaries shall be ~~1.5~~ 2 metres."* Amend the wording of Site Standard 10.6.5 iv to provide for a 2 metre setback from internal boundaries where the subject site is located adjacent to a site containing a residential unit built prior to XXXXXX. Site Standard 10.6.5 vii Residential Activities be retained as notified. Amend 10.6.5 Site Standards xi Building and Façade

Submission Number	Position	Topic	Decision Requested
			Height (e), to reduce the maximum height limit to 10 metres given the existing character of the zone. Delete reference to the Isle Street sub-zone under 10.6.5 Site Standards xi Building and Façade Height (f). Please refer detailed explanation and supporting plans to this submission point.

Further Submissions	
Submission Number	**Submitter**
F50/24/10	John Thompson (oppose)

50/18/08		Rules	Delete any reference to the Isle Street sub-zone from Site Standard 10.6.5 xv. Include a new Discretionary Activity as follows: *"10.6.3.3 Discretionary Activities* *V Noise from Premises Licensed for the Sale of Liquor in the Isle Street subzone.* *(a) Sound from premises licensed for the sale of liquor measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone:* *(i) night-time (2200 to 0800 hrs) 50 dB LAeq(15 min)* *(ii) night-time (2200 to 0800 hrs) 70 dB LAFmax* *(b) Sound from premises licensed for the sale of liquor which is received in another zone shall comply with the noise limits set in the zone standards for that zone.* *(c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803: 1999.* *(e) The noise limits in (a) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance 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."* Delete Zone Standard 10.6.5.2 I (a) Bullet Points 7 to 10 inclusive. Retain Zone Standard 10.6.5.2 ii as notified. The Zone Standard 10.6.5.2 iv is amended as follows: *"(i) Retail activities in the Lakeview sub-zone ~~and the Isle Street sub- zone~~ shall not exceed a maximum gross floor area of 400m^2 per tenancy.* *(ii) ~~Retail~~ Commercial activities in the Isle Street sub-*

Submission Number	Position	Topic	Decision Requested
			zone shall not exceed a maximum gross floor area of 400m^2 per tenancy."

Further Submissions	
Submission Number	**Submitter**
F50/24/11	John Thompson (oppose)

Margaret Walker

Submission Number	Position	Topic	Decision Requested
50/19/01	Oppose	Beach Street Block	The Submitter opposes the rezoning of Beach, Hay, Lake, and Man Street to QTCZ and requests that this be declined.

Further Submissions	
Submission Number	**Submitter**
F50/32/02	IHG and Carter Queenstown (oppose)

50/19/02		Rates	Reason for this opposition relates is that a change in the residential use will cause submitters rates to increase and will make it difficult for submitter to remain in the property submitter has resided in for 63 years.

Further Submissions	
Submission Number	**Submitter**
F50/32/02	IHG and Carter Queenstown (oppose)

50/19/03		Adequacy of Section 32 report	The submitter considers that the section 32 report provides for minimal justification for the rezoning apart from stating that commercial uses on the Beach Street frontage would provide an entrance to the town centre and that it is logical to extend the town centre into this block. There is no information provided to show the benefits of the rest of the block being rezoned and as such this is not a strong justification to change the zoning.

Further Submissions	
Submission Number	**Submitter**
F50/32/02	IHG and Carter Queenstown (oppose)

50/19/04		Traffic, parking and infrastructure	Changing the zoning without containing provisions is not good planning and will increase the parking problem in the area. The change to the QTCZ also removes the need for any provisions of carparking being provided on

Submission Number	Position	Topic	Decision Requested
			site. This change would add to the problems of parking that already exists outside submitters property. There is no carparking available for people to park when they come to visit due to workers in the town centre parking outside submitters property all day and most of the night. Carparking is important and should be retained.

Further Submissions	
Submission Number	**Submitter**
F50/32/02	IHG and Carter Queenstown (oppose)

50/19/05		Beach Street Block-Height	If the QTCZ is approved there is a need to amend the plan provisions relating to height under 10.6.5.2. The height provisions do not include any provisions for sections 10, 11, and 18 Blk VIII. If the plan change is approved the submitter seeks that these sections be added to the following clause: "For land legally described as Section 14, 15, 16, 17 Block VIII Town of Queenstown, Lots 1 and 2 DP444132 abd Lot 1 DP7187 Zone Standard 7.5.5.3(v) will apply for all building heights".

Further Submissions	
Submission Number	**Submitter**
F50/32/02	IHG and Carter Queenstown (oppose)

Heritage New Zealand

Submission Number	Position	Topic	Decision Requested
50/20/01	Neutral	Heritage	The submitter seeks that the plan change provide for the recognition of: 1. The heritage values of the Thompson Street cribs as discussed in the Heritage Impact Assessment and Addendum ('HIA') prepared by New Zealand Heritage Properties Ltd; 2. The status of existing protected heritage trees in the plan change; 3. The potential effects on the Queenstown Cemetery as a result of proposed Lakeview sub zone.
50/20/02	Neutral	Heritage	The submitter notes that the HIA supporting the plan change identifies the presence of heritage cribs, the best examples being located on Thompson Street. The HIA notes that "these should be retained where possible, or at least recorded prior to removal to the equivalent of a Level 4 from the heritage New Zealand building archaeology guidelines (AGS1 Guidelines for investigation and recording of buildings)".

Submission Number	Position	Topic	Decision Requested
			If removal of the cribs must occur, given their identified heritage significance in their current location, Heritage New Zealand would encourage the Council to consider options for the retention of a small number of the Thompson Street cribs as representative examples of this period of Queenstown's development from domestic tourism base into a major international tourist destination. If retention is not possible Heritage New Zealand encourages the Council to facilitate the relocation of the cribs in order to avoid their demolition.
50/20/03	Neutral	Heritage-Queenstown Cemetery	Figure 3 Lakeview sub-zone Height Limit Plan provides for opportunity for increased building height (up to 12 metres) on land adjacent to Queenstown Cemetery. The plan change also allows for greater site coverage. Whilst the cemetery is recognised in the Inventory of Protected Features as a Category 2 heritage item, the heritage rules are not able to influence the form of development on adjoining sites. The Queenstown Height Study included in the application notes that: "Opportunity for increased height is also recognised in the Brecon Street are, but the potential increase is limited by Queenstown Cemetery and the prominence of the area in important view shafts and vistas...Crucial to this study are the heritage values of the cemetery, which include the gravestones and monuments and the stories they have to tell about the history of the town, but also the physical setting high on the lake beach terrace with views out to the mountains and the town". The submitter requests that the effects of adjoining development on the setting of the cemetery should be taken into consideration as part of the change and considers it important that the cemetery is not marginalised by overly dominant buildings and lack of connection to the wider zone. The concerns raised about the marginalisation of the cemetery will be of particular concern if Cemetery Road is stopped in the future and this location becomes available for development.

Further Submissions	
Submission Number	**Submitter**
F50/10/19	BSPL (oppose)

Submission Number	Position	Topic	Decision Requested
50/20/04	Neutral	Heritage-Trees	The submitter notes that the HIA identifies two groups of heritage trees which benefit from protection by virtue of their recognition in the District Plan Inventory of Protected Features (references 198 and 214). (refer to submission for full description of heritage description of these trees). Given the identified significance of the trees as a tangible reminder of the use of this area as a recreation reserve for the people of Queenstown; and the beautification initiatives of the early residents, Heritage New Zealand considers that protected heritage trees deserve explicit recognition in the provisions of the proposed plan change. It is acknowledged that Policy 2.8 seeks to recognise and enhance heritage characteristics, however the submitter considers that the Plan would be strengthened by the direct reference to heritage trees supporting the text of this section.
50/20/05	Neutral	Objectives and policies	Heritage New Zealand seeks the following relief: That sub-paragraph 11 of the 'Explanation and Principal Reasons for Adoption' section associated with 'Objective 2-Amenity' be expanded as follows: *"The town centres of Queenstown and Arrowtown contain many of the identified heritage buildings and structures of the District. These areas also contain significant heritage trees which provide a visual reminder of attempts by the District's early settlers to enhance and beautify public spaces. The policy in respect of these complements the District wide heritage policies regarding protection of heritage items by encouraging not only the retention of buildings ~~and~~, structures, and heritage trees but also those more basic elements and characteristics of the built form of the town centres, such as road layout and width, site width, service lanes and pedestrian linkages."* And that section 10.2.4 Objective 2, Implementation Methods (i)(b) be expanded as follows: *"Protection and recognition of historic buildings and precincts and significant heritage trees by way of Objectives, Policies and Rules and inclusion of assessment matters in the District Plan."* And that the second paragraph of the 'Explanation and Principal Reasons for Adoption" section of 10.2.4 Objective 2 be expanded as follows: *"While much of the built form of the town centre is recent, there are still a number of important historical elements including the narrow streets, small frontage sites, low scale of development and facade continuity, ~~and~~ a number of historic buildings and significant heritage trees."*

Submission Number	Position	Topic	Decision Requested
			And that section 10.2.4 Objective 3 Policy 3.2 be expanded as follows: *"3.2 Achieve an urban environment and a built form that responds to the site's location and creates an attractive, vibrant and liveable environment that retains tangible connections with the past and is well connected with the town centre."* And that section 10.2.5(xvii) is expanded as follows: *"(xvii) Protection and preservation of important historic buildings, and heritage trees and protection and development of special character areas which contribute to the identity of the town and which help to define its cultural tradition."*
50/20/06	Neutral	Other Legislation	Any development will need to comply with the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

Craig Stobo

Submission Number	Position	Topic	Decision Requested
50/21/01	Oppose	Isle Street sub zone	The submitter is a ratepayer at 28 Isle Street, and therefore fall within the proposed Isle Street sub-zone. The submitter considers that PC50 directly contravenes the QLD Management Strategy 2007 principle 2, strategy 2 of "no further expansion beyond the current zone boundaries". It is disconcerting to see that clear agreed consensual strategy challenged after only seven years. The submitter finds the rationale for extending the Town Centre zone to be ill-founded. The rezoning drivers from the McDermott Miller report seem to be: "-growth in the Queenstown town centre is constrained, -avoid a reduction in range of quality and products on offer to visitors without vehicles" -increase the range and quality of products on offer to assist growth" The submitter considers that this does not address the economics of the best use of the town centre land and that CBD land is increasingly expensive and rental costs for businesses servicing local residents are high. Landlords will want to get the highest and best value use of their land. Retail including bulk retail will inevitably continue shift to larger cheaper sites such as Gorge Rd and Remarkables Park (the zoning of which has been approved by Council) where there is room to expand. The Queenstown town centre will increasingly be servicing tourists who have different spending profiles. The Plan Change does not acknowledge that

Submission Number	Position	Topic	Decision Requested
			normal commercial services businesses and retail businesses servicing residential needs will inevitably shift to cheaper sites requiring transport solutions, while tourism businesses are unlikely to shift away due to the features of the lake and its infrastructure/gondola etc. The nature of the businesses in the CBD are changing and should be seen as complementary. Perversely, the submitter considers, that by extending the Town Centre may even mean that in the short term current CBD businesses will shift to the cheaper Isle St sub zone leaving the core cbd vacant.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/49/09	Remarkables Jet Limited (support/part)	
50/21/02		Lakeview sub zone	The submitter has no comments on the plan change for the convention centre, but wants businesses (who will benefit) to be rated to pay for it not residents, and we do not support a location of a casino to the site.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/49/09	Remarkables Jet Limited (support/part)	
50/21/03		Lakeview sub zone	The submitter does not support the change to allow buildings up to 26m high up against the Ben Lomond Reserve, as this would be visually disastrous.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/49/09	Remarkables Jet Limited (support/part)	
50/21/04		Lakeview sub zone	The submitter wants confirmation that the Clouston Reserve at the corner of Man and Hay Sts will remain a reserve.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/49/09	Remarkables Jet Limited (support/part)	
50/21/05		Isle Street sub zone	The submitter notes that the proposed mixed use is intended to be of a “high quality”, but there is very little explanation of what this means, and whether existing ratepayers have to change to this “standard” and therefore request an explanation on this point.

Submission Number	Position	Topic	Decision Requested
50/21/06		Isle Street sub zone	The submitter notes that the new rules inexplicably permit a height of 12m above the ground level for "everyone", but then 15.5m for anyone on the Isle and Man corner if they have 2000sq m. The submitter seeks explanation justifying why the latter have a different application.
50/21/07		Isle Street sub zone	The submitter seeks an explanation as to why there is no parking in front yards and (i) whether this will apply to new buildings or existing buildings and (ii) whether this will apply to parking in back yards or side yards.
50/21/08		Isle Street sub zone	The submitter seeks an explanation as to why there is no recession plane restrictions for the north/north east aspects of sites.
50/21/09		Isle Street sub zone	The submitter requests that any bars wishing to operate after 2200hrs be notified basis. The submitter does not support non-notification.
50/21/10		Beach Street Block	The submitter considers that the height and noise changes on the Beach St zone will affect them and seeks an explanation as to how the changes have been managed to limit impact on submitter.

Skyline Enterprises Limited

Submission Number	Position	Topic	Decision Requested
50/22/01	Support	Plan Change itself	The submitter supports the entire plan change provisions. The submitter considers that the Lakeview and Isle Street sub zones will provide a logical framing of the existing QTCZ and that activities such as commercial, visitor accommodation, commercial recreation, community facilities and a convention centre are appropriate for this location. The company considers that the Isle Street sub-zone will perform an important role in housing a range of activities, while linking the QTCZ to the Lakeview sub-zone and that the location of both sub-zones provide an excellent opportunity to allow higher built form to be absorbed into this setting without creating adverse effects.

Further Submissions	
Submission Number	**Submitter**
F50/10/20	BSPL (support)

50/22/02		Convention Centre	SEL supports the establishment of a convention centre in this location for the following reasons:

Submission Number	Position	Topic	Decision Requested
			1. Central Queenstown provides an environment which is vibrant, colourful and interesting to both locals and visitors due to its settlement pattern, built form, and location next to Queenstown Bay; 2. Persons attending conference facilities in central Queenstown will benefit from easily accessible and vast array of cafes, restaurants, bars, and retail outlets which cater for a range of clientele; 3. In close proximity to central Queenstown are a number of large hotels and other accommodation providers, which increase the likelihood of persons walking to and from a possible convention centre as opposed to using small vehicles and coaches; 4. A range of central Queenstown business (and further afield) will directly benefit from the construction and operation of a convention centre in central Queenstown; 5. Central Queenstown already has an infrastructure base which can be designed and managed to handle the possible conference centre; 6. Central Queenstown is a transportation hub for businesses that have a strong downtown presence but whose activities and operations are carried out elsewhere. Overall, the submitter believes the development of a convention within central Queenstown will only help to strengthen the commercial, social and civic role of this urban setting in the context of the Wakatipu Basin.

Nigel Brown

Submission Number	Position	Topic	Decision Requested
50/23/01	Oppose	Isle Street sub zone	The submitter is opposed to the Isle Street sub zone (particularly the block bounded by Hay, Isle, Brecon and Man Streets) and raises specific objections relation to car parking, height limits, site coverage and the change of zoning.

Further Submissions	
Submission Number	**Submitter**
F50/10/21	BSPL (oppose)

50/23/02		Isle Street sub zone - carparking	The proposed plan change does not allow enough on site car parking. There is already a problem with the lack of parking in the area and the proposed number of parks required will not ease this problem. The submitter understands the reasoning that people staying short term in the area will bus direct from the airport, this will not happen as any accommodation will need independent travellers to maintain their capacity.

Submission Number	Position	Topic	Decision Requested
			The submitter requests that residential use of any building should follow current high density rules for the block, and for non-residential uses on site car parking should be required for staff and customers.
50/23/03		Isle Street sub zone - Height Provisions	The submitter consider that the proposed height limit are totally out of scale for the area especially the 15.5 metres of sites over 2,000m2. This will lead significant shading of adjoining properties and Man Street itself. The 12 metre proposal on the individual sites is too high. The current town centre works because it is mainly flat ground, however once you tackle into account the sloping sites in the Isle Street block the scale of the buildings will be overbearing. The submitters requests that the current high density height limits and rules for the entire block be retained. Alternatively, set a 5 metre height restriction on the Man Street rear boundaries and allow them a horizontal plane (sic) towards Man Street to a maximum height of 12 metres.

Further Submissions	
Submission Number	**Submitter**
F50/10/22	BSPL (oppose)

50/23/04		Isle Street sub zone - Building coverage	The submitter states that the proposed site coverage is far too intensive and will lead to minimum setbacks between properties. This will take away views of Queenstown Bay and the downtown area from any properties without frontage on to Man Street. The Isle Street block is one of the few areas in town which have great views and are within easy walking distance of the town centre. The submitter requests that that a maximum site coverage of 55% be provided for, which would give more space between the buildings and perhaps encourage lanes and open spaces.

Further Submissions	
Submission Number	**Submitter**
F50/10/23	BSPL (oppose)

50/23/05		Rates	Any residential use of a property should be rated on the basis of high density zoning, and not town centre.
50/23/06		Lakeview sub zone	The submitter request that for the Lakeview sub-zone, where this has a frontage to Isle Street and Hay Street there should be a generous setback of 50 metres or a 7 metre height restriction within 50 metres of the street

Submission Number	Position	Topic	Decision Requested
			boundary.

Further Submissions	
Submission Number	**Submitter**
F50/10/24	BSPL (oppose)

50/23/07		Isle Street sub zone - Height Provisions	The submitter requests that the amalgamation of 2,000m2 sites should be a non-complying activity as this would mean amalgamating four sites from Isle Street to Man Street and the bulk and scale of this would be overpowering using the proposed heights and rules.

Further Submissions	
Submission Number	**Submitter**
F50/10/25	BSPL (oppose)

John Thompson

Submission Number	Position	Topic	Decision Requested
50/24/01	Support (in part)	Plan Change itself	The submitter supports the Plan Change, as it allows for the expansion of the Queenstown Town Centre, in a way that will provide for high quality mixed use retail, commercial and high density residential developments and requests that the plan change be approved subject below.

Further Submissions	
Submission Number	**Submitter**
F50/33/01	Watertight Investments (support)
F50/36/01	Cedric Hockey (support)

50/24/02	Oppose	Isle Street sub zone - Building coverage	The maximum coverage in site standards is proposed to be 70% in Isle Street Sub-Zone, however this is less than some other areas of the town centre, including new Lake View Sub Zone (80%). The submitter requests that the maximum site coverage (under Rule 10.6.5.1.i.e) within the Isle Street Sub-Zone be increased to 80%, and any consequential changes.

