

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the Proposed
District Plan

**REBUTTAL EVIDENCE OF LUKE THOMAS PLACE
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

PLANNING: CHAPTER 18A GENERAL INDUSTRIAL ZONE – TEXT AND MAPPING

12 June 2020

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

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1. INTRODUCTION

- 1.1 My full name is Luke Thomas Place. My qualifications and experience are set out in my section 42A report dated 18 March 2020 (**s42A**).
- 1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person. The Council, as my employer, has agreed for me to give expert evidence on its behalf in accordance with my duties under the Code of Conduct.

2. SCOPE

- 2.1 My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:

Submitter Evidence on text:

- (a) Mr Chris Horne for Spark N Limited and Vodafone (**3032**);
- (b) Mr Ian Thorne for Reavers NZ Limited (**3340**);
- (c) Mr Ian Greaves for Henley Property Trust (**3269**);
- (d) Ms Melissa Brooke for Queenstown Airport Cooperation (**3316**);
- (e) Ms Joanne Dowd for Aurora Energy Limited (**3153**);
- (f) Ms Paula Costello for Willowridge Developments Limited (**3220**);

Submitter Evidence on rezonings:

- (g) Mr Blair Devlin for Tussock Rise Limited (**3218**), Bright Sky Land Limited (**3128**) and Alpine Estates Limited (**3161**);
- (h) Mr Scott Edgar for Upper Clutha Transport Limited (**3256**);
- (i) Ms Hayley Mahon for Bush Creek Property Holdings Limited and Bush Creek Property Holdings no. 2 Limited (**3353**), Bush Creek Investments Limited (3354) and M J Thomas (**3355**);

- (j) Ms Hayley Mahon for J. C. Breen Family Trust (**3235**), Breen Construction co. (**3235**), Alpine Nominees Ltd (**3226**), 86 Ballantyne Road Corporation (**3286**) and NPR Trading Company (**3298**).

2.2 My evidence has the following attachments:

- (a) **Appendix A:** Recommended changes to Chapter 18A and variations;
- (b) **Appendix B:** Draft consent orders for Topic 3, Urban Development (note the second consent order should be dated April 2020, not April 2019).

SUBMITTER EVIDENCE ON TEXT OF GENERAL INDUSTRIAL ZONE

3. MR CHRIS HORNE FOR SPARK NZ LIMITED AND VODAFONE (3032)

‘Other’ industrial zones

3.1 In his evidence, Mr Horne outlines that it is *‘fairly typical to have a 20m to 25m permitted height limit in a district plan for industrial zones and commercial zones’*.¹ In making this statement, Mr Horne relies on examples of pole heights within other District’s industrial zones provided as part of Mr McCarrison’s evidence.²

3.2 In the absence of further detail relating to the permitted building heights within these ‘other’ industrial zones or a greater understanding of their unique characteristics, I consider this information to be of limited value. It may be that the permitted building height within these ‘other’ zones is much greater than provided for within the GIZ. Further, the buildings present within these ‘other’ zones may be greater than the large number of existing buildings within the GIZ, noting that building heights under the ODP regime were limited to 6 – 7 metres.

1 Para 22 of Mr Horne’s EIC.

2 Pages 27 – 29 of Mr McCarrison’s EIC.

Height above buildings

3.3 In regard to the Cardrona Settlement Zone (Commercial Precinct), Mr Horne outlines that 15 metres would be an appropriate height limit for poles.³ The Commercial Precinct provides for building heights of 12 metres / three storeys as a permitted activity.⁴ Therefore, Mr Horne advocates that an additional 3 metre allowance above the permitted building height in this location is considered appropriate for operational and functional purposes. A similar approach has been sought in the Three Parks Commercial Zone where the submitter has requested an 18 metre permitted height limited for poles⁵ in a location where the maximum building height is 15 meters,⁶ once again representing an additional height of 3 metres. This position is supported in Mr McCarrison's evidence (for the submitter) which outlines that appeals should have been pursued on previous plan provisions '*to ensure that pole heights were at least 3 to 5m above the permitted building heights across all the zones*'.⁷

3.4 It is not sufficiently clear from the evidence submitted why a 3 metre clearance above the permitted height of buildings within the GIZ would not meet the operational and functional requirements of poles, albeit at the lower end of Mr McCarrison's range of additional height referenced above. Mr Stephen Holding's evidence (electrical engineer for the submitter) suggests that 13 metres would be an '*absolute minimum*'⁸ permitted pole height indicating that this would be sufficient for operational reasons. The additional height appears to be requested predominantly for 'flexibility'⁹ as opposed to an operational requirement.

3.5 It is likely that a 13-metre high pole within the GIZ would allow for an additional 6 – 7 metres above most existing built development which was subject to lesser height limits under the ODP. The nature of the existing development within the GIZ has not been sufficiently taken into account in the submitter's package of evidence.

3 Para 48 of Mr Horn's EIC.

4 Rule 20.5.12.5, Appendix A of Ms Bowbyes' rebuttal for Chapter 30 (Settlement Zone).

5 Para 36 of Mr Horne's EIC.

6 Rule 19A.5.4, Appendix A of Mr Roberts' rebuttal for Chapter 19A (Three Parks and variations).

7 Para 5.6 of Mr McCarrison's EIC.

8 Page 14 of Mr Holding's EIC.

9 Page 14 of Mr Holding's EIC.

3.6 Further, I note that there is a consenting pathway available within Chapter 30 that would enable the consideration of poles of a greater height in those instances where operational needs arise and greater flexibility is required. I am not of the view that this high level of flexibility should be built into the District Plan where in most instances, 13-metre high poles would be acceptable for operational needs.

Pre-hearing discussions

3.7 Mr Horne references discussions in regard to pre-hearing discussions. In particular, relating to future areas of GIZ. Mr Horne considers that the Commissioners can only consider the GIZ locations in front of them.¹⁰ This discussion was primarily in regard to areas of GIZ that have been sought by submitter's in areas of Rural land/outside of existing UGBs, such as in the Gibbston Valley, and I am of the view that such proposals are relevant