Further Submissions	
Submission Number	**Submitter**
F50/10/26	BSPL (support)

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/33/01	Watertight Investments (support)	
	F50/36/01	Cedric Hockey (support)	
	F50/27/11	Man Street Properties (support)	
	F50/28/11	Any Old Fish Company (support)	
	F50/26/11	The Dairy Guest House (support)	
50/24/03	Oppose	Isle Street sub zone - Acoustic Insulation	The proposed acoustic insulation requirement for residential and visitor accommodation activities within the Isle Street Sub-Zone (10.6.5.1.vii.e and 10.6.5.1.xvi) are overly prescriptive. The submitter considers that the costs and benefits have not been evaluated. The same restrictions are not imposed throughout the Town Centre Zone. The submitter requests that the provisions be deleted and any consequential amendments.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/33/01	Watertight Investments (support)	
	F50/36/01	Cedric Hockey (support)	
	F50/27/11	Man Street Properties (support)	
	F50/28/11	Any Old Fish Company (support)	
	F50/26/11	The Dairy Guest House (support)	
50/24/04	Oppose	Isle Street sub zone - Noise arising from premised licenced for sale of liquor	In the Isle Street Sub-Zone noise from the premises licenced for sale of liquor is restricted to certain levels, between 10pm and 8am (under Rule 10.6.5.1.xv). In the adjacent zone, levels are not set, but instead Council may impose conditions on noise, between the hours of 11pm and 7am. The different treatment for the Isle Street Sub-Zone has not been justified. The submitter seeks that the standards be amended to standard Town Centre provisions for noise arising from premises licenced for sale of liquor and any consequential changes.

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/33/01	Watertight Investments (support)	
	F50/36/01	Cedric Hockey (support)	
	F50/27/11	Man Street Properties (support)	
	F50/28/11	Any Old Fish Company (support)	
	F50/26/11	The Dairy Guest House (support)	
50/24/05	Oppose	Isle Street sub zone - carparking	In chapter 10 and chapter 14 (transport) there are specific provisions for parking requirements proposed (10.6.5.1.iv.f and 14.2.4.1 Table 1). The submitter considers that this will encourage use of cars and cannot be justified given the already congested town centre roading network that does not cope with current levels of traffic. Furthermore, the same requirements are not imposed on the adjacent Lakeview Sub-Zone – several activities in that zone are proposed to have no minimum parking requirements. Further, it is noted that there is a parking building just a quarter of a block down Man St from the Isle Street Sub-Zone. The submitter seeks the deletion of the minimum parking requirements and restrictions in the Isle Street Sub- Zone and any consequential changes.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/33/01	Watertight Investments (support)	
	F50/36/01	Cedric Hockey (support)	
50/24/06	Oppose	Isle Street sub zone - Building setbacks	The Isle Street Sub-Zone has minimum setback from side boundaries of 1.5m, (10.6.5.1.g) whereas the Town Centre, the Transition Sub-Zone and the Lakeview Sub-Zone have no such restriction. This cannot be justified. The submitter seeks that deletion of this provision and any consequential changes.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/33/01	Watertight Investments (support)	
	F50/36/01	Cedric Hockey (support)	

Submission Number	Position	Topic	Decision Requested
50/24/07	Oppose	Isle Street sub zone - Height Provisions	The recession planes off internal boundaries for the Isle Street Sub-Zone (10.6.5.1.xi.i) appear to be different than the Town Centre, and Lakeview Sub-Zone, without justification. The same provisions should apply. The submitter seeks the deletion of the recession plane requirements for internal boundaries in the Isle Street Sub-Zone and any consequential changes.

Further Submissions	
Submission Number	**Submitter**
F50/33/01	Watertight Investments (support)
F50/36/01	Cedric Hockey (support)
F50/27/11	Man Street Properties (support)
F50/28/11	Any Old Fish Company (support)
F50/26/11	The Dairy Guest House (support)

Submission Number	Position	Topic	Decision Requested
50/24/08	Oppose	Isle Street sub zone - Height Provisions	The maximum controlled height is 12m, except in Isle St Sub-Zone where a site that is greater than 2000m^2, and that has frontage on both Man and Isle St, has a maximum zone standard height of 15.5m (10.6.5.2.i.a). The requirement to have frontage on both Man and Isle Street to meet this standard is unjustified. The submitter seeks the deletion of the requirement that a site have frontage on both Man and Isle Street, to meet this zone standard and any consequential changes.

Further Submissions	
Submission Number	**Submitter**
F50/33/01	Watertight Investments (support)
F50/36/01	Cedric Hockey (support)
F50/27/12	Man Street Properties (oppose)
F50/28/12	Any Old Fish Company (oppose)
F50/26/12	The Dairy Guest House (oppose)

Submission Number	Position	Topic	Decision Requested
50/24/09	Oppose	Isle Street sub zone - Maximum retail space	The maximum retail space is 400m^2 per tenancy in the Isle Street Sub-Zone (10.6.5.2.iv). Breach of this standard makes an activity non-complying. Such a stringent status is not justified. The submitter seeks that this provision be deleted and any consequential changes.

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/33/01	Watertight Investments (support)	
	F50/36/01	Cedric Hockey (support)	
	F50/27/11	Man Street Properties (support)	
	F50/28/11	Any Old Fish Company (support)	
	F50/26/11	The Dairy Guest House (support)	
50/24/10	Oppose	Isle Street sub zone - Assessment Matters	There is a sub set of assessment matters that are not appropriate for an area that is effectively destined to change in character, and that will be in transition for some time. The assessment matters of concern require that a building be designed so that it fits with its surroundings. This is not appropriate given the surroundings for the Isle Street Sub-Zone are single storey old houses, in a zone that contemplates new 12m plus tall buildings for mixed commercial use. The assessment matters include: 10.10.2.iii.a, b, c, e, 10.10.2.iv 10.10.2.vii.a 10.10.2.viii,a,b,d,g 10.10.2.xiii.a,d, 10.10.2.xvi.a,c,g, 10.10.2.xvii.a,b,c 10.10.2.xvii.a,b,c,e 10.10.2.xviii.a,b,e,f, The submitter considers that these assessment matters will hamper the sensible transition of this zone and therefore seeks that the identified assessment matters be excluded for activities within the Isle Street Sub-Zone, where they refer to or relate to adjacent and nearby buildings, streetscape and general location.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/27	BSPL (support)	
	F50/33/01	Watertight Investments (support)	
	F50/36/01	Cedric Hockey (support)	
50/24/11	Oppose	Adequacy of section 32 report	The submitter considers that the benefits and costs of the effects of the provisions referred to above in respect of the Isle Street Sub-Zone have not been appropriately assessed or quantified in accordance with section 32,

Submission Number	Position	Topic	Decision Requested
			nor have they been assessed with regards to their suitability for giving effect to the relevant policies.

Further Submissions	
Submission Number	**Submitter**
F50/33/01	Watertight Investments (support)
F50/36/01	Cedric Hockey (support)
F50/27/11	Man Street Properties (support)
F50/28/11	Any Old Fish Company (support)
F50/26/11	The Dairy Guest House (support)

Tim McGeorge

Submission Number	Position	Topic	Decision Requested
50/25/01	Oppose	Expansion of Plan Change boundary	The submitter seeks the expansion of the plan change to include the block of land bounded by Lake Street, Man Street, Thompson Street, and Brunswick Street. At present the submitters property is surrounded on three sides at 48 and 52 Man Street by new commercial zoning.

The Dairy Guesthouse 2003 Ltd

Submission Number	Position	Topic	Decision Requested
50/26/01	Oppose (in part)	Isle Street sub zone	The submitter is the registered proprietor of the multi award winning visitor accommodation complex located at: • 10 Isle Street, being legally described as Section 8 Blk XII Town of Queenstown. This property is 405m 2 in area; and • 21 Brecon Street, being legally described as Section 9 Blk XII Town of Queenstown. This property is 405m2 in area. The submitter opposes Plan Change 50 in its entirety, unless the Council undertakes a more rigorous assessment of the planning provisions that will apply to the proposed Isle Street Sub-Zone. The Isle Street Sub-Zone is vitally important as it provides a logical expansion of the Queenstown Town Centre Zone and greatly assists in justifying the rezoning of the Lakeview site.

			The submitter supports the mixed use allowance for activities in the Isle Street Sub-Zone, however considers that the development controls for the Isle Street Sub-Zone are inappropriate and will create significant tension for a mixed use area. Based on this view, the submitter has the following issues with the planning provisions proposed for the Isle Street-Sub-Zone.

Further Submissions	
Submission Number	**Submitter**
F50/10/28	BSPL (support/part)

50/26/02		Isle Street sub zone - Height Provisions	Submitter raises concerns with the proposed building height limit and building setbacks (both from the road and internal boundaries). In relation to the building height limit, these are set out under proposed Rules 10.6.5.1(xi)(e),(f) and (i). Considers 12m height limit to be appropriate, however more detailed work needs to be undertaken as to the potential loss of outlook from a number of properties, particularly properties that front onto Isle Street. The submitter believes that the current ground levels should be adopted for the Isle Street Sub-Zone, as opposed to the original ground levels. The submitter further assessment should be undertaken by the Council in terms of the exact makeup of the proposed recession planes, especially considering the proposed mixed use of the Isle Street Sub-Zone. The submitter believes that the recession planes should either be deleted and an alternative design solution put forward, or the angle/height of the recession planes relaxed.
50/26/03		Isle Street sub zone - Building setbacks	Rules 10.6.5.1(iv)(e)(f) and (g) deal with building setbacks within the Isle Street Sub Zone. The submitter believes that there should be the ability to park vehicles within the road boundary setback. The submitter considers that the internal setbacks will disrupt the continuity of the road frontages within the Isle Street Sub-Zone. The submitter believes that provision should be made for pedestrian links to be incorporated into the two blocks contained within the Isle Street Sub-Zone, as well as providing for a service lane to run through the two blocks (in a central manner). Overall, the submitter believes that further and substantial assessment needs to occur in relation to the zoning provisions that apply to the Isle Street Sub-

Zone.

50/26/04		Traffic, parking and infrastructure	Council needs to adopt a lead role in dealing with, planning and provision of infrastructure servicing issues in terms of the Isle Street Sub Zone.

Man Street Properties Limited

Submission Number	Position	Topic	Decision Requested
50/27/01	Oppose (in part)	Town Centre Transition Sub-Zone	The submitter is the registered proprietor of the podium level that exists on top of the underground Man Street car parking building. This site is 3961m^2 in area and legally described as Lot 1 Deposited Plan 399240. The submitters property is located within the TCTZ. The submitter seeks that Plan Change 50 is declined unless the TCTZ is amended to reflect those amendments set out below.
50/27/02		Town Centre Transition Sub-Zone - Height	It is the submitters view that it is appropriate to deal with the lower height limit (8m) within the TCTZ within the context of Plan Change 50. This view is formed on the basis that if the Council is proposing to considerably increase building heights on the land to the north of Man Street, the overall building height equation that includes the TCTZ should be addressed at the same time. With the possibility of significantly increased building heights on land located to the north of Man and Thompson Streets, combined with the 12 metre building height limit for the majority of the existing QTCZ, the TCTZ will have a considerably lower building height limit than the majority of the surrounding land. This is illogical and inconsistent in a planning sense. The submitter now seeks amendments to the existing building height limit for its property. Rather than determining the building height limit from the original ground level, the submitter submits the height limit should be determined from the level of the podium. The podium level is 327.1m. This approach provides for a more efficient building style for the site, as opposed to dealing with the highly varied original topography. the submitter believes that a 12 metre building height limit from 327.1m is appropriate for two areas of the site, being referenced as Zones A and B (maximum height being 339.1m) in the drawing attached to the submission. Zones A and B are two roughly square areas. This recommended height limit is less than what is proposed within the Isle Street Sub-Zones.

Submission Number	Position	Topic	Decision Requested
			In combination with the increased building height limit, the submitter also suggests two other areas within the site (being Zones C and D) where built form can be constructed to a lower building height, being four metres above the podium (maximum height 331.1 m). Zone C backs onto the existing building located off Shotover Street, which roughly sits between 3 metres to 4 metres above the podium level. Zone D sits to the south of the existing vehicle ramp into the building.

Further Submissions	
Submission Number	**Submitter**
F50/24/12	John Thompson (oppose)

50/27/03		Town Centre Transition Sub-Zone - Building coverage	The submitter also requests that the existing maximum building coverage of 70% that applies to the TCTZ be increased to 80%. The latter coverage limit is consistent with the majority of the QTCZ .
50/27/04		Town Centre Transition Sub-Zone - setbacks	The submitter believes that a 4.5 metre minimum building setback from Man Street for its site is excessive when compared to the potential 1.5 metre maximum building setback that is being promoted within the Isle Street Sub-Zone that will adjoin Man Street. In this regard, the submitter seeks a minimum building setback of 3 metres from Man Street.

Any Old Fish Company Holdings Limited

Submission Number	Position	Topic	Decision Requested
50/28/01	Oppose (in part)	Isle Street sub zone	The submitter is the registered proprietor of the residential property located at 37 Man Street, being legally described as Part Section 16 Block XI Town of Queenstown. This property is 533m2 in area. The submitter opposes Plan Change 50 in its entirety, unless the Council undertakes a more rigorous assessment of the planning provisions that will apply to the proposed Isle Street Sub-Zone. The Isle Street Sub-Zone is vitally important as it provides a logical expansion of the Queenstown Town Centre Zone and greatly assists in justifying the rezoning of the Lakeview site. The submitter supports the mixed use allowance for activities in the Isle Street Sub-Zone, however considers that the development controls for the Isle

Submission Number	Position	Topic	Decision Requested
			Street Sub-Zone are inappropriate and will create significant tension for a mixed use area. Based on this view, the submitter has the following issues with the planning provisions proposed for the Isle Street-Sub-Zone.

Further Submissions	
Submission Number	**Submitter**
F50/10/28	BSPL (support/part)

50/28/02		Isle Street sub zone - Height Provisions	The Submitter raises concerns with the proposed building height limit and building setbacks (both from the road and internal boundaries). In relation to the building height limit, these are set out under proposed Rules 10.6.5.1(xi)(e),(f) and (i). Considers 12m height limit to be appropriate, however more detailed work needs to be undertaken as to the potential loss of outlook from a number of properties, particularly properties that front onto Isle Street. The submitter believes that the current ground levels should be adopted for the Isle Street Sub-Zone, as opposed to the original ground levels. The submitter further assessment should be undertaken by the Council in terms of the exact makeup of the proposed recession planes, especially considering the proposed mixed use of the Isle Street Sub-Zone. The submitter believes that the recession planes should either be deleted and an alternative design solution put forward, or the angle/height of the recession planes relaxed.

Further Submissions	
Submission Number	**Submitter**
F50/24/13	John Thompson (support/part, oppose/part)

50/28/03		Isle Street sub zone - Building setbacks	Rules 10.6.5.1(iv)(e)(f) and (g) deal with building setbacks within the Isle Street Sub Zone. The submitter believes that there should be the ability to park vehicles within the road boundary setback. The submitter considers that the internal setbacks will disrupt the continuity of the road frontages within the Isle Street Sub-Zone. The submitter believes that provision should be made for pedestrian links to be incorporated into the two blocks contained within the Isle Street Sub-Zone, as

Submission Number	Position	Topic	Decision Requested
			well as providing for a service lane to run through the two blocks (in a central manner). Overall, the submitter believes that further and substantial assessment needs to occur in relation to the zoning provisions that apply to the Isle Street Sub-Zone.

Further Submissions	
Submission Number	**Submitter**
F50/24/14	John Thompson (support/part)

50/28/04		Traffic, parking and infrastructure	Council needs to adopt a lead role in dealing with, planning and provision of infrastructure servicing issues in terms of the Isle Street Sub Zone.

Further Submissions	
Submission Number	**Submitter**
F50/24/15	John Thompson (support/part)

Doug and Betty Brown

Submission Number	Position	Topic	Decision Requested
50/29/01	Oppose	Plan Change itself	The submitters oppose the plan change and consider that the projected height and bulk provisions would create a concrete jungle with massive transport and carparking problems. The submitters request that the plan change be amended as follows: 1. Amend provisions to leave Isle Street/Man Street blocks as they are; 2. Lakeview site to retain the green area used as childrens playground on corner of Hay Street and Man Street; 3. Balance of Lakeview site to be High Density Residential zoning similar to Isle Street/Man Street blocks; 4. Oppose PC50 being extension of CBD.

Further Submissions	
Submission Number	**Submitter**
F50/10/29	BSPL (oppose)
F50/27/05	Man Street Properties (oppose)
F50/28/05	Any Old Fish Company (oppose)

Further Submissions	
Submission Number	**Submitter**
F50/26/05	The Dairy Guest House (oppose)
F50/49/10	Remarkables Jet Limited (support)

Allan Huntington

Submission Number	Position	Topic	Decision Requested
50/30/01	Oppose	Plan Change itself	The submitter opposes the extension of the QTCZ into the existing HDRZ and opposes the provision of a convention centre as a controlled activity. The submitter seeks the following relief: 1. Lakeview to remain as HDRZ; 2. Withdraw the change to the QTCZ; 3. Withdraw the provision for convention centre on Lakeview; and 4. Modify the increase in height of the existing HDRZ on Lakeview to 10 metres plus a roof form bonus of 2.0 metres. The submitters reasoning for this is set out below.

Further Submissions	
Submission Number	**Submitter**
F50/10/30	BSPL (oppose)
F50/49/03	Remarkables Jet Limited (support)

50/30/02		Lakeview sub zone - retention of HDRZ	The submitter considers that the emphasis of PC50 on commercial and visitor accommodation development is at the detriment of providing HDR zoned land close to town and in accordance with the District Plan objectives and policies. The District Plan identifies that High Density land is used to maintain a large core of residents close to town and that High Density land is in scarce supply in Queenstown. A much higher level of good quality residential development on Lakeview would assist the vitality of QTCZ and address some of the issues with drift to Frankton.

Further Submissions	
Submission Number	**Submitter**
F50/49/03	Remarkables Jet Limited (support)

Submission Number	Position	Topic	Decision Requested
50/30/03		Town Centre Capacity Issues	The submitter considers that Frankton is now the hub for residents and Queenstown is the centre for tourists. This is the direction the community took some time ago with the development of Remarkables Park, the location of the Events Centre and Aquatic Centre as well as the large adjacent residential subdivisions. The submitter considers that the concern that Frankton's success will diminish Queenstown's potential is unfounded. Tourists love Queenstown for its vitality, uniqueness, its compact form and closeness to Lake Wakatipu and surrounding grandeur of mountains and lake. Tourists will gravitate to Queenstown over Frankton.

Further Submissions	
Submission Number	**Submitter**
F50/49/03	Remarkables Jet Limited (support)

Submission Number	Position	Topic	Decision Requested
50/30/04		Convention Centre	The convention centre, commercial and visitor accommodation on Lakeview will diminish the opportunities for suitable long term residential population, with Queenstown's late night hospitality and part atmosphere not suitable for a well balanced mix of residential population. It may be suitable for visitor accommodation but High Density living needs to extend living areas to decks and other outdoor living spaces and not be cooped up inside. Seeks withdrawal convention centre on Lakeview site.

Further Submissions	
Submission Number	**Submitter**
F50/49/03	Remarkables Jet Limited (support)

Submission Number	Position	Topic	Decision Requested
50/30/05		Lakeview sub zone - hot pools and commercial development	Keeping the height at 4.5 metres curtails the development potential of the site. Keeping height consistent with adjacent land would maintain a higher value and premium for what is a community asset. An alternative location for a hot pool would be at One Mile Creek.

Further Submissions	
Submission Number	**Submitter**
F50/49/03	Remarkables Jet Limited (support)

Submission Number	Position	Topic	Decision Requested
50/30/06		Lakeview sub zone - Height	Submitter is in agreement with a height increase for high density residential development on the Lakeview site but would propose 10 metre maximum with a 2

Submission Number	Position	Topic	Decision Requested
			metre roof form bonus.

Further Submissions	
Submission Number	**Submitter**
F50/49/03	Remarkables Jet Limited (support)

Gillian & Donald McDonald

Submission Number	Position	Topic	Decision Requested
50/31/01	Oppose	Isle Street sub zone	The submitters operate Browns Boutique Hotel located within the proposed Isle Street sub zone, and their specific concerns relate to the block bounded by Hay, Isle, Brecon and Man Streets and raise objections relating to the following matters: 1. the proposed height restrictions; 2. the proposed site coverage; 3. the amalgamation of small sites; 4. proposed car parking provisions; and 5. rating same as Town Centre.

Further Submissions	
Submission Number	**Submitter**
F50/27/06	Man Street Properties (oppose)
F50/28/06	Any Old Fish Company (oppose)
F50/26/06	The Dairy Guest House (oppose)

50/31/02		Isle Street sub zone - Height Provisions	The proposed height limits are out of scale for this area. The 15.5 metres on sites with dual frontage over 2000 metres will create a “big box” effect and is inappropriate for this zone with its sloping sections. This will create significant shading of adjoining properties. The 12 metre proposal on smaller sites is also too high. The town centre high limits works because buildings are on flat land. Imposing these heights on the higher contours of the Isle Street Sub Zone buildings block views and reduce property values and business viability of affected property owners in this zone. The submitter seeks retention of the current high density limits and rules for the Isle Street Sub Zone. Given the sloping contours, alternatively a 5 metre height restriction on the Man Street rear boundaries and allow them a horizontal plane towards Man Street to a maximum of 12 metres.

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/31	BSPL (oppose)	
50/31/03		Isle Street sub zone - Building coverage	The proposed site coverage of 70% is too intensive. This will lead to minimum set backs between properties. It will take away the views of Queenstown Bay and the downtown area from any properties without a frontage to Man Street. It will also mean there is no space for onsite parking. The submitter requests that rather than have separate standards for residential and non-residential as is currently the case, the maximum site coverage for all should be 55%. This would allow room for some onsite parking, and encourage open areas and lanes between buildings and create a continuation of the "village fee" like in Arrowtown and areas of the Queenstown CBD.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/32	BSPL (oppose)	
50/31/04		Isle Street sub zone - site amalgamation	The proposal to allow the amalgamation of 2000 metre sites (four existing sites) should not be allowed. Buildings of this scale will dwarf the area and the CBD. The amalgamation of 2000 metre sites should not be allowed.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/24/16	John Thompson (oppose)	
50/31/05		Isle Street sub zone - carparking	The proposed plan change does not allow for enough onsite car parking. There is a lack of street parking in down town Queenstown and local people and visitors are parking along the outer perimeters. Hay, Man, Isle & Brecon Streets are very congested. It is incorrect to assume that visitors staying in town will not need cars. All our guests are independent travellers and 70% of them have cars. We have parking for 50% of our guest rooms and that is not enough. The submitters request that the current high density rules should apply to residential use of any building. All new commercial accommodation builds should have underground parking if there is not sufficient space for outside parking. Onsite parking for retail should be

Submission Number	Position	Topic	Decision Requested
			required for staff and customers.
50/31/06		Rates	The existing rates for Isle /Man Streets should be retained. The higher town centre rates would be a financial burden on existing businesses in the zone.
50/31/07		Lakeview sub zone - Height	The submitter request that for the Lakeview sub-zone, where this has a frontage to Isle Street and Hay Street there should be a generous setback of 50 metres or a 7 metre height restriction within 50 metres of the street boundary.

Further Submissions	
Submission Number	**Submitter**
F50/10/33	BSPL (oppose)

IHG Queenstown Ltd and Carter Queenstown Ltd

Submission Number	Position	Topic	Decision Requested
50/32/01	Support (in part)	Plan Change itself	The submitter supports the plan change, including: - the need for additional town centre zoned land, - the rezoning of the land bound by Lake Esplanade, Lake Street, Man Street and Hay Street to Queenstown Town Centre Zone; - subject to the relief set out in this submission. The submitter seeks the inclusion of the land bound by Lake Esplanade, Lake Street, Man Street and Hay Street within the QTCZ, with provisions as set out in PC50 as notified (amended in accordance with the relief set out below)
50/32/02		Beach Street block - Noise	The submitter seeks the removal of a specific noise rule for the block of land bound by Lake Esplanade, Lake Street, Man Street and Hay Street (Noise (Rule 10.6.5.2 (ii) (b), page 10-15). Instead it seeks the application of the operative town centre-wide noise rule. The submitter seeks the removal of a specific noise rule for this block of land, and, instead the application of the operative town centre-wide noise rule for this block of land.
50/32/03		Beach Street block - Veranda	The submitter seeks deletion of Rule 10.6.5.1 (vi) which requires the provision of a veranda along the Hay Street frontage of its land.

Watertight Investments Ltd

Submission Number	Position	Topic	Decision Requested
50/33/01	Support	Isle Street sub zone	Watertight is the owner of land at 50, 52 and 54 Camp Street. The combined land area of these sites totals approximately 1500m^2. The submitter seeks that 50, 52 and 54 Camp Street are conformed as part of the Queenstown Town Centre Zone.

Further Submissions	
Submission Number	**Submitter**
F50/27/07	Man Street Properties (support)
F50/28/07	Any Old Fish Company (support)
F50/26/07	The Diary Guest House (support)

50/33/02		Isle Street sub zone - Height Provisions	The submitter questions the need for a recession plane control. In particular, it is considered that a 45 degree recession plane starting 5m above the boundary is overly restrictive and could result in poor design outcomes including unattractive built forms. Further, there are some unclear matters with respect to the controls on height. It is questioned how easily and consistently the matter of what a 'northern boundary' will be interpreted with respect to the recession plane rule (it may, for example be more efficient to name the street boundaries to which this rule applies rather than refer to cardinal points). It is also unclear whether the rule applies for boundaries between sites held in common ownership (and it is submitted that this should not be the case). And it is unclear whether the roof bonus rule provides an exemption from the recession plane requirement, or only the overall 12 metre height limit. The submitter seeks the removal or amendment to the internal boundary recession plan rule as it applies to the Isle Street subzone, so as to allow greater building height closer to boundaries, to clarify the rules and to exempt the rule's application from boundaries between sites held in common ownership.

Further Submissions	
Submission Number	**Submitter**
F50/24/17	John Thompson (support/part)
F50/27/07	Man Street Properties (support)
F50/28/07	Any Old Fish Company (support)

Submission Number	Position	Topic	Decision Requested
		Further Submissions	
	Submission Number	**Submitter**	
	F50/26/07	The Diary Guest House (support)	
50/33/03		Isle Street sub zone - carparking	The submitter seeks the removal of the rule that seeks to prevent car parking in front yards in the Isle Street subzone.

Ngai Tahu Tourism Limited

Submission Number	Position	Topic	Decision Requested
50/34/01	Support (in part)	Lakeview sub zone	The submitter supports the plan change, subject to the relief set out in this submission. The submitter has an interest in leasing approximately 7,500m^2 of land located to the west of the intersection of Man and Thompson Streets, generally indicated as 'reserve' on Figure 2 of the 'Lakeview Sub-Zone Structure Plan' (page 10-17 of the proposed plan provisions). It is NTT's intention to establish a commercial hot pool facility on this land, together with associated spa treatment rooms and ancillary retail, service and administrative activities (the scope of which have not yet been determined). This submission refers to the land as the 'lease area'. The submitter wishes to ensure that the proposed plan provisions do not frustrate their ability to establish such facilities upon that land. If a lease were to be granted, the proposed rules as notified would restrict the ability of NTT to establish and operate a world class hot pool facility on the land and this submission seeks to remedy that. The key aspects of this submission relate to the proposed rules on: - Car-Parking; - Protected Trees; - Active Frontages; - Building Height; - Viewshafts; and - Widening of Thompson Street. Together these rules create uncertainty as to the amount of land that would be available for use for a hot pool facility.
50/34/02		Lakeview sub-zone - Reserve Status	That area identified as the Lakeview Sub-Zone contains a combination of freehold and reserve land. The general split is freehold land over the western half of the sub-zone, and reserve land over the eastern half. The

Submission Number	Position	Topic	Decision Requested
			Plan Change indicates the spatial reorganisation of these areas. As part of this reorganisation the 'lease area' is to change from freehold to reserve. It is unclear through these provisions whether the 'reserve' will be vested and gazetted as a reserve under the Reserves Act 1977. It is also unclear whether any land that is vested as a reserve will also be designated in the District Plan as a reserve. If so, the rules affecting that future designation remain uncertain. The submitter seeks confirmation from the Council on the subsequent status of the land as a reserve and in respect of any subsequent future Designations or Notices of Requirement and the rules that apply.
50/34/03		Lakeview sub-zone - parking	The Plan Change provisions amend the car-parking rules at pages 14-14 to 14-17. In most cases the plan change intends to exclude on-site parking requirements in the Lakeview sub-zone for commercial activities. The introductory rule (14.2.4.1 (i)(a)) has been amended, although it appears inadvertently, to now require car-parking throughout all of the Town Centre zones. The operative rule and proposed rules read as follows: *"Operative District Plan Provisions:* *(a) Activities in the Town Centre Zones, excluding the Town Centre Transition sub-zone, which shall be subject to the existing car parking requirements.* *Proposed Plan Change 50 Provisions:* *(a) Activities in the Town Centre Zones, (excluding the Town Centre Transition sub-zone and the Town Centre Lakeview sub-zone), which shall be subject to the existing car parking requirements."* This amendment appears to unintentionally require car-parking in the Town Centre zones, with the exception of the two mentioned sub-zones. A minor amendment needs to be made to reverse that. *"(a) Activities in the Town Centre Zones, excluding the Town Centre Transition and Town Centre Lakeview sub-zones, which shall be subject to the existing car parking requirements."*
50/34/04		Lakeview sub-zone - parking	With respect to the 'lease area', it is intended to establish and operate a commercial hot pools, which is closely described as a 'Commercial Recreation Activity' within the District Plan. PC50 generally excludes any on-site parking for commercial activities in the Lakeview sub-zone, with the exception of 'Commercial Recreation

Submission Number	Position	Topic	Decision Requested
			Activities', 'Convention Centres' and 'Visitor Accommodation'. In the case of 'Commercial Recreation Activities' the on-site parking requirement is proposed at '1 parking space per 5 people the facility is designed to accommodate'. The Traffic Design Group Report (Appendix I to the AEE) suggests a maximum occupancy of 500 people, which would result in 100 on-site car-parking spaces being required for the 'lease area'. Typically each carpark occupies about 30m2 (including manoeuvring space), which would result in at least 3,000m2 of the 'lease area' being required for parking. This would make the hot pools project entirely unfeasible. It is noted that within the operative plan there is no parking category for 'Commercial Recreation Activities', the closest category being 'Commercial Activity' at 1 space per 25m2. The submitter acknowledges that the provision of parking is necessary, however the comparison with other hot pools (Mt Maunganui and Hanmer) is not appropriate as these hot pools are destination hot pools, which result in specific vehicle trips. The proposed NTT hot pools would be associated with other activities and facilities and located close to existing forms of accommodation. Without any new hotels being constructed within the Lakeview Sub-Zone, there is almost 1,000 existing hotel rooms within a radius of 750m of the 'lease area'. The submitter already operates a fleet of mini-coaches and it would be intended to utilise these vehicles to provide a regular pick-up and drop-off service from the town centre to the hot pool facility. The submitter argues that the 1:5 parking ratio does not adequately accommodate unique circumstances (refer submission for more detailed analysis) including shared parking, multi-purpose visits, pedestrian accessibility. The submitter seeks: - That the requirement for Commercial Recreation Activities in the Lakeview Sub-Zone be deleted; or - A substantial reduction in the on-site car-parking requirements. - That in either case that there also be provision for car-parking requirements to be met by the use of shared off-site car-parking. - The identification of a publically owned communal parking facility
50/34/05		Lakeview sub-zone - Protected Trees	The District Plan maps indicate a cluster of protected trees in the vicinity of the 'lease area'. The 'Figure 2 – Lakeview Sub Zone Structure Plan' suggests the possible location of these trees as a faintly drawn group of circles, both within the lease area, and also under the proposed 'road' and area described as a 'square'.

Submission Number	Position	Topic	Decision Requested
			The Planning map (#35) signals the presence of this cluster of trees with a single notation of #214. The associated 'Inventory of Protected Features (page A3-16 of the operative district plan) more fully describes this notation as representing: - 2 Wellingtonias - 6 Oaks - 4 Cedars These trees are briefly discussed at pages 58 and 69 of Appendix G (NZ Heritage Properties Ltd report) to the Plan Change as being of significance. The operative heritage trees rules require that any structures be located outside of the drip-line of such trees. In the case of mature trees such as these, it is likely that an arborist would require a greater separation. Previous reports have suggested that, for example, that one of the Wellingtonia trees have a 'root protection area' radius of 11.2m, while one of Cedars may have a RPA of up to 18m. It would appear that a grouping of six Oak trees occur in the north-west corner of the proposed 'lease area' – and that probably one of the large Cedars(or at least its RPA) is also within the 'lease area'. The combined 'root protection area' of the Oak trees has been previously estimated at approximately 1,900m^2, while the Cedar has a 'rpa' of approximately 1,100m^2 (of which at least half would be within the 'lease area'. The actual area of land that needs to be set aside for tree protection has an overall effect on the amount of usable land. The submitter seeks that the location of the trees and the tree-root protection areas be more accurately defined through this plan change.
50/34/06		Lakeview sub-zone - Active Frontage	The Structure Plan (Figure 2 at page 10-17) indicates a solid red line around most of the eastern and the entire northern boundary of the proposed 'lease area', which represents an 'active frontage area'. This is cross-referenced to proposed Rule 10.6.5.1 (xiv) at page 10-12. This proposed rule is not entirely clear, however it may be interpreted to require that where any building is located along that 'active frontage' that such a building must be developed so that most of (80%) of the buildings frontage must be glazed and unobstructed. The rule also requires that any building along that frontage have a minimum depth of 8m, and that the building must have a minimum internal floor height of 4.5m. The height rules also separately provide for an additional (optional) 2m of building height that can be used for roof articulation purposes. Any breach of this

Submission Number	Position	Topic	Decision Requested
			rule would require a Restricted Discretionary activity resource consent. If a hot pool facility is developed on this land, then a building comprising reception, administration, and associated customer services areas will be required, although only along part of the northern or eastern frontage of the site. The location of existing protected trees would limit the ability to develop across the north-east part of the 'lease area'. Additional structures will also be required for customer changing facilities, maintenance etc. The location of these structures has not been confirmed, but not necessarily along the frontages of the site. If the intent is to vest the 'lease area' as a reserve, then in most cases it would be unusual for the development of an active retail frontage along two boundaries of a reserve. The submitter considers that while the active frontage rule has merit within the other locations shown on the 'Figure 3 - Lakeview Sub-Zone Structure Plan', that such a requirement would not be appropriate, achievable nor desirable within the 'lease area'. The constraints that apply to this particular parcel of land, as a result of the protected trees, the associated root protection areas, and the street layout of the structure plan limit the ability of this land to provide the active frontages. The submitter seeks that the active frontage rules are deleted from this area, to enable an appropriate level of design flexibility. The submitter seeks that the 'active frontage' areas shown on the Figure 2 Structure Plan, as they relate to the 'lease area' be deleted.
50/34/07		Lakeview sub zone - Height	Building height within the plan change area varies considerably. The 'Figure 3 - Lakeview Sub-Zone Height Limit Plan' (page 10-18) indicates a 4.5m height limit for the 'lease area'. At Page 27 of Appendix F to the AEE (the Urban Design Peer Review) the comment is made that the hot pools will be overlooked by taller buildings to the north, and therefore a 4.5m height limit is appropriate. The report also acknowledges the presence of protected trees in the vicinity. However, the presence of these trees within the lease area, and other protected trees in close proximity will most likely restrict any views from these possible 'taller buildings to the north' from overlooking the 'lease area'. The submitter considers that a 4.5m height limit is unnecessarily restrictive.

Submission Number	Position	Topic	Decision Requested
			The height limit currently applying to any buildings within Recreation Reserves within the Town Centre Zone is 8m (refer page A1-20 of the District Plan). The submitter seeks that the proposed PC50 rules for building height within the 'lease area' are consistent with the rules for Recreation Reserves, and amended to a maximum height of 8m.
50/34/08		Lakeview sub-zone - viewshafts	The Plan Changes introduces the concept of 'viewshafts' which are indicated on 'Figure 2 – Lakeview sub-zone Structure Plan', however they are not cross-referenced to any rule. As a result the purpose of the viewshafts is unclear. In some case they occupy areas on the Structure Plan that are shown as 'white', while in others they traverse areas that are indicated as 'reserve'. In the case of the 'lease area' there are viewshafts along the eastern and western boundaries. Where a viewshaft is indicated on a plan, then it must be supported by rules, that prevent or deter certain activities such as structures, planting of trees etc, while also enabling other activities. In this case there are none. The end use of the viewshaft is an important consideration for the submitter, as that will impact upon the amenity and privacy of any hot pools that get developed. It is important that such viewshafts are limited to landscaping together with either pedestrian or cycle connections, but not for vehicular purposes. The width of the western-most viewshaft is also a matter of concern for the submitter. This is indicated as being only 8m wide. Given the likely scale of adjacent development the submitter considers that a 20m wide viewshaft should be located along this boundary. The submitter is also concerned that the viewshaft along the western boundary does not encroach upon the 'lease area', and seeks confirmation of its location. The submitter seeks amendment to proposed rule 10.6.5.1 (xiii), where it refers to the Structure Plan features having a potential 5m permitted variance, such that it does not apply to this viewshaft. While the submitter supports the general principle of viewshafts, it considers that: - a policy and associated rule is necessary to implement an effective regime of viewshafts. - neither viewshaft should be located within the proposed 'lease area'. - that the western viewshaft should be widened to the width of a 'primary viewshafts' which appears to be approximately 20m wide.

Submission Number	Position	Topic	Decision Requested
			- that the use of the viewshafts should be limited to landscaping and either pedestrian or cycle use, but not vehicular usage.
50/34/09		Lakeview sub-zone - widening Thompson Street	The submitter states that Rule 10.6.5.1 (xiii)creates uncertainty and enables, at paragraph 3 of that rule, for an unspecified widening of Thompson/ Man Street realignment at any time. The submitter seeks that the third paragraph of Rule 10.6.5.1 (xiii) either be deleted, or a more precise measurement of the scope of widening be provided.
50/34/10		Lakeview sub-zone	The submitter seeks such other related or consequential relief that may be deemed appropriate to address the matters raised in this submission.

Kelso Investments Ltd and Chengs Capital Investments Ltd

Submission Number	Position	Topic	Decision Requested
50/35/01	Support (in part)	Expansion of Plan Change boundary	The submitter generally support the case set out in PC50 that there is a need to extend the QTCZ (although the submitter is not necessarily convinced that scale of the extension proposed under PC50 is justifiable). The submitter own five contiguous parcels of land (refer submission for map of these land parcels), bordered by Stanley Street, Gorge Road and Shotover Street. These lots are (i) 1, 3 and 5 Shotover Street; (ii) 67 Stanley Street (with the exception of one unit); and (iii) 2 and 4 Gorge Road. These sites are currently zoned High Density Residential Sub Zone A. The submitter requests the rezoning to QTCZ the area bound by Shotover Street, Stanley Street, Gorge Road, Horne Creek and District Plan Designation 232 (as outlined in green in the image in this submission); or alternatively, the area (outlined in blue in the image in this submission), being land owned or substantially owned by the submitter. If this relief is not granted, the plan change should be declined in its entirety.

Further Submissions	
Submission Number	**Submitter**
F50/10/34	BSPL (support/part)

C Hockey

Submission Number	Position	Topic	Decision Requested
50/36/01	Support (in part)	Isle Street sub zone	The submitter is the owner of land at 4 and 8 Isle Street, and has an interest in 2 Isle Street. The combined land area of these sites totals 1700m^2. The submitter supports the intention to rezone 2 to 8 Isle Street Town Centre Zone and requests that 2, 4 and 8 Isle Street are confirmed as part of the Queenstown Town Centre Zone.

Further Submissions	
Submission Number	**Submitter**
F50/27/08	Man Street Properties (support)
F50/28/08	Any Old Fish Company (support)
F50/26/08	The Diary Guest House (support)

50/36/02		Isle Street sub zone - Height Provisions	The submitter, in addressing the building height controls, questions the need for a recession plane control. In particular, it is considered that a 45 degree recession plane starting 5m above the boundary is overly restrictive and could result in poor design outcomes including unattractive built forms. Further, there are some unclear matters with respect to the controls on height. It is questioned how easily and consistently the matter of what a 'northern boundary' will be interpreted with respect to the recession plane rule (it may, for example be more efficient to name the street boundaries to which this rule applies rather than refer to cardinal points). It is also unclear whether the rule applies for boundaries between sites held in common ownership (and it is submitted that this should not be the case). And it is unclear whether the roof bonus rule provides an exemption from the recession plane requirement, or only the overall 12 metre height limit. The submitter, therefore, requests that the internal boundary recession plan rule as it applies to the Isle Street subzone be removed or amended, so as to allow greater building height closer to boundaries, to clarify the rules and to exempt the rule's application from boundaries between sites held in common ownership.

Further Submissions	
Submission Number	**Submitter**
F50/27/08	Man Street Properties (support)

Submission Number	Position	Topic	Decision Requested
		Further Submissions	
	Submission Number	**Submitter**	
	F50/28/08	Any Old Fish Company (support)	
	F50/26/08	The Diary Guest House (support)	
50/36/03		Isle Street sub zone - carparking	It is also questioned how reasonable and practical the rule preventing the parking of cars within front yards within the Isle Street subzone is. There are and will continue to be many residential properties where this practice can reasonably be expected to continue in this subzone. And given sites in this subzone typically have quite narrow frontages and are relatively steeply sloping, it is not clear that this standard will prove practically achievable while allowing reasonable development of a site. The submitter requests the removal of the rule that seeks to prevent car parking in front yards in the Isle Street subzone. Any such other related or consequential relief that may be deemed appropriate to address the matters raised in this submission.

H W Holdings NZ Limited

Submission Number	Position	Topic	Decision Requested
50/37/01	Support (in part)	Lakeview sub zone	The submitter supports the plan change, including the need to identify additional town centre zoned land, subject to the relief set out in this submission. The submitter owns 9 contiguous titles of land located to the west of the Lakeview camp ground. This block of land comprises a total of 4,530m2; creating an almost rectangular block of land that generally measures 50m x 80m. This land all has frontage to Thomson Street. There are three adjacent separately owned titles (1,542m2) that complete this block through as far as Glasgow Street (refer submission for image of site). The submitter supports the inclusion of the land within the Town Centre zone; however there are concerns that the land may be significantly impacted upon by the way in which development occurs on the Council's adjacent Lakeview land.
50/37/02		Lakeview sub zone - Viewshafts	The Lakeview Sub-Zone is based upon a Structure Plan (Figures 2 and 3 of the Proposed Plan Change provisions), which include an indicative roading layout and a series of viewshafts.

Submission Number	Position	Topic	Decision Requested
			The submitter is very concerned that this secondary view-shaft adjacent to the eastern boundary of their land will in fact become a service lane; used as the back-of-house area for the convention centre for location of skip bins, deliveries, and other low amenity aspects. The submitters land is at the same elevation at the adjoining Lakeview land and would be significantly impacted upon if the eastern edge of that land is used for service or back-of-house activities, as they would be highly visible in direct line-of-sight.
50/37/03		Lakeview sub zone - Controlled Activity/Non-notification of Convention Centre	The proposed zone provisions identify a convention centre as requiring a Controlled Activity (non-notified) resource consent approval anywhere within the Lakeview sub-zone. It is understood that the convention centre would have a footprint of approximately 7,500m^2, and such a building would typically have large expanses of continuous wall, particularly along the less public edges or facades. The submitter requests that the Plan change provisions (including objectives, policies and methods) be amended so that: 1. Any building or development within the adjoining Lakeview Sub-Zone involves a Restricted Discretionary consent process (rather than Controlled Activity); 2. The viewshaft that runs parallel to the submitters land be limited to use for landscaping, pedestrian/ cycle purposes only (at least where that viewshaft is adjacent to the submitters property boundary). 3. The viewshaft not be used for vehicle access purposes, at least over that part of the viewshaft that is adjacent to the submitter's property boundary. 4. Matters of Discretion and associated Assessment Matters be included to ensure that any development of land within the Lakeview Sub Zone to the east of the submitters land be managed so that there are no service or back-of-house facilities located adjacent to the common boundary of the submitters land. 5. Any related or consequential relief that may be deemed appropriate to address the matters raised in this submission.
50/37/04		Lakeview sub zone - Structure Plan	The submitter motes that proposed Rule 10.6.5.1 (xiii) requires that development within the Lakeview Sub-Zone occurs in accordance with the Structure Plan, with provision for a 5m variance. The submitter seeks amendments to this rule to ensure that the viewshaft is not able to be varied so that it might be located within the submitter's land. The submitter seeks that Rule 10.6.5.1 (xiii) be amended so that the secondary viewshaft adjacent to the submitters land cannot be located within the

Submission Number	Position	Topic	Decision Requested
			submitter's land.

Queenstown Gold Ltd

Submission Number	Position	Topic	Decision Requested
50/38/01	Support (in part)	Expansion of Plan change boundary	The submitter supports the plan change, subject to the relief set out in this submission. The submitter owns two contiguous parcels of land, Lot 1 DP306661 and Lot 2 DP27703, on the eastern side of upper Brecon Street comprising 5,713m^2 (refer submission for a map that shows the location of the sites, bordered in blue). The submitter seeks that the area on Brecon Street currently zoned High Density Residential with a 'Commercial Precinct' overlay be rezoned to Town Centre Zone.

Further Submissions	
Submission Number	**Submitter**
F50/10/35	BSPL (oppose)
F50/49/05	Remarkables Jet Limited (support)

Memorial Property Ltd

Submission Number	Position	Topic	Decision Requested
50/39/01	Support (in part)	Plan Change itself	The submitter supports the better utilisation of Council's landholdings in the Lakeview area through enabling more development and rationalising reserve holdings. It also supports generally the idea of a Convention Centre within the Lake View area. However, the submitter is concerned about the nature and scale of development proposed by PC50 and whether infrastructure could and should be provided to support the proposed developed. The submitter is also concerned that the plan change as currently proposed could undermine the vitality of the existing town centre and detract from those values it aims to enhance.

Further Submissions	
Submission Number	**Submitter**
F50/27/09	Man Street Properties (oppose)
F50/28/09	Any Old Fish Company (oppose)

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/26/09	The Diary Guest House (oppose)	
	F50/49/05	Remarkables Jet Limited (support)	
50/39/02	Oppose (in part)	Impacts Upon Existing Town Centre	The submitter has reservations about the overall rationale of Plan PC50, noting that it represents a significant departure from the policy framework established in the current District Plan and the preferred direction promoted by Council in recent years, including to contain the spatial extent of the town centre. The submitter considers that much of the proposed extension of the town centre is significantly separated by distance, elevation changes and street layouts and there is a risk of a competing rather than complementary retail and office precinct emerging, which could undermine the vitality of the existing town centre. A fragmented, sprawling commercial area could emerge which lacks the walkable appeal of the current town centre.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/36	BSPL (support/part)	
	F50/35/06	Kelso and Chengs (support/part)	
	F50/27/09	Man Street Properties (oppose)	
	F50/28/09	Any Old Fish Company (oppose)	
	F50/26/09	The Diary Guest House (oppose)	
	F50/49/05	Remarkables Jet Limited (support)	
50/39/03		Traffic, parking and Infrastructure	The submitter has concerns around assumptions that the current transportation network will be little changed, when significant adverse effects under the ‘status quo’ are identified. It is considered that PC50 could significantly compound those adverse traffic effects. It also appears that PC50 lacks a strategy for dealing with car parking and that the road network in and around the site may prove inadequate to cater for the levels of development enabled. The submitter is concerned about some of the assumptions that have been used for modelling, particularly traffic modelling. It considers that the land use activities enabled by the zoning could differ

Submission Number	Position	Topic	Decision Requested
			significantly from what was assumed in that modelling and, as a result, that substantially greater traffic generation could arise than has been assumed. Further, it is not always possible through reading the plan change documentation to analyse the evidence base relied upon. Some assumptions are not made clear (for example the land uses that make up the 'status quo' scenario for traffic modelling). The submitter requests that either identify within the District Plan an adequately sized public car parking area(s) or apply more rigorous on-site car parking standards. Further, the submitter requests amendments to ensure that the internal roading network can safely and efficiently cater for the proposed land uses.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/27/09	Man Street Properties (oppose)	
	F50/28/09	Any Old Fish Company (oppose)	
	F50/26/09	The Diary Guest House (oppose)	
	F50/49/05	Remarkables Jet Limited (support)	
50/39/04		Town Centre Capacity Issues	The submitter considers that the supporting report by McDermott Miller substantially underestimates the amount of unutilised commercial development capacity in the Queenstown Town Centre.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/49/05	Remarkables Jet Limited (support)	
50/39/05		Scale, Height and Density	The submitter is concerned that the proposed building heights in the PC50 area could detract from the visual amenity and landscape qualities of Queenstown and its surrounds. The submitter seeks the reduction of the height limits enabled to align with other comparable zonings of the operative Queenstown Lakes District Plan.
	Further Submissions		
	Submission Number	**Submitter**	
	F50/10/37	BSPL (oppose)	
	F50/49/05	Remarkables Jet Limited (support)	

Submission Number	Position	Topic	Decision Requested
50/39/06		Impacts Upon Existing Town Centre	The submitter is concerned that both public and private investment could be diverted away from the existing town centre as a result of PC50, which could result in lower standards of buildings in the town centre as opportunities to redevelop existing sites are not pursued.

Further Submissions	
Submission Number	**Submitter**
F50/27/09	Man Street Properties (oppose)
F50/28/09	Any Old Fish Company (oppose)
F50/26/09	The Diary Guest House (oppose)
F50/49/05	Remarkables Jet Limited (support)

Submission Number	Position	Topic	Decision Requested
50/39/07		Convention Centre	The submitter has concerns that PC50 enables via a controlled activity the development of a Convention Centre. In principle, Memorial Property Ltd supports the development of a convention centre near the Queenstown Town Centre. The submitter also agrees that the wider Lake View area is likely to contain a suitable site for such a facility. The submitter requests that either, (i) limit the location allowed via a controlled activity for a convention centre to the site shown in the attached annotated Structure Plan (refer submission), or (ii) raise the activity status of a convention centre to restricted discretionary, with a matter of discretion listed as "the suitability of the proposed location" with associated assessment matters included to address, amongst other matters, the consideration of the benefits that may be afforded to the existing town centre as a result of factors such as the walking distance for conference delegates to the existing town centre.

Further Submissions	
Submission Number	**Submitter**
F50/10/38	BSPL (support/part, oppose)
F50/32/01	IHG and Carter Queenstown (support)
F50/27/09	Man Street Properties (oppose)
F50/28/09	Any Old Fish Company (oppose)
F50/26/09	The Diary Guest House (oppose)
F50/49/05	Remarkables Jet Limited (support)

Submission Number	Position	Topic	Decision Requested
50/39/08		Lakeview sub zone	Given the issues raised in the submitter's submission, the submitter doubts that Town Centre zoning is the most appropriate zoning for the Lake View area. Alternative zonings that more precisely control the range of activities enabled are likely to be more appropriate. This may for example be achieved with a subzone of the High Density Residential Zone (which is in fact the current zoning of the area) and if necessary the use in specific areas of other zones and overlays already used in the Plan. The submitter seeks that the plan change be amended as follows: 1. Amend the plan change to apply a zoning regime to the Lake View area which enables the following activities only: o visitor accommodation o residential activity o conference facilities o tourism facilities o activities ancillary to those listed above

Further Submissions	
Submission Number	**Submitter**
F50/27/09	Man Street Properties (oppose)
F50/28/09	Any Old Fish Company (oppose)
F50/26/09	The Diary Guest House (oppose)
F50/49/05	Remarkables Jet Limited (support)

50/39/09		Isle Street sub zone	The submitter considers that the extent of the proposed Isle Street subzone and the development allowed therein needs to be rationalised. It is questioned whether that area has the appropriate attributes to convert to a town centre area. Certainly, the proposed height limits for this subzone appear inappropriate for this area. The submitter considers that subzone should either be deleted or the area which it covers should be significantly reduced, to align with the extent contemplated in 2009 Queenstown Town Centre Strategy and the 2012 consultation document regarding the District Plan review. The submitter seeks the deletion or reduction in size of the proposed Isle Street subzone.

Submission Number	Position	Topic	Decision Requested
	Further Submissions		
	Submission Number	**Submitter**	
	F50/24/18	John Thompson (oppose)	
	F50/35/07	Kelso and Chengs (support/part)	
	F50/49/05	Remarkables Jet Limited (support)	
50/39/10		Rules	As a consequence, the submitter seeks in the first instance that the plan change be declined in its entirety. Alternatively, that the plan change be amended as follows: 1. Amend the plan change to apply a zoning regime to the Lake View area which enables the following activities only: o visitor accommodation o residential activity o conference facilities o tourism facilities o activities ancillary to those listed above 2. Reduce the height limits enabled to align with other comparable zonings of the operative Queenstown Lakes District Plan; 3. Either identify within the District Plan an adequately sized public car parking area(s) or apply more rigorous on-site car parking standards; 4. Provide amendments to ensure that the internal roading network can safely and efficiently cater for the proposed land uses; 5. Delete or reduce in size of the proposed Isle Street subzone; 6.Either, (i) limit the location allowed via a controlled activity for a convention centre to the site shown in the attached annotated Structure Plan, or (ii) raise the activity status of a convention centre to restricted discretionary, with a matter of discretion listed as "the suitability of the proposed location" with associated assessment matters included to address, amongst other matters, the consideration of the benefits that may be afforded to the existing town centre as a result of factors such as the walking distance for conference delegates to the existing town centre. 7. Any other related or consequential relief that may address the issues raised in this submission

Submission Number	Position	Topic	Decision Requested
		Further Submissions	
	Submission Number	**Submitter**	
	F50/24/18	John Thompson (oppose)	
	F50/49/05	Remarkables Jet Limited (support)	

Justin Wright

Submission Number	Position	Topic	Decision Requested
50/40/01	Support (in part)	Plan Change itself	The submitter addresses a range of provisions proposed by PC50, including: Section 16.6.5.1 Site Standards. Lake View Sub-Zone • Max Building Cover 80% 10.6.5.1-i(D) • Glasgow St Sett Back 4.5 M 10.6.5.1 - iv (d) • No residential on ground floor for active fronts 10.6.5.1 - vii (d) • No residential on ground floor for active fronts 10.6.5.1 - xi (e) • Max Height = as per map 10.6.5.1 - xi (d) • Glasgow St 2.5+25º • Thompson 4.5 = 45º Isle St SubZone • Max Cover 70% • Max Set Back is 1.5M to Road 10.6.5.1 iv(e) • No front yard parking 10.6.5.1 iv(f) • Minimum setback to other boundaries is 1.5M 10.6.5.1 iv(g) • Max Height = 12M 10.6.5.1 - xi (e) • Add 2M for roof form - xi (f) • Sunlight recession 5M+45º Active Fronts • 4.5M Above ground level. A number of these provisions are addressed in detail below.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/10/39	BSPL (support/part)	
50/40/02			The submitter seeks that the provisions amended to allow for more intensive development on the proposed Lake View Subzone and Isle St Subzone. The submitter considers that further densification of the Queenstown Centre and Surrounds will make for a

Submission Number	Position	Topic	Decision Requested
			more vibrant built environment, allowing for intensive development within and surrounding the existing town centre allows for development that does not require further subdivision of our open space. High density is a more sustainable development as it allows to leverage of existing infrastructure. High quality urban design creates good work and living environments. While the proposed plan change is on the right track, a more intensive development will have further benefits to the urban environment and the economy.

Further Submissions	
Submission Number	**Submitter**
F50/10/40	BSPL (support)
F50/27/10	Man Street Properties (support)
F50/28/10	Any Old Fish Company (support)
F50/26/10	The Diary Guest House (support)

50/40/03		Isle Street sub zone - Building coverage	The submitter wishes to see the minimum building cover on both the lake view site and the Isle St Sub zone to be increased to a minimum of 95%. For the development of these blocks to integrate into the existing urban fabric it is critical to maintain a consistency of density at ground level.

Further Submissions	
Submission Number	**Submitter**
F50/10/41	BSPL (support)

50/40/04		Lakeview sub-zone - site coverage	The submitter wishes to see the minimum building cover on both the lake view site and the Isle St Sub zone to be increased to a minimum of 95%. For the development of these blocks to integrate into the existing urban fabric it is critical to maintain a consistency of density at ground level.
50/40/05		Isle Street sub zone - Height Provisions	The submitter wish to see all recessions plane rules be removed from the Isle Street sub zone. The implication on building form has not been tested and will likely lead to poor building form that are a detriment to the urban form and environment.
50/40/06		Isle Street sub zone - Height Provisions	The submitter wishes to see adoption of volumetric design controls instead of maximum height plane controls. Volumetric controls allow for flexibility in building mass. They create the condition were buildings

Submission Number	Position	Topic	Decision Requested
			can be taller if they are thinner. The result is that a building form can be adjusted to accommodate the same area of occupation, while creating flexibility within the building lot to adjust for sun light access and view depending on the build form around the site. Volumetric design controls result in building that respond better to neighbouring buildings allowing for view and sunlight access. They also result in a modulated skyline, instead of single height block mass. The submitter requests the local authority to commission a report on the economics of development to ensure the proposed rules do not create a set of conditions that make the proposed plan unfeasible. Specifically at risk is the development of the building that form the Isle St extension. The ground floor retail requirements are for a min 4.5 metre inter floor height. The max building height allows for only 2 stories above. The height from ground floor to upper level likely require lift access to be attractive for a tenant. The rules impose additional costs of the extra volume on ground floor and the lift. Hence it may be that the proposed change imposes rules that adds cost to the building that means they are simply not feasible and thus will not be realized. This passage is critical to the connections of the urban fabric. The local authority may find that the feasibility of such a development requires a min of 6 stories to cover the increased expense of the lift and ground floor quality.

Further Submissions	
Submission Number	**Submitter**
F50/10/42	BSPL (support)
F50/27/10	Man Street Properties (support)
F50/28/10	Any Old Fish Company (support)
F50/26/10	The Diary Guest House (support)

50/40/07		Lakeview sub zone - Structure Plan	The submitter wishes to ensure that the structure plan is amended to allow further building on the strip of land marked as reserve on the north. Higher density of building will support the vibrancy of the ground floor. Given the proximity of the massive Ben Lomond reserve adjacent to the site, there is more than adequate provision for open space already. The submitter wishes to see this urban space developed, and see the Council realise the valued added to the council owned asset.

Mark and Ann McKenzie

Submission Number	Position	Topic	Decision Requested
50/41/01	Support (in part)	Cabins	The submitter seeks the PC50 be amended exclude the Antrim Street area of Lakeview sub-zone from the proposed plan change. Antrim Street is on the outer boundary of the plan change area and should be preserved for its cultural and historic values.

Queenstown Lakes Community Housing Trust

Submission Number	Position	Topic	Decision Requested
50/42/01		Affordable Housing	The Trust states that PC50 needs to be consistent with the objects of PC24, the Trust is seeking the provision of affordable and community housing to be included within the Plan Change. The submitter would like to discuss with Council the way in which the objects of PC24 might be delivered within PC50.

Joy Veint

Submission Number	Position	Topic	Decision Requested
50/43/01	Oppose	Plan Change itself	The submitter raises specific concerns relating to the proposed plan change including: 1. Economic growth should not come at the expense of losing mountains forever; 2. The unique alpine resort town that we have now will be lost forever if Council allow high rise buildings to go up the District's mountains; 3. We need to preserve the town's beauty for future generations to come; 4. Just to change the zoning to allow a convention centre to go ahead on the Lakeview site is an assault on the District's natural landscape; 5. The extension of the town centre should go out Gorge Road. The submitter does not support the extension of the town centre just to allow a convention centre to go ahead on the Lakeview site.
50/43/02		Scale, Height and Density	No high rise buildings should be approved as it will impact on the natural landscape.

Further Submissions	
Submission Number	**Submitter**
F50/10/43	BSPL (oppose)

50/43/03	Precedent	The plan change will create a precedence for others to follow.
50/43/04	Earthquake Risk	Queenstown is on many major fault lines. A huge earthquake is a serious risk to our resort.
50/43/05	Traffic, parking and Infrastructure	Congestion on roads in the CBD is dangerous for people now. It will only get worse with traffic making its way through town to get to this high density commercial zone. The roads we use today in the CBD were built for horses in the 1860's.
50/43/06	Convention Centre	A convention centre should be easily accessible to all by road, with plenty of parking and no danger zones to contend with.
50/43/07	Alternative Town Centre Expansion	The extension of the town centre should be out Gorge Road, where there has been commercial development for the last 60 years. The development footprint is already there.

Further Submissions	
Submission Number	**Submitter**
F50/10/44	BSPL (oppose)
F50/49/12	Remarkables Jet Limited (support/part)

Douglas Veint

Submission Number	Position	Topic	Decision Requested
50/44/01	Oppose	Plan Change itself	The submitter opposes the proposal to extend the QTCZ towards Lakeview and Isle Street sub-zones. The submitters reasons are that it would be visually unacceptable to have high rise buildings up the hill in that area. The submitter does not believe the traffic abd access problems have been allowed for and it would be more appropriate to extend in the Gorge Road area. The submitter requests that the Plan Change be abandoned in its present form and that the proposal be looked at again to extend in the direction of Gorge Road.

Further Submissions	
Submission Number	**Submitter**
F50/10/44	BSPL (oppose)
F50/35/03	Kelso and Chengs (support/part)

Janet Sarginson

Submission Number	Position	Topic	Decision Requested
50/45/01	Oppose	Plan Change itself	The submitter opposes the proposal of the town centre extension because of the high rise buildings and would like the Council to rethink PC50 and look again at the Proposal to include Gorge Road extension in the town centre.

Further Submissions	
Submission Number	**Submitter**
F50/10/44	BSPL (oppose)
F50/35/02	Kelso and Chengs (support/part)
F50/49/13	Remarkables Jet Limited (support)

50/45/02		Precedent	Other will follow.
50/45/03		Scale, Height and Density	The visual impact on our mountain landscapes will be gone forever.

Otago Regional Council

Submission Number	Position	Topic	Decision Requested
50/46/01		Traffic, parking and Infrastructure	ORCs view is that it is important that present transport business planning is integrated with the preparation of the town structure plan proposed in the plan change documentation. This will provide the opportunity for positive outcomes from both planning initiatives and most importantly, for the residents and visitors to the district. Ideally, the transport business planning should be completed before the structure plan is developed. In that way, not only can the structure plan give appropriate consideration to solutions identified in the business planning, but also the changes proposed to the town centre and transport network in the structure plan. This would assist in establishing a broad development layout and that the final business plan can be integrated to ensure a coherent system.
50/46/02		Traffic, parking and Infrastructure	ORC recommends a review of the council's parking pricing and supply be undertaken before or during the preparation of the structure plan. The plan change signals a limitation on provision of off-street parking on the Lakeview site. The review's purpose would be test if such a limitation would have any undesired effect such as clogging of the area around the town centre with either parked vehicles or drivers circulating looking for a park. Such effects would be contrary to the strategic direction being proposed in the transport business case planning.

			As the Lakeview site will receive a high degree of tourism, coach and public transport traffic, there is the opportunity to investigate whether the convention centre site would make for a suitable transit hub for public passenger transport, and to incorporate such provision in the wording of the plan change.

James Penwell

Submission Number	Position	Topic	Decision Requested
50/47/01	Oppose	Plan Change itself	The submitter is opposed to the plan change on the basis that it will: 1. Provide permit the construction of much higher building than currently exists; 2. The construction will be an eyesore. Multi storey buildings will not 'blend in' to Bob's Peak, anymore than the Hilton/Kawarau Falls developments blend into the Peninsula Road; 3. The provision is less about rezoning the area as "town centre" than it is about seeking a means to permit the construction of a conference centre, to which the submitter is also opposed;. In this sense, the plan change is misleading and dishonest. The submitter requests that through the elected Council to reject the plan change.

Cath Gilmour

Submission Number	Position	Topic	Decision Requested
50/48/01	Not specified	Plan Change interface with District Plan Review	The submitter states that the version of the Town Centres Chapter 10 into which this plan change has been incorporated is no longer extant. This old version strongly reflected the McDermott Miller strategy report, with little input at that stage from councillors or the community forum. It has changed considerably through Councillor and forum workshops and discussions between planning staff and portfolio managers. The submitter suggests that this is the version into which PC50 should be incorporated, assuming PC50 goes ahead in this format. The submitter consider that this is vital for the integrity of our District Plan, and the overall better management of Queenstown town centre. There are some quite distinctive elements of our current town centres chapter that plan PC50 should reflect - including more emphasis on having a defined entertainment hub in the innermost part of the town centre, greater emphasis on community, and active street interface of buildings.

Submission Number	Position	Topic	Decision Requested
			Also, the change of language in our zone purpose, objectives and policies will give guidance as to how we see economic benefits versus community amenities being balanced as well as they can within the broader town centre zone.
50/48/02		Affordable Housing	The submitter notes that the plan change does several times mention the concept of affordable housing, there is no commitment to providing any. This goes against one of the development principles adopted by Council in December last year and Plan Change 24. The relevant extract from council minutes of December 19, 2013, with regard to development principles is as follows: *"The Chief Executive conferred with the General Manager, Planning and Development and the Manager, Resource Consenting on a further development principle which would address this concern. He suggested the following text:* *Development at the site mitigates any adverse impacts on housing affordability and ensures that equivalent affordable housing options are enabled in a manner consistent with the stakeholder deeds agreed as part of Plan Change 24.* *Councillor Gilmour also asked that the development principles refer to the continuing operation of the Queenstown Lakeview Holiday Park. Following discussion it was agreed to add the following: Considers options for the future operation of the campground. The additional development principles were added to the recommendation."* The submitter highlights that nowhere has this happened. PC50 does not mention mitigation of lost affordable housing options, beyond saying that they had no guarantee of remaining beyond 2015 and that the high density housing that would be built on site would be placed to town and good quality and therefore might be cheaper to live in. This meets neither the spirit nor the intent of the development principle above.
50/48/03		Affordable Housing	In addressing affordable housing, the submitters addresses PC24, which the submitter states is important in its own right as well and in the reference to it in the above development principle (set out above). The submitter states that the final version of PC 24 is a sadly diluted model of its original self. But the wording of the development principle above - “and ensures that equivalent affordable housing options are enabled in a manner consistent with the stakeholder deeds agreed as part of plan change 24” - is a strong statement that

Submission Number	Position	Topic	Decision Requested
			QLDC should ensure through PC50 that such a stakeholder deed is agreed to with the eventual developer/s. Further, it gives strong guidance as to the ballpark figure of affordable/community housing that such a stakeholder agreement should provide. Stakeholder deeds on plan changes under PC24 have resulted in 3 to 5% of the value of developed sites being contributed towards the community's stock of affordable/community housing, primarily through the Queenstown Community Housing Trust. The submitter states that even the Northlake development (currently under appeal but processed after the negotiated PC 24 had been finalised) has resulted in 20 titled and serviced sections being given to the Queenstown Community Housing Trust for this purpose. In the more than 800 pages of plan change documentation, it is interesting to note that PC24 was not mentioned once. It has just three policies ((i) To provide opportunities for low and moderate income households to live in the district in a range of accommodation appropriate for their needs, (ii) To have regard to the extent to which density, height, or building coverage contributes to residential activity affordability (iii) To enable the delivery of community housing, through voluntary retention mechanism). The submitter highlights that the relevant advice note says this is to be applied through the assessment of proposed changes to the district plan. In addition to PC50 ensuring that adequate community/affordable housing is provided, the third policy - a voluntary retention mechanism - must be addressed.
50/48/04		Isle Street Sub-zone - Liquor and Noise	The submitter states on page 3 of Stephen Chiles' noise assessment, "It is understood that it is not desired to limit nightlife to a specific part of the plan change area…". The submitter notes that there was no discussion within the report about why this should or should not be so. Nor, to the submitters knowledge, have councillors discussed the issue. However, we have had considerable discussions about this issue as part of the District Plan review, trying to strike a balance between economic vibrancy downtown and the need to ensure a level of amenity for residents and visitor accommodation on the periphery and adjacent high density zones. Requests that both noise and licensing requirements of the PC50 area reflect the Town Centre Transition Zone requirements of the new district plan.
50/48/05		Need for Plan Change	The submitter acknowledges that the primary justification for the size of the PC50 town centre extension is to incorporate the proposed convention centre site, but query if this is the most efficient, cost

Submission Number	Position	Topic	Decision Requested
			effective solution for households and business in the district.
		Further Submissions	
	Submission Number	**Submitter**	
	F50/49/11	Remarkables Jet Limited (support/part)	
50/48/06		Outline Plan	The submitter consider that it would be useful to have an outline plan stage required to give more surety to the eventual shape of the plan change area and suggests the urban design panel is used when it comes to assessing both this outline plan and the buildings themselves.
50/48/07		Traffic, parking and infrastructure	The submitter agrees with the need to treat stormwater prior to putting it into the lake. Further, as a nearby residents, we have already had repeated blockages of the sewage pipes. This infrastructure may well need upgrading. Stormwater also not always adequate.
50/48/08		Rules	Other concerns raised relating to proposed rules include: 1. A variety of the rules need to be looked at, for potentially unintended consequences - e.g. 10.6.5.2.6., 10.6.3.2.7. 2. Reference should be made to cycle/rollable accessibility as well as pedestrian. Disabled access? 3. If town centre transition zone noise and licensing RMA guidelines are used for PC50, then perhaps mechanical ventilation system et cetera one should not be required? This would be a more cost-effective solution for those landowners.
50/48/09		Convention Centre	The submitter notes that the most rosy picture of economic benefits of proposed convention centre, 466 full-time equivalents in the district. The submitter notes also that the report says full-time jobs - few of them in fact will be. NZIER on the other hand, estimate 120 full-time equivalent jobs throughout the region. Some of the other economic impacts estimated for developers of various parts of the PC50 land also look optimistic.
50/48/10		Isle Street sub zone - carparking	The submitter questions the no parking vehicles in front yards in Isle Street subzone and what the rationale for this is and whether this is the most cost effective and efficient solution for whatever problem may have been identified? The submitter notes that their own property, this outcome could well leave us with no parking at all and disagrees with the contention that the cost is minor and that it is outweighed by the (unnamed) benefit.

Submission Number	Position	Topic	Decision Requested
50/48/11		Lakeview sub zone - Height	The submitter notes that the Queenstown Height study does assume retention of the 'green finger' of Lakeview campground, in terms of mitigating the effects of increased height on landscape. Further, the submitter questions whether the landscape effect of the heights to be allowed in PC50 more than minor? We have been told that the graphic included in the plan change agenda is misleading, but we haven't actually seen one that looks kinder. It will be interesting to hear the commission's perspective and further evidence.

Remarkables Jet Limited

Submission Number	Position	Topic	Decision Requested
50/49/01	Oppose	Plan Change itself	The submitter opposes the plan change on the following grounds: The Plan Change does not accord with, or assist the territorial authority to carry out its functions to achieve, the purpose of the Resource Management Act 1991 ("the Act"), because: • it does not give effect to Part 2 of the Act; • it does not meet section 32 of the Act; • it is not the most appropriate method for achieving the objectives of the District Plan having regard to its efficiency and effectiveness , and taking into account the costs and benefits; and • it is neither better than the current zoning nor better than an alternative CBD expansion . The Plan Change is inconsistent with the Otago Regional Policy Statement and the Otago Regional Plan. The purpose of the Plan Change is internally inconsistent and unclear. It is not clear whether the purpose of the Plan Change is primarily to ensure the expansion of the Town Centre. The submitters seeks the Plan Change be rejected, for the above and those other matters set out below.
50/49/02		Impacts Upon Existing Town Centre	The Submitter considers that the proposed expansion of the Town Centre will undermine the character and heritage of Queenstown's downtown and surrounding area, and as a result will adversely impact on its tourism appeal. The Plan Change in its current form will seek to draw people away from the existing CBD, both uphill and through existing, relatively narrow, residential streets. If the Town Centre requires expansion, the area to the north-east adjoining Gorge Road (an arterial road)

Submission Number	Position	Topic	Decision Requested
			would create a dual opportunity to up-zone the eastern entrance to Queenstown, as well as allowing for Town Centre expansion into a largely flat, non-residential, mixed commercial and declining industrial use area. This could also take into account the availability of the high school site (expected around 2018). The extent of expansion of the Town Centre will have a negative impact on land values. Should the Plan Change be confirmed, there will be a likely devaluation of CBD land which will have implications for the quality of new development and redevelopment that can occur in the current CBD area. The staging of the proposed Town Centre expansion has not been properly considered. Sound planning would suggest a staged development should occur whereby the land closest to the current CBD would be developed first, and only then would a further stage of development be considered. The Plan Change has failed to consider the sequencing of the Town Centre expansion to ensure consolidated development of the CBD takes place, as opposed to negative effects of sporadic development.

Further Submissions	
Submission Number	**Submitter**
F50/10/44	BSPL (oppose)
F50/10/45	BSPL (support/part)
F50/24/19	John Thompson (support/part)
F50/35/01	Kelso and Chengs (support/part)
F50/32/03	IHG and Carter Queenstown (support)

50/49/03		Need for Plan Change	The submitter considers that the plan change is at odds with it's position and evidence for Plan Change 19 which indicated that there was enough town centre/commercial land available to meet demand for the next 20 to 30 years. Further, some of the benefits claimed have been overstated in the Plan Change documentation, as some of these benefits are considered to be no more than "additional".
50/49/04		Affordable Housing	The submitter considers that the proposed Plan Change provisions will not deliver a High Density Residential outcome, if that is a desired outcome for the area. The Plan Change is largely silent in relation to any

Submission Number	Position	Topic	Decision Requested
			residential development opportunities that could be pursued, in particular affordable housing opportunities on Council-owned land. It is likely that the other activities enabled by the Plan Change will be pursued which will push out any potential residential development.
50/49/05		Adequacy of section 32 report	The section 32(1)(b)(i) test has not been properly undertaken. The failure to meet the test under s32(1)(b)(i) renders the section 32 analysis inadequate and deficient.
50/49/06		Scale, Height and Density	The Plan Change has potential to generate significant adverse amenity and traffic effects, particularly with respect to the maximum height limits. The Plan Change allows for development of buildings up to 28m, against the backdrop of the Ben Lomond Recreational Reserve mountains which are identified as Outstanding Natural Landscapes - Wakatipu Basin (ONL (WB)). The operative District Plan states that development in ONL (WB) should be avoided unless the adverse effects will not be more than minor on landscape values and visual amenity values. The proposed height limits will result in significant adverse effects that are more than minor. New urban development is also to be avoided in ONL (WB) areas.
50/49/07		Traffic, parking and Infrastructure	The Plan Change will generate significant adverse effects on the CBD and wider road networks, including Frankton Road. The transport assessment is inadequate.

WN and PJ Labes

Submission Number	Position	Topic	Decision Requested
50/50/01		Plan Change itself	The submitter seeks PC50 be amended to exclude the Antrim Street area because of historic values.

Val Hamlin

Submission Number	Position	Topic	Decision Requested
50/51/01		Plan Change itself	The submitter seeks PC50 be amended to exclude the Antrim Street area.

Les and Bev Dawson (Late)

Submission Number	Position	Topic	Decision Requested
50/52/01		Lakeview sub zone	The submitters concern (along with many other locals) is that the now called Lakeview Site is being considered for high rise development. Submitter is very much

			aware that Tourism is an important part of Queenstown economy and always will be as town is known worldwide for its natural beauty. The submitter questions whether more hotels are needed.

Carl Loman - Loman Family Trust (Late)

Submission Number	Position	Topic	Decision Requested
50/53/01	Support	Plan Change itself	No objection to the proposed plan change in its current stage

Rebecca Richwhite (Late)

Submission Number	Position	Topic	Decision Requested
50/54/01	Support	Lakeview sub zone	The submitters live in Brunswick Street, directly beneath the proposed Lakeview site, since 2012. I am a qualified architect with extensive European architectural and design experience, and take great interest in urban planning and development. Submitter supports QLDC's plans to develop the extended Queenstown township with vertically oriented, high density dwellings. Responding to the forecast growth of Queenstown with 'density' in mind, is the only way Queenstown's natural environment can be protected. Rather than loose itself to Frankton and an inevitable 'spring' of additional commercial centres, QLDC is seizing the opportunity to connect Lakeview with the existing fabric of Queenstown. This will allow Queenstown to remain the region's focal point and enhance the quality of living for the resident population, as well as visiting tourists. Queenstown would remain accessible to the pedestrian tourist population, whilst eliminating issues of traffic that would otherwise arise. Considers that Council should aspire towards what has been achieved in some of the most admired lakeside and alpine towns of Europe, where condensed built environments nestle into the base of expansive mountainous landscapes. Highlights two such examples, being Lake Como and St Moritz. The proposed principal of 'upward not outward', 'quality not quantity', should be applied to future development in the broader Lakes District. Submitter sees the proposed Plan Change 50 as an opportunity to hone what has begun, and to address some of the urban challenges the region is facing.

Further Submissions	
Submission Number	**Submitter**
F50/10/46	BSPL (support)

Basil Walker

Submission Number	Position	Topic	Decision Requested
50/55/01	Oppose	Plan Change itself	The submitters property is included within the proposed plan change (within the Isle Street sub zone) and therefore formally submit against the Plan Change because the integrity of Queenstown is now being placed at a level of concern that disapproval is required. The submitter considers that convention centre debate and analysis has been overshadowed by an unreasonable delusional understanding of what the town was actually striving to gain by the Queenstown convention centre and completely stalled for possibly a decade by documentation of the Plan Change 50 proposal. The submitter states at no time have the Consultants proven a point of Need, Success or Requirement on a matter of enormous significance and most importantly whether the natural confines and boundaries of the CBD could accommodate fluctuating visitor numbers caused by a major increase in all aspects of the CBD. The submitter contends that: "there has been no absolute determination that the "Jewel of Queenstown" could not be irreparably ruined by the congestion. There has been no determination that the parallel tourism enjoyed under the entire Queenstown district banner is not more important than congesting the CBD. There has been no determination that QAC can accommodate any variation in aeroplane that their Airline customers may purchase to compete with other airlines". Therefore, the submitter objects to the reports that have no proof of success or mitigation of the many concerns by residents that Consultants who offer no guarantee as to their subjective opinions foist on residents. The submitter considers that the Plan Change should be tabled as a QLDC inclusion in the forthcoming 30 year plan and the Queenstown convention centre be redesigned and built immediately using Community Design and Building expertise and all Queenstown convention centre and Plan Change 50 consultative reports be dispensed with and noted .

Adam and Kirsten Zaki

Submission Number	Position	Topic	Decision Requested
50/56/01	Oppose	Plan Change itself	The submitter is opposed to PC50 as it relates to the rezoning of the Beach Street Block.
50/56/02	Oppose	Beach Street Block	The imposition of the QTCZ over land owned by IHG and Carter (coprising Lot 1 DP 15307), Sections 10-11, and Sections 17 -18) has the potential to significantly

Submission Number	Position	Topic	Decision Requested
			increase the development potential for these lots.
50/56/03	Support (in part)	Beach Street Block-Height	The submitter supports the imposition of a 7 metre height limit for land located above Lot 1 DP 15307, however concerns are raised that Sections 10-11 and 18 are not controlled by Rule 10.6.5.2(i)(a) and concerns are raised that a building of 12 metres in height could be erected on these lots. The specific exclusion of any reference to Sections 10-11 and 18 needs to be rectified.
50/56/04	Oppose (in part)	Beach Street Block Bulk and Location Requirements	The submitter is concerned with the following matters: 1.That the QTCZ does not apply any internal boundaries; 2. That the maximum buiklding coverage will increase from 65 percent to 80 percent; 3.The QTCZ does not require road setbacks; 4. Commercial activities can be located adjacent to the submitters land as a permitted a permitted activity with associated noise effects;
50/56/05	Support	Beach Street Block	Seeks that Beach Street Block be amended as follows: 1. Only Lot 1 DP 15307 is rezoned as QTCZ and any future development within this Lot be governed by Diagram 8 and the existing QTCZ provisions (including proposed Rule 10.6.5.2(ii)(a); 2.The existing HDRZ continues to apply to the remainder of the land contained within the Beach Street Block, namely Lots 1-2 DP 444132, Lot 1 DP7187, Part Section VIII Town of Queenstown, Section 1-11, 15-18 Block VIII Town of Queenstown.

Carl and Lorraine Holt

Submission Number	Position	Topic	Decision Requested
50/57/01	Oppose	Plan Change itself	The submitter is opposed to PC50 as it relates to the rezoning of the Beach Street Block.
50/57/02	Oppose	Beach Street Block	The imposition of the QTCZ over land owned by IHG and Carter (coprising Lot 1 DP 15307), Sections 10-11, and Sections 17 -18) has the potential to significantly increase the development potential for these lots.
50/57/03	Support (in part)	Beach Street Block-Height	The submitter supports the imposition of a 7 metre height limit for land located above Lot 1 DP 15307, however concerns are raised that Sections 10-11 and 18 are not controlled by Rule 10.6.5.2(i)(a) and concerns are raised that a building of 12 metres in height could be erected on these lots. The specific exclusion of any reference to Sections 10-11 and 18 needs to be rectified.

Submission Number	Position	Topic	Decision Requested
50/57/04	Oppose (in part)	Beach Street Block Bulk and Location Requirements	The submitter is concerned with the following matters: 1.That the QTCZ does not apply any internal boundaries; 2. That the maximum buiklding coverage will increase from 65 percent to 80 percent; 3.The QTCZ does not require road setbacks; 4. Commercial activities can be located adjacent to the submitters land as a permitted a permitted activity with associated noise effects;
50/57/05	Oppose (in part)	Beach Street Block	Seeks that Beach Street Block be amended as follows: 1. Only Lot 1 DP 15307 is rezoned as QTCZ and any future development within this Lot be governed by Diagram 8 and the existing QTCZ provisions (including proposed Rule 10.6.5.2(ii)(a); 2.The existing HDRZ continues to apply to the remainder of the land contained within the Beach Street Block, namely Lots 1-2 DP 444132, Lot 1 DP7187, Part Section VIII Town of Queenstown, Section 1-11, 15-18 Block VIII Town of Queenstown.

Lucy Bell

Submission Number	Position	Topic	Decision Requested
50/58/01	Oppose	Plan Change itself	The submitter raises issues associated with the accuracy of the plan change boundary line around 165 Antrim Street and set out that at least four cabins are located outside of the proposed plan change boundary.

APPENDIX 3
List of Submitters and Further Submitters

Original Submitters

Those original submitters with an 'asterisk' alongside them also made a further submission

Sumbitter Number	Name
50/01	Michael David Legge
50/02	Phebe Darkin
50/03	Reid Investment Trust
50/04	David J Odell
50/05	Daniela Bagozzi
50/06	David William Stringer
50/07	Tai Ward-Holmes
50/08	Robins Road Limited C/- R Lucas
50/09	D J and E J Cassells
50/10	Brecon Street Partnership Ltd*
50/11	Queenstown Chamber of Commerce
50/12	Alan Bunting
50/13	Louise J H Wright
50/14	Alan and Marie Brown
50/15	New Zealand Institute of Architects Southern Branch
50/16	Maximum Mojo Holdings
50/17	Christopher Mace and Queenstown Trust (M C Holm)
50/18	Majory Jane Pack and John Allen
50/19	Margaret Walker
50/20	Heritage New Zealand - Jane O'Dea
50/21	Craig Stobo
50/22	Skyline Enterprises Limited
50/23	Nigel Brown
50/24	John Thompson*
50/25	Tim McGeorge
50/26	The Dairy Guesthouse 2003 Limited*
50/27	Man Street Properties*
50/28	Any Old Fish Company Holdings Limited*
50/29	Doug and Betty Brown
50/30	Allan Huntington
50/31	Browns Boutique Hotel – Gillian & Donald McDonald
50/32	IHG Queenstown Ltd and Carter Queenstown Ltd*
50/33	Watertight Investments Ltd*
50/34	Ngai Tahu Tourism Limited*
50/35	Kelso Investments Ltd and Chengs Capital Investments Ltd*
50/36	C Hockey*
50/37	HW Holdings Limited
50/38	Queenstown Gold Ltd
50/39	Memorial Property Ltd
50/40	Justin Wright
50/41	Mark and Anne McKenzie (and the McKenzie McCabe Family Trust)
50/42	Queenstown Lakes Community Housing Trust
50/43	Joy Maree Veint
50/44	Douglas Veint
50/45	Janet Margaret Myrna Sarginson
50/46	Otago Regional Council - Warren Hanley
50/47	James Ian Penwell
50/48	Cath Gilmour
50/49	Remarkables Jet Limited*

50/50	W N and P J Labes
50/51	Val Hamlin
50/52	Bev Dawson (Late)*
50/53	Carl Loman - Loman Family Trust (Late)
50/54	Rebecca Richwhite (Late)
50/55	Basil Walker
50/56	Adam and Kirsten Zaki
50/57	Carl and Lorraine Holt
50/58	Lucy Bell

Futher Submitters

Sumbitter Number	Name
F50/10	Brecon Street Partnership Ltd (BSPL)
F50/24	John Thompson
F50/26	The Dairy Guest House 2003 Limited
F50/27	Man Street Properties
F50/28	Any Old Fish Company Holdings Limited
F50/32	IHG Queenstown Ltd and Carter Queenstown Ltd
F50/33	Watertight Investments Ltd
F50/34	Ngai Tahu Tourism Limited
F50/35	Kelso Investments Ltd and Chengs Capital Investments Ltd
F50/36	Cedric Hockey
F50/49	Remarkabes Jet Limited
F50/52	Bev and Les Dawson
F50/59	Geoff McPhail
F50/60	Berry and Co

APPENDIX 4
Section 32AA Re-Evaluation Report

APPENDIX 4 – SECTION 32AA RE-EVALUATION REPORT

Further Evaluation under Section 32AA of the Resource Management Act 1991: Changes made to the provisions after the hearing as a result of the hearing, submitter conferencing and joint witness conferencing. This further evaluation is supplementary to the notified section 32 evaluation, and that undertaken by Mr Kyle in his evidence in chief (dated 10th November 2014), and supplementary evidence (dated 19th December 2014).

The amendments identified in red coloured text reflect those changes advanced by the Commission and are additional to the grey shaded text changes that were made by Mr Kyle (in his supplementary planning evidence, dated 19th December 2014)

Existing Queenstown Town Centre Objectives: *10.2.4 Objective 1 - Maintenance and Consolidation of the Town Centre* *Maintenance and enhancement of the Queenstown Town Centre as the principal commercial, administration, cultural and visitor focus for the District.* *10.2.4 Objective 2 - Character and Heritage* *A town centre in which the built form, public space and linkages reflects, protects and enhances the distinctive built heritage and image which creates its essential character.* ***10.2.4 Proposed Objective 3 – A high quality, attractive environment within the Lakeview sub-zone where new ~~business,~~ tourist, convention, community, visitor accommodation and high density residential activities will be the predominant uses. Ancillary Retail and Ancillary Commercial activities that are established in association with these predominant commercial uses are also provided for particularly where they support demand arising from the intensification of use within the sub-zone.*** *10.2.4 Objective ~~3 –~~ 4 - Accessibility and Parking* *A town centre which is accessible to people.*
Objective - Assessment Under Section 32 (1)(a)
Amendments to proposed Objective 10.2.4.3 have been made following adjournment of the plan change hearing. The amendments identified in red coloured text are additional to the grey shaded text changes that were made by Mr Kyle (in his supplementary planning evidence) to more clearly describe and define the intended retail and commercial uses to be established within the Lakeview sub-zone. The Commission has adopted further amendments to Objective 10.2.4.3 to better reflect those ancillary retail and ancillary commercial activities that are anticipated to support the predominant uses within the Lakeview sub-zone. The amendments sought are geared towards guiding the future development of commercial and retail activities that are complementary to the predominant uses (as defined) anticipated within the sub-zone. The central thrust of the amendments seek to ensure that there is not a proliferation of sub 400m^2 gross floor area retail and commercial activities occurring within the sub-zone that could, in turn, impact upon the viability of the existing Queenstown Town Centre and directly respond to the issues raised during

closing submissions.

The changes to the objective are considered to be the most appropriate way to achieve the purpose of the Act, as more appropriate limitations to the type of retail and commercial activities provided for within the Lakeview sub-zone were considered to be necessary.

POLICY / RULE / METHOD	Assessment under section 32(2) of the Act		Assessment under section 32(1)(b)(ii) of the Act:
	Environmental, Economic, Social and Cultural Benefits	**Environmental, Economic, Social and Cultural Costs**	**Having regard to the appropriateness of the provisions by assessing their efficiency and effectiveness in achieving the objectives**
RULES AND OTHER METHODS			
District Planning Maps Proposed amendments to District Planning Maps 35 and 36 split the Queenstown Town Centre Zone Lakeview sub-zone into two separate sub-zones identified as the Queenstown Town Centre Zone Isle Street sub-zone (West) and the Queenstown Town Centre Zone Isle Street sub-zone (East).	Following consideration of the submissions received on the plan change and associated evidence, the Commission has determined to split the Isle Street sub-zones into two separate sub-zones in order to better respond to the existing and emerging character of each sub-zone, as well as their proximity to the Queenstown Town Centre (particularly in the case of the eastern Isle Street sub-zone). The amendments proposed to the Isle Street sub-zone are considered to provide for positive environmental benefits through achieving an urban design response that better articulates the characteristics of each block and their relationship with the adjoining QTC and, in the case of Isle Street sub-zone (East), promotes the more efficient use of this scarce land resource.	There are no further costs associated with this amended sub-zone structure.	Commission adopts the original section 32 evaluation assessment relating to the amendments to the planning maps.
Policy 10.2.4.1.5	The Commission has determined to split	There are no further costs associated	**Efficiency:** The amended policy is

1.5 To enable a mixed use environment within the Isle Street sub-zones (West and East) to provide for commercial activities and high density residential activities.	the Isle Street sub-zones into two separate sub-zones to ensure that each is supported with a policy and rule framework that enables and encourages the most appropriate development of the QTC. This is considered to result in more appropriate design responses for each block, with associated environmental and social benefits.	with this amended sub-zone structure.	considered to be efficient in terms of District Plan administration through providing clear guidance of the expected uses of the western and eastern Isle Street sub-zones. This policy will better enable the efficient use of the Isle Street sub-zones. **Effectiveness**: The proposed policy is effective in providing clear guidance to plan users and decision makers regarding the development expectations of the Isle Street sub- zones **Appropriateness:** The efficiency and effectiveness of the amended policy will assist in achieving Objective 10.2.4.1 (as amended). The Commission has assessed the amended policy as being appropriate.
Policy 3.3.1 To provide a mixed use environment which is a desirable place to visit, live and work by providing for the following activities: • a convention centre to serve the community and visitors; • ~~commercial activities and~~ tourist and commercial recreation activities, ~~offices and small-medium scale retail activities~~; • high quality visitor accommodation; ~~and~~ • ancillary retail activities and ancillary commercial activities established in association with the above predominant uses; • well-designed high density residential activities; • well-designed public spaces. • ~~Commercial activities.~~	The Commission adopts the original section 32 evaluation and further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows: *"This policy provides a clear framework which sets out the types of activities envisaged in the Lakeview sub-zone. The benefits of this policy are its clarity, which will assist plan users and decision makers; it is enabling for those activities listed in the policy. This will result in efficiencies in terms of District Plan administration.* *This policy will also provide wider benefits in terms of providing for District wide growth in tourism, through the development of a convention centre and recreational commercial activities at this*	Commission adopts the further re-evaluation undertaken Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows: *"There may be some costs associated with the changes made to this policy as a result of the joint witness conferencing, insofar as the changes may limit the range of commercial activities establishing outside of the existing town centre. This potential costs is managed via the rule regime proposed."* There will be some further costs associated with the changes to this policy, given that it places emphasis on ancillary retail and ancillary commercial activities that can be established as part of the predominant uses and places	Commission adopts the original section 32 evaluation and further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows: **Efficiency:** *"This proposed policy is considered to be efficient in terms of District Plan administration through providing clear guidance of the expected uses of the Lakeview sub-zone.* *More notably, this policy will enable the efficient use of the Lakeview site, which is a rare, under-utilised parcel of land within the Queenstown central area. "* The amended policy is efficient in terms of District Plan administration through providing further guidance on the type of ancillary retail and commercial activities

	under-utilised site. This policy will enable to efficient development of this site which will result in wider benefits in terms of household income and GDP growth and employment growth for the Queenstown Lakes District. *The changes to this policy may result in benefits to the Queenstown Town Centre zone as a whole by specifying those activities which are to be predominant uses in areas within proximity to the existing town centre."* The Policy is further amended to incorporate ancillary retail and ancillary commercial activities that can be established as part of the predominant uses. The benefit of this amendment is that it places greater emphasis on the type of ancillary retail and ancillary commercial activities that can occur, in support of the rule regime proposed that seeks to maintain the viability of the existing Queenstown Town Centre. The amended policy is considered to provide for economic benefits in that it clearly articulates those commercial activities that will complement the predominant uses and better meet the demand arising from the intensification of use within the sub-zone and from growth more generally.	further limitations on non-ancillary retail and commercial activities, requiring these to be assessed via a Restricted Discretionary Activity consent process on a case by case basis.	that can be undertaken in association with predominant uses. **Effectiveness:** *"The proposed policy is effective in providing clear guidance to plan users and decision makers that the Lakeview sub-zone can be developed with a range of activities that will support and develop the tourism industry and provide economic benefits."* **Appropriateness:** *"The efficiency and effectiveness of the proposed policy will assist in achieving proposed Objective 10.2.4.3. The proposed policy has been assessed as appropriate."* The changes made to the proposed policy as a result of issues raised, submissions and evidence seeks to ensure that the policy is the most appropriate to achieve objective 10.2.4.3 (as amended).
Policy 3.3.4 *To encourage pedestrian links within and through the Lakeview subzone, and to the surrounding public spaces and reserves and manage traffic flows and need for car parking via Integrated Traffic*	Commission adopts the further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows:	Commission adopts the further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows:	**Efficiency:** The amendments to the proposed policy are considered to be efficient in terms of District Plan administration through providing clear guidance of the expected uses of the

Assessments for new predominant uses (as defined), and larger scale non-ancillary commercial activities.	*"The amendment to this policy will result in transportation related benefits by ensuring that new large scale development at the Lakeview sub-zone will consider and manage the effects of traffic flows and parking needs at the time they are developed."* The Policy is further amended to better articulate predominant uses and larger scale non-ancillary commercial activities that will require a detailed Integrated Transport Assessment to be submitted as part of the future consent process for these activities. The amendment to the policy is considered to generate environmental benefits by ensuring that transport effects on the transportation network are able to be appropriately assessed. .	*"The costs identified associated with this amended policy include the additional technical reporting and mitigation measures that may be required for new significant developments. These costs may be a deterrent to development, but are considered appropriate to manage transportation related effects."*	Lakeview sub-zone. This policy is therefore considered to be efficient. **Effectiveness:** The amended policy is considered effective in providing clear guidance that the development of the Lakeview subzone must include ITA's to effectively manage traffic flows and parking demand, as well as the broader issue of cumulative effects on the transport network. **Appropriateness:** The efficiency and effectiveness of the amended policy will assist in achieving amended objective 10.2.4.3. The amended policy has been assessed as appropriate.
Proposed Policy 3.6 *To enable commercial and retail floor space for ancillary retail activities and commercial activities established in association with predominant uses so as to meet demand for growth within the Queenstown town centre area.*	The Commission adopts the original section 32 evaluation as follows: *"This policy is proposed to ensure that large format retail does not develop at the Lakeview sub-zone. Large format retail activities are not considered to be appropriate at the Lakeview sub-zone and do not align with the urban design principles developed for this site.* *This policy addresses possible adverse distributional effects that may arise as a result of this plan change whereby large retailers may wish to locate, or re-locate at the Lakeview sub-zone which may affect retail distribution elsewhere."* The Policy is further amended to	The amendments to the policy and supporting rule regime will generate further additional costs associated with those retail and commercial activities that are greater than 400m^2 and do not fall within the definition of ancillary retail and commercial activities. This, in conjunction with Policy 3.7, may impose greater constraints on non-ancillary retail and commercial activities within the Lakeview site and place additional costs associated with seeking a resource consent should developers advance retail activities that do not achieve this threshold and fall outside of the ancillary retail and commercial definition. This cost is considered to be	**Efficiency:** The Commission considers the amended policy is effective in providing clear guidance to plan users and decision makers that the Lakeview sub-zone can be developed with a clear range of activities that will support and develop the tourism industry and provide economic benefits. The amended policy is therefore considered to be efficient. **Effectiveness:** The amended policy is considered effective in providing clear guidance on the hierarchy of land use activities that are envisaged to support the Lakeview sub- zone, including

	incorporate ancillary retail and ancillary commercial activities that can be established as part of the predominant uses. The benefit of this amendment is that it places greater emphasis on the type of ancillary retail and ancillary commercial activities that can occur, in support of the rule regime proposed that seeks to maintain the viability of the existing Queenstown Town Centre.	acceptable as the purpose of the policy is to provide clearer guidance on the hierarchy of land use activities that are envisaged to support the Lakeview sub-zone, including preference for predominant uses and supporting ancillary retail and commercial activities.	preference for predominant uses and supporting ancillary retail and commercial activities. **Appropriateness:** The efficiency and effectiveness of the amended policy will better assist the achievement of amended objective 10.2.4.3. The amended policy has been assessed as appropriate.
"10.6.3.2A Restricted Discretionary Activities ***i Predominant Uses (as defined) within the Lakeview sub-zone and including:*** *(a)* ***Convention Centres (including any ancillary retail or ancillary commercial activities consented as part of a convention centre);*** *(b)* ***Visitor Accommodation (including any ancillary retail or ancillary commercial activities consented as part of a visitor accommodation development), excluding 34 Brecon Street (legally described as Lot 1 DP 27703);*** *(c)* ***Commercial recreation and/or commercial tourist activity (including any ancillary retail or ancillary commercial activities consented as part of commercial recreation or commercial tourist activity) with a gross floor area of more than 400m^2, excluding 34 Brecon Street (legally***	The new rule framework adopts the earlier Restricted Discretionary Activity rule regime proposed by the Council, however it integrates this into one rule governing predominant uses (and includes the addition of commercial recreation and/or commercial tourist activity with a gross floor area of more than 400m^2). The environmental benefits of this amendment will ensure that the rule regime establishes a clear hierarchy of land use activities that are envisaged to support the Lakeview sub- zone, starting with predominant uses, and combines the earlier matters of discretion advanced by the Council under the umbrella of one rule.	The imposition of a Restricted Discretionary Activity rule regime will have increased economic costs associated with the preparation of more detailed assessments to address those areas that Council has limited its discretion over. The environmental costs associated with the Restricted Discretionary Activity rule regime may introduce greater uncertainty in the resource consenting process. However, the Commission considers this cost to be acceptable and the matters over which the Council has discretion are clearly set out in this rule.	**Efficiency:** The integration of three previous Restricted Discretionary Activity rules governing a convention centre, visitor accommodation and commercial activities with a gross floor area of more than 400m^2. The combining of these into one rule governing predominant uses (and associated ancillary retail and commercial activities) is considered to be highly efficient both in terms of plan administration, but also in terms of adopting a more logical consenting regime. This is considered to be an efficient method of managing and providing for predominant uses in the Lakeview sub-zone while retaining the ability to manage potential adverse effects. **Effectiveness:** The amended rule clearly sets out the matters over which the Council has reserved discretion for predominant uses (and associated ancillary retail and commercial activities) at Lakeview. The Restricted Discretionary Activity status is an

described as Lot 1 DP 27703); *Council's discretion is restricted to the following matters:* *(i) To manage effects on the transportation network: an integrated transport assessment, including a comprehensive travel, access and parking plan shall be provided to address transport impacts related to the activity, and may include:* • *directional street map signage to assist pedestrian and vehicle movements to the site; and* • *whether traffic generation related to the activity requires the widening of Thompson Street, including a corner splay at the right-angle bend at the eastern end of Thompson Street.* • *The enhancement of pedestrian connections and networks from the site to the Queenstown commercial centre (Shotover Street or surrounds).* *(ii) Provision for landscaping.* *(iii) Provision for screening of outdoor storage and parking areas and its siting proximate to*			effective method to manage the adverse effects of these activities, and this activity status recognises the positive effects of the activity. The inclusion of ancillary retail and commercial activities being consented at the same time as predominant uses is likely to deliver a more comprehensive development response for these larger scale predominant uses, and is therefore considered to be more effective. The Commission considers the amended rule regime supporting predominant uses greatly improves the effectiveness of the rules in terms managing adverse effects, while clearly establishing the matters over which discretion is limited. Providing a clear rule framework for the consideration of predominant uses in the District Plan. **Appropriateness:** The new rule will assist in achieving proposed objective 10.2.4.3 and the other objectives relevant to the Queenstown Town Centre zone, which seek to maintain and enhance the Queenstown Centre. The amended rule framework has been assessed as appropriate.

adjoining properties. *(iv) The design and layout of buildings and activities on site.* *(v) Management of the effects of noise.* *(vi) Hours of operation.* *(vii) The positive effects of the activity.* *(viii) The gross floor area occupied by the ancillary retail or ancillary commercial activities either individually and/or collectively.* *(ix) Setback from internal boundaries and roads."*			
ii Visitor Accommodation within land bounded by Hay, Beach, Lake and Man Streets and Commercial Activities with a gross floor area of more than 400m^2 within land bounded by Hay, Beach, Lake and Man Streets	The amended rule adopts the earlier Restricted Discretionary Activity rule regime proposed by the Council, and incorporates the amendment sought by Ms Campbell (in her closing legal submissions) relating to commercial activities over 400m^2 in area in the Beach Street Block being agreed during conferencing.	The imposition of a Restricted Discretionary Activity rule regime will have increased economic costs associated with the preparation of more detailed supporting technical assessments to address traffic considerations by way of an ITA. The environmental costs associated with the Restricted Discretionary Activity rule regime may introduce greater uncertainty in the resource consenting process. However, the Commission considers this cost to be acceptable and the matters over which the Council has discretion are clearly set out in this rule and was a matter agreed during conferencing by planning experts.	The Commission adopts the further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows: ***"Efficiency:*** *This rule sets out the matters to be considered at the time a resource consent is processed. However, the long term benefits whereby the effects of visitor accommodation and large scale commercial activities will be appropriately managed, in particular in terms of effects on the transportation network, is expected to result in efficiency gains over the longer term.* ***Effectiveness:*** *Ensuring that effects on the*

			transportation network, amongst other matters, are considered at the resource consenting stage of a development will ensure this matter is addressed for activities in the Lakeview sub-zone and the Beach Street block. The provision is effective in ensuring this process. *The changes made to these provisions as a result of joint witness conferencing improve the effectiveness of the rules, for the consideration of effects as required for restricted discretionary activities.* ***Appropriateness:*** *The proposed inclusion of Rule 10.6.3.2A will assist in achieving proposed Objective 10.2.4.3 and the Queenstown Town Centre objectives and is considered appropriate for managing the effects of larger developments at the Lakeview sub-zones and the Beach Street block."*
"iii Commercial and retail activities with a maximum gross floor area of less than 400m^2 per tenancy in the Lakeview sub-zone (excluding 34 Brecon Street (legally described as Lot 1 DP 27703)) that do not fall within the definition of ancillary retail and ancillary commercial uses: *Council's discretion is restricted to the following matters:* *(a) any impacts upon the viability of the Queenstown Town Centre from non-ancillary retail and*	The Commission has introduced two new rules relating to activities that fall outside of the ancillary retail and commercial activity definition and that do not fall within the predominant uses definition. The central purpose of the these two rules is to manage the potential proliferation of sub-400m^2 retail and commercial units within the Lakeview sub-zone and larger scale commercial activities, and adopts the earlier Restricted Discretionary Activity rule	The imposition of a Restricted Discretionary Activity rule regime will have increased economic costs associated with the preparation of more detailed assessments to address those areas over which Council has limited its discretion. The environmental costs associated with the Restricted Discretionary Activity rule regime may introduce greater uncertainty into the resource consenting process. However, the Commission considers this cost to be acceptable and the matters over which the Council has discretion are	**Efficiency:** The new Restricted Discretionary Activity rules governing non-ancillary retail and commercial activities that fall below 400m^2 per tenancy and commercial activities with a gross floor area of more than 400m^2 is considered to be highly efficient in responding to the proliferation of these land use activities and in terms of plan administration (in terms of adopting a similar consenting regime as predominant uses). The rules are considered to be an

commercial activities establishing within the Lakeview sub-zone, particularly where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 in the Lakeview sub-zone. *Note: 34 Brecon Street is not included when calculating the maximum gross floor area of 6,500m^2 of existing and consented commercial and retail activities in the Lakeview sub-zone; and* (b) *Traffic generation, access, parking and loading.* ***iv Commercial activities with a gross floor area of more than 400m^2 that do not fall within the definition of ancillary retail and ancillary commercial uses in the Lakeview sub-zone (excluding 34 Brecon Street (legally described as Lot 1 DP 27703):*** *Council's discretion is restricted to the following matters:* *(a) any impacts upon the viability of the Queenstown Town Centre from non-ancillary retail and commercial activities establishing within the Lakeview sub-zone, particularly where existing and consented commercial and retail activities*	regime proposed by the Council. The environmental benefits of this amendment will ensure that the rule regime establishes a clear hierarchy of land use activities that are envisaged to support the Lakeview sub- zone, starting with predominant uses, and combines the earlier matters of discretion advanced by the Council under the umbrella of one rule. Further, the rules are considered to more appropriately respond to the potential proliferation of activities that fall within the remit of the two rules and manage any adverse effects on the viability of the Queenstown Centre.	clearly set out in this rule.	efficient method of managing impacts on the viability of the existing Queenstown Town Centre, including the managing of cumulative effects of non-ancillary retail and commercial activities where they exceed a maximum gross floor area of 6,500m^2 across the sub-zone. Both rules also provide for the management of traffic effects and the ability to manage potential adverse effects. **Effectiveness:** The new rule framework does not preclude the establishment of non-ancillary retail and commercial activities on the Lakeview sub-zone. Rather, the Commission's methods seek to ensure that where this does occur it is advanced through a restricted discretionary consent pathway, where effects are managed on a case by case basis, while retaining the ability to refuse consent should an inappropriate commercial or retail activity be advanced. **Appropriateness:** The new rules will assist in achieving proposed objective 10.2.4.3 and the other objectives relevant to the Queenstown Town Centre zone, which seek to maintain and enhance the Queenstown Centre. The amended rule framework has been assessed as appropriate.

exceed a maximum gross floor area of 6,500m^2 in the Lakeview sub-zone. *Note: 34 Brecon Street is not included when calculating the maximum gross floor area of 6,500m^2 of existing and consented commercial and retail activities in the Lakeview sub-zone; and* *(b) To manage effects on the transportation network: an integrated transport assessment, including a comprehensive travel, access and parking plan shall be provided to address transport impacts related to the activity, and may include directional street map signage to assist pedestrian and vehicle movements to the site."*			

vii Retail activities in the Lakeview sub-zone and the Isle Street sub-zones (West and East) that exceed a maximum gross floor area of 400m^2 per tenancy. Retail activities that fall within the definition of ancillary retail activity within the Lakeview sub-zone shall be exempt from this rule.	The Commission adopts the original section 32 evaluation as follows: *"Large format retail is not considered appropriate within the Lakeview sub-zone or the Isle Street sub-zone. Large format retail is provided for commercially zoned land at Frankton. There is also sufficient capacity in these areas to accommodate large format retail so no pressure to establish this type of retail for the foreseeable future is expected at Lakeview or Isle Street. Clause (iii) of the proposed provision would make large format retail a non-complying activity in these sub-zones.* *Large format retail is not appropriate at these locations due to the effects generated, including traffic effects and the impact of large scale buildings of a simple design on the streetscape and townscape values."* The Commission has amended the rule to ensure that retail activities that exceed a maximum gross floor area of 400m^2 per tenancy are defined as a Non-Complying Activity (rather than as a breach of a Zone Standard as had previously been recommended). The amended rule has been further amended to ensure that retail activities that fall within the definition of ancillary retail activity within the Lakeview sub-zone are exempted.	This provision will result in deterring large format retail proposals in both of these sub-zones.	**Efficiency:** It is more efficient that large format retail activities establish elsewhere with ready access to roading, car parking and alongside similar buildings. **Effectiveness**: This provision is effective in managing the scale of individual retail tenancies in the sub-zones, while providing greater flexibility for ancillary retail activities that may be otherwise caught by this rule. **Appropriateness:** The revised rule is appropriate in order to manage retail activities at the respective sub-zones, and to achieve amended objective 10.2.4.3.
10.6.4 Non-Notification of Applications *(i) All applications for Controlled and Restricted Discretionary Activities*	The Commission considers that the inclusion of the 'restricted discretionary' activities relating to both a convention centre under Rule 10.6.3.2A(i)(a) and visitor accommodation under Rule	The exemption of both a convention centre and visitor accommodation from the normal notification test, will not generate any new costs given that in the notified PC50 provisions these activities	**Efficiency:** This provision will enable to efficient use of the Lakeview site through enabling the consenting process to proceed on a

(ii)	*set out in Rule 10.6.3.2A(i)(a) and Rule 10.6.3.2A(i)(b).* *Applications for the exercise of the Council's discretion in respect of the following Site Standards:* • *Building Coverage (with the exception of those lots described as Sections 10, 11, 17 and 18, Block VIII contained within that land bounded by Hay, Lake, Beach and Man Streets)*	10.6.3.2A(i)(b) as being exempt from notification is in line with the notified version of the Plan Change 50 provisions. The approach is likely to provide greater investment certainty and thereby more effectively enable the economic benefits that these activities have been identified as providing. The Commission also considers the amendment to the notification clause that relates to building coverage (Site Standard infringements) should be specifically amended to exempt those parcels of land that are owned by IHG and Carter and that front the Walker, Zaki and Holt properties. This approach is considered to provide for environmental benefits for these adjoining landowners given that they will have greater certainty that any building coverage infringement on Sections 10, 11, 17 and 18, Block VIII contained within the Beach Street Block would be treated on its merits and be subject to the normal notification tests.	were controlled activities and were all exempt from notification. The environmental costs associated with any future building coverage infringement on Sections 10, 11, 17 and 18, Block VIII (contained within the Beach Street Block) would be treated on its merits and be subject to the normal notification tests. This requirement may introduce greater uncertainty in the resource consenting process for future development. The Commission considers this cost to be acceptable in order to maintain the ability for adjoining landowners to be involved with any future notification process.	non-notified basis (subject to special circumstances) and provide greater certainty for adjoining landowners in the Beach Street Block that the relevant lots that immediately front them are subject to the normal notification tests under the Act. **Effectiveness:** This rule is an effective means of clearly setting out where applications will not require notification and in the case of the Beach Street Block, those areas that are subject to the normal notification tests under the Act. **Appropriateness:** The amended provisions will assist in achieving Objective 10.2.4.1 and amended Objective 10.2.4.3. Non-notification for Restricted Discretionary activities under Rule 10.6.3.2A(i)(a) under Rule 10.6.3.2A(i)(b) is therefore appropriate. Further not exempting Sections 10, 11, 17 and 18, Block VIII (contained within the Beach Street Block) from the normal notification tests under the Act is also considered appropriate.
Include reference to Isle Street sub-zone (West and East) into Section 10.2.2 (Values) and respective Site and Zone Standards listed below: • Section 10.2.2 (Values); • Controlled Activity 10.6.3.2(i);	The Commission has determined to split the Isle Street sub-zones into two separate sub-zones. Activities and the development of buildings in these sub-zone areas will be managed through the District Plan to	The Isle Street sub-zone has been amended to better reflect the character of the western and eastern blocks. The economic cost associated with the amended provisions is linked to reduced development opportunities in the Isle	**Efficiency:** The amended methods are considered to be efficient in terms of District Plan administration through providing clear guidance on the different development standards that apply to the western and eastern Isle Street sub-

• Controlled Activity 10.6.3.2(iv); • Amendment to existing Non-Complying Activity Rule 10.6.3.4(vi); • Site Standard 10.6.5.1 (i)(e) and (f) (Building coverage Isle Street West and East); • Site Standard 10.6.5.1 (iv)(e)(setbacks Brecon Street/front yard setback); • Site Standard 10.6.5.1 (iv)(f)(front yard setback); • Site Standard 10.6.5.1 (iv)(g)(rear yard setback); • Site Standard 10.6.5.1 (vii)(a), (c), (e)(Residential Activities); • Site Standard 10.6.5.1 (xv); • Site Standard 10.6.5.1 (xvi); • Zone Standard 10.6.5.2(i)(a)(bullet point seven); • Zone Standard 10.6.5.2(i)(e); • Zone Standard 10.6.5.2(ii)(f);	ensure they respond to the existing and emerging character of each sub-zone. The amendments proposed to the listed Isle Street sub-zones are considered to provide for positive environmental benefits through achieving an urban design response that better articulates the characteristics of each block and their relationship with the adjoining QTC and, in the case of Isle Street sub-zone (East), provides for the more efficient use of this scarce land resource. In most cases the provisions have been amended to reflect the splitting of the Isle Street sub-zones. Where the provisions have been specifically amended to reflect a change to the standards that apply to each sub-zone, this is generally as a consequence of providing a more enabling response to the eastern Isle Street sub-zone. The direct environmental benefit is that the rule framework is more responsive to the underlying circumstances that apply to each sub-zone.	Street sub-zone (West), however any reduction in the ability to further intensify the western block has been assessed as being acceptable when considered against the positive effects of more appropriately responding to the existing residential properties in this block.	zones. The revised provisions relating to the sub-zones are considered to be an efficient approach to managing and responding to the existing and emerging character of each sub-zone. **Effectiveness:** The proposed amended provisions are considered more effective in providing clear guidance to plan users and decision makers regarding the development expectations of the Isle Street sub- zones. **Appropriateness:** The amended provisions will assist in achieving Objective 10.2.4.1.
Site Standard 10.6.5.1 (xi)(b): (b) In the Isle Street sub-zones (West and East), the maximum building height shall not exceed 12m, except that in the Isle Street sub-zone (East) where: (i) a site is greater than 2,000m^2 in area; and	A height uplift to a maximum of 15.5 metres has been retailed and provides for an additional storey to be considered and assessed as a Controlled Activity under Site Standard 10.6.5.1(xi)(e). This differs from the provisions of the plan change as notified, which required the additional 1.5 metre uplift (as compared to a 12 metre building plus 2	No significant costs have been associated with the revised Isle Street sub-zone (East) height limit given the limited residential development that is located within this zone. Any adverse effects that may occur have been assessed as being acceptable when considered against the positive effects of providing additional capacity in this	**Efficiency:** The rule has been amended to enable a more efficient use of the land in question. **Effectiveness**: Height limits are effective tools for managing the effects of built development while providing for the efficient use of land. The amended

(ii) the site has frontage to either Man Street and Isle Street, then the maximum building height shall be 15.5m above ground level and shall be limited to no more than four storeys in height.	metre roof bonus) to be assessed as a Restricted Discretionary Activity. The Commission considers that the amended approach is appropriate on the basis that under the rule framework as notified any breach of the height limits in the plan change area would in effect be assessed as a Restricted Discretionary Activity (and would render the purpose of the standalone rule redundant). The proposed rule framework is considered to generate environmental benefits in that it will enable development up to 15.5 metres as a controlled activity and therefore is considered more effective in promoting development in close proximity of the existing Queenstown Town Centre.	sub-zone.	provisions are effective in maximizing the efficient use of the land while managing the effects of this use. **Appropriateness:** Taking into account efficiency and effectiveness of this provision, the proposed amendment to this rule is considered appropriate and will assist in achieving Objective 10.2.4.1 and proposed Objective 10.2.4.3.
Amendment to Figure 3 – Lakeview sub-zone Height Limit Plan. Site Standard 10.6.5.1 (xi)(f) and (g);	The Commission has determined that the extent of any additional building height permitted as a controlled activity on 34 Brecon Street should be limited to 15.5 metres (with the addition of a 2 metre roof bonus comprising no more than 40m^2 in area, and located a minimum distance of 17 metres from the adjoining Queenstown cemetery boundary and 10 metres from adjoining road boundaries). The proposed rule framework is considered to generate environmental benefits in that it will enable development up to 15.5 metres as a controlled activity and therefore is	Some additional environmental costs may be generated by the additional height provided for at 34 Brecon Street. However, any adverse effects that may occur have been assessed as being acceptable when considered against the positive effects of providing additional capacity to the eastern part of the Lakeview sub-zone. The roof bonus provisions are not considered to generate any additional costs and are proposed to better guide the future development of each respective sub-zone.	**Efficiency:** The amended rule is to promote a more efficient use of the land in question. The amended rule framework supporting Site Standard 10.6.5.1 (xi)(f) and (g) are provided to make the rules more effective in providing clear guidance to plan users and decision makers. **Effectiveness**: Height limits are effective tools for managing the effects of built development while providing for the efficient use of land. The amended provisions are effective in maximizing

	considered more effective in promoting development in close proximity of the existing Queenstown Town Centre. Further, amendments have been made to the planning provisions addressing the roof bonus provisions.		the efficient use of the land while managing the effects of this use. The revised rules governing the roof bonus provisions are considered more effective in providing clear guidance to plan users and decision makers. **Appropriateness:** Taking into account efficiency and effectiveness of these provisions, the proposed amendment to these rules is considered appropriate and will assist in achieving Objective 10.2.4.1 and proposed Objective 10.2.4.3.
Amendment to Assessment Matter 10.10.2(i)(c); **i Building Height and Site Coverage** (a)Whether any earthworks have been carried out on the site prior to the date of notification, 10 October 1995, that have lowered the level of the site. (b)Whether there are rules requiring the site to be built up. (c) With regard to proposals that exceed one or more zone standard(s) and for the Lakeview sub-zone and the Isle Street sub-zones proposals that exceed site standards 10.6.5.1 (xi) and 10.6.5.1(i)(d), (e) and (f) whether and the extent to which the proposal will facilitate	Commission adopts the further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows: *"An amendment is recommended to the title of this assessment matter to make it clear that it also applies to Site Coverage."* The provision has also been further updated to refer to both Isle Street sub-zones and provides reference to all of the relevant building coverage provisions under Site Standard 10.6.5.1(i)(d), (e) and (f), now that the standard has been amended to provide a separate building coverage for each of the two Isle Street sub-zones. Further, the matter has been expanded to provide specific reference to any	Commission adopts the further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows: *"No costs have been identified associated with these amendments."*	**Efficiency:** These amendments are neutral in terms of efficiency. **Effectiveness**: The amendments made to this assessment matter will assist the effective implementation of the associated rule governing development within the Lakeview sub-zone. **Appropriateness:** Taking into account the efficiency and effectiveness of this provision, the proposed amendments to this assessment matter are considered to be appropriate and will assist in achieving existing Objective 10.2.4.1 and amended Objective 10.2.4.3.

the provision of a range of Residential Activity that contributes to housing affordability in the District. ~~(c)~~(d) The extent to which any height infringement to the height limits specified on Figure 3: Lakeview sub-zone Height Limit Plan will: (i) adversely affect the visual quality and amenity values of the adjoining landscape; (ii) adversely affect the heritage values of the adjoining Queenstown Cemetery; and (iii) adversely affect outlooks from within the 'Square' identified within Figure 2: Lakeview sub-zone Structure Plan. Note: Assessment matter 10.10.2(i)(c) provides guidance as to the circumstances where resource consents shall be assessed against the objective and policies of 4.10.1 of the District Plan	height infringement within the Lakeview sub-zone and addresses potential effects on landscape and visual amenity values, the Queenstown Cemetery and on outlooks from the 'Square'. The amendments proposed to the supporting assessment matters for the Lakeview sub-zone are considered to provide positive environmental benefits through guiding plan users on those matters that are to be considered as part of any future height infringements over the Lakeview sub-zone Height Limit Plan.		
Amendment to Assessment Matter 10.10.2(vi); **vi Controlled Activity - Visitor Accommodation in the Town Centre Transition sub-zone and within the Isle Street sub-zones (West and**	The Commission has amended Assessment Criteria 10.10.2(vi) to specifically provide assessment criteria for visitor accommodation in the Isle Street sub-zones (West and East). These amendments are required in	No costs have been identified associated with these amendments	**Efficiency:** These amendments are neutral in terms of efficiency. **Effectiveness**: The amendments made to this

East) In considering imposing conditions on visitor accommodation in the Town Centre Transition sub-zone, those matters listed in Section 7.7.2 (ii) shall be considered. In relation to the Isle Street sub-zones (West and East) conditions may be imposed to ensure: (a) Compatibility with amenity values of the surrounding environment considering the visual amenity of the street, neighbouring properties or views of the lake; and (i) The character, scale and intensity of the proposed use and its compatibility in relation to surrounding properties and in the case of Isle Street sub-zone (West) adjoining residential neighbourhoods. (ii) Loss of privacy (iii) In the case of Isle Street sub-zone (West), the proximity of outdoor facilities to residential neighbours. (iv) Hours of operation (b) Any adverse effects from the activity are avoided, remedied or mitigated in terms of: (i) The adequacy and location of car parking for the site (ii) Noise, vibration and lighting from vehicles entering and leaving the site; (iii) Pedestrian safety within the	order to appropriately respond to an apparent error in the drafting of the Isle Street sub-zone provisions, which are not supported by assessment matters for this land use. The amendments proposed to the Isle Street sub-zones supporting assessment matters are considered to provide positive environmental benefits through guiding the future design of visitor accommodation in these respective sub-zone blocks.		assessment matter will assist the effective implementation of the associated controlled activity rule governing visitor accommodation in the Isle Street sub-zones. **Appropriateness:** Taking into account the efficiency and effectiveness of this provision, the proposed amendments to this assessment matter are appropriate. The provisions are considered to be appropriate and will assist in achieving existing Objective 10.2.4.1 and amended Objective 10.2.4.3.

vicinity of the activity (iv) Provision for coaches to be parked off-site (c) Mitigation of noise emissions beyond the property boundary considering: (i) The adequacy of mitigation measures, including the layout of outdoor activities (for example barbecues, spa pools), and the ability to screen those activities by vegetation, fencing or building. (ii) Measures that can be incorporated into the premises to provide for acoustic insulation and /or attenuation of noise emissions.			
Amendment to Assessment Matter 10.10.2(viii); **viii Restricted Discretionary Activity Rule 10.6.3.2A (i)(a), (b) and (c) Predominant Uses** **Transportation** 1. The extent to which effects on the transportation network are managed via adherence to the requirements of an integrated transport plan, including: • the need to address the cumulative traffic effects of the development on the existing environment (including existing consented development not yet	The Commission has revised the title of this assessment matter to reflect the new predominant uses rule framework, as well as introducing additional assessment criteria, which specifically reference the need for cumulative effects to be considered as part of any future ITA. The Commission considers that amendments to the supporting assessment criteria relating to the relevant restricted discretionary activity rules that require the submission of ITAs for particular activities, is the most appropriate and effective method to ensuring that specific reference is provided for to the cumulative effects of the proposed activity (taking into	No costs have been identified associated with these amendments given that ITA requirements are embedded within the Restricted Discretionary Activity rule framework supporting predominant uses and commercial activities greater than 400m^2 in area in the Lakeview sub-zone and Beach Street Block. The Commission understands that ITA will involve consideration of the effect of adding the proposed activity to the activities in the existing environment. Thus in each ITA the cumulative effects, at that point in time, will be considered. The additional amendments to the assessment criteria provide further guidance on this issue.	**Efficiency:** The amended criteria are considered to be efficient in terms of District Plan administration through providing clear guidance on the need for ITAs to adequately respond to the cumulative effects of the proposed development. **Effectiveness**: The amendments made to this assessment matter will assist the assessment of ITA's. **Appropriateness:** Taking into account efficiency and effectiveness of this provision, the proposed amendments to this assessment matter are appropriate. The provisions are considered to be appropriate and will assist in achieving

built); and • the implementation of any road safety improvements to the transportation network as a consequence of the development.	account the existing and consented environment). The amendments proposed to the supporting assessment matters are considered to provide positive environmental benefits through guiding the consideration of cumulative effects as part of ITA preparation.		existing Objective 10.2.4.1 and amended Objective 10.2.4.3.
ix Restricted Discretionary Activity Rules 10.6.3.2A (ii) Visitor Accommodation and Commercial activities with a gross floor area of greater than 400m^2 within land bounded by Hay, Beach, Lake, and Man Streets (a) The extent to which effects on the transportation network are managed via adherence to the requirements of an integrated transport plan, including the need to address the cumulative traffic effects of the development (including existing consented development not yet built).	Commission adopts the further re-evaluation undertaken by Mr Kyle (as set out in his supplementary evidence dated 19 December 2014) as follows: *"An amendment is recommended to the title of Assessment Matter (vii) to align with the new activity status.* *Additional assessment matters have been included to reflect the amendments to the associated rules. The benefits will result in the appropriate management of effects on the transportation network for these activities."* Further amendments are introduced which specifically reference the need for cumulative effects to be considered as part of any future integrated transport assessment. The amendments proposed to the supporting assessment matters are considered to provide positive environmental benefits through guiding the consideration of cumulative effects as part of ITA preparation.	No costs associated with these amendments have been identified given that ITA requirements are embedded within the Restricted Discretionary Activity rule framework supporting visitor accommodation and commercial activities greater than 400m^2 in area in the Lakeview sub-zone and Beach Street Block.	**Efficiency:** The amended criteria are considered to be efficient in terms of District Plan administration through providing clear guidance on the need for ITAs to adequately respond to the cumulative effects of the proposed development. **Effectiveness**: The amendments made to this assessment matter will assist the assessment of ITA's. **Appropriateness:** Taking into account efficiency and effectiveness of this provision, the proposed amendments to this assessment matter are appropriate. The provisions are considered to be appropriate and will assist in achieving existing Objective 10.2.4.1 and amended Objective 10.2.4.3.

x Restricted Discretionary Activity Rules 10.6.3.2A (iii) Commercial and retail activities with a gross floor area of less than 400m^2 (that do not fall within the definition of ancillary retail and commercial activities) (a) The extent to which the non-ancillary retail or commercial activities support the demand arising from the intensification of use within the Lakeview sub-zone and growth more generally; (b) The extent to which traffic generation from the activity will in conjunction with traffic generation from other activities in the Lakeview sub-zone and other activities within the vicinity, will have any cumulative effects. (c) Access, parking and loading are been designed and located to: • Protect amenity values of the Square, the streetscape and adjoining sites by screening and landscaping. • Be away from the front of the site and the primary entrances to buildings. • Ensure traffic flows minimise adverse effects on amenity values. • Minimise traffic conflicts and provide safe and efficient	The Commission has introduced two new assessment matters to support the new rules governing activities that fall outside of the ancillary retail and commercial activity definition and that are not commercial activities that fall within the predominant uses definition. The central purpose of these assessment matters is to provide guidance on the key matters over which the Council has restricted its discretion, including the potential proliferation of sub-400m^2 retail and commercial units within the Lakeview sub-zone. The environmental benefit of the rules is linked to the ability to manage the proliferation of commercial activities that fall within the remit of these two rules and seeks to better respond to the management of potential adverse effects on the viability of the Queenstown Centre. Consistent with the corresponding matters of discretion, both assessment matters address traffic generation, and cumulative effects linked to the same.	The imposition of a Restricted Discretionary Activity rule regime will have increased economic costs associated with the preparation of more detailed assessments to address those areas over which Council has limited its discretion. The environmental costs associated with the Restricted Discretionary Activity rule regime may introduce greater uncertainty in the resource consenting process. However, the Commission considers this cost to be acceptable and the matters over which the Council has discretion are clearly set out in this rule.	**Efficiency:** The new assessment matters supporting the Restricted Discretionary Activity rules (governing non-ancillary retail and commercial activities that fall below 400m^2 per tenancy and commercial activities with a gross floor area of more than 400m^2) are considered to be efficient in terms of District Plan administration through providing clear guidance on responding to impacts on the viability of the existing Queenstown Town Centre. Both assessment matters also provide for the management of traffic effects and the ability to manage the potential adverse cumulative effects of the same. **Effectiveness:** The assessment matters are considered effective in addressing the issues raised by the supporting land use activities. **Appropriateness:** The assessment matters will assist in the achievement of proposed objective 10.2.4.3 and the other objectives relevant to the Queenstown Town Centre zone, which seek to maintain and enhance the Queenstown Centre.

vehicle circulation on the site. • Create an attractive environment that maintains safety and amenity for pedestrians. **xi Restricted Discretionary Activity Rules 10.6.3.2A (iv) Commercial and retail activities with a gross floor area of less than 400m^2 (that do not fall within the definition of ancillary retail and commercial activities)** (a) The extent to which the non-ancillary retail or commercial activities support the demand arising from the intensification of use within the Lakeview sub-zone and growth more generally; (b) The extent to which the effect of non-ancillary retail and non-ancillary commercial activities impact upon the viability of the existing Queenstown Town Centre, particularly where existing and consented commercial and retail activities exceed a maximum gross floor area of 6,500m^2 in the Lakeview sub-zone; (c) The extent to which effects on the transportation network are managed via adherence to the requirements of an integrated transport plan, including: • the need to address the			

cumulative traffic effects of the development (including existing consented development not yet built); and • the implementation of any road safety improvements to the transportation network as a consequence of the development.			
xii Discretionary Activity – Height within the Isle Street sub-zones (a) The extent to which additional height will enable better quality urban design internal outcomes, in respect of floor to ceiling heights for the uses proposed within the building. (b) The extent to which additional height will successfully integrate with the scale of buildings within the adjoining Queenstown Town Centre and will not adversely affect wider streetscape and townscape values; (c) The extent to which any exceedance of a 12 metre discretionary height limit, when considered in conjunction with any other buildings within the same block contained within the Isle Street sub-zone (West)	The Commission has introduced new assessment matters to support the amended rules governing height infringements within the Isle Street sub-zones. The amendments proposed to the supporting assessment matters for the Isle Street sub-zones are considered to provide positive environmental benefits through guiding plan users on those matters that are to be considered as part of any future height infringements within the respective sub-zone blocks.	No significant costs have been associated with the revised Isle Street sub-zone height limits.	**Efficiency:** The new assessment matters are considered to be efficient in terms of District Plan administration through providing clear guidance on the matters that are to be considered when addressing any future height infringement within the Isle Street sub-zones... **Effectiveness**: The new assessment matters will assist the effective implementation of associated height limits and future developments that may infringe the relevant standards. **Appropriateness:** Taking into account efficiency and effectiveness of these assessment matters, they are considered appropriate and will assist in achieving Objective 10.2.4.1 and proposed Objective 10.2.4.3.

will result in adverse cumulative effects upon the wider townscape. xiii **Discretionary Activity – Height within within land bounded by Hay, Beach, Lake, and Man Streets** (a) The extent to which increased building height would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, sunlight and day light and loss of opportunities for views.			
xiii **Discretionary Activity – Height within land bounded by Hay, Beach, Lake, and Man Streets** (a) The extent to which increased building height would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, sunlight and day light and loss of opportunities for views. xx **Building Coverage** (f) The extent to which increased building coverage within land bounded by Hay, Beach, Lake, and Man Streets would have any adverse effects on adjoining residential properties in terms of	The Commission has introduced new assessment matters to support the amended rules governing height infringements and building (notification exemption) within the Isle Street sub-zones. The amendments proposed to the supporting assessment matters for the land bounded by Hay, Beach, Lake, and Man Streets are considered to provide positive environmental benefits through guiding plan users on those matters that are to be considered as part of any future height or building coverage infringements within the Beach Street Block.	No significant costs have been associated with these amendments.	**Efficiency:** The new assessment matters are considered to be efficient in terms of District Plan administration through providing clear guidance on the matters that are to be considered when addressing any future height or building coverage infringement within the Beach Street Block. **Effectiveness**: The new assessment matters will assist the effective implementation of associated height and building coverage standards. **Appropriateness:** Taking into account efficiency and effectiveness of these assessment matters, they are considered appropriate and will assist in achieving Objective 10.2.4.1 and proposed

dominance by buildings, loss of privacy, sunlight and day light and loss of opportunities for views.			Objective 10.2.4.3.
Amendments to Section 7 (Residential) to reflect the retention of the Lynch Block as High Density Residential Zone.	The Commission has introduced a range of ancillary amendments to section 7 –Residential and comprise a number of exemption statements to the relevant bulk and location requirements in the HDRZ so as to ensure that the relevant Lakeview sub-zone standards apply over that part of land known as the 'Lynch Block'.	No significant costs have been associated with these amendments given that the bulk and location requirements of the Lakeview sub-zone are considered effective in addressing the future development of this area. No additional costs have been raised by these changes.	**Efficiency:** The ancillary amendments made to the relevant height, building coverage and setback requirements are considered to be efficient in terms of District Plan administration through providing clear guidance on those provisions that apply to the HDR zoned land that forms part of the Lakeview sub-zone. . **Effectiveness**: The new exemption statements will assist the effective implementation of associated height, building coverage, and road setbacks within this part of the Lakeview sub-zone. **Appropriateness:** Taking into account efficiency and effectiveness of the exemption statements, they are considered appropriate and will assist in achieving Objective 10.2.4.1 and proposed Objective 10.2.4.3.
The Commission concludes that the recommended changes to the provisions evaluated above are the most appropriate in terms of achieving the relevant objectives. The assessment of the risk of acting or not acting has not changed from that assessment carried out in the notified Section 32 evaluation. In terms of the recommended changes to these provisions, no other practicable options for achieving the relevant objectives have been identified as part of this Further Evaluation.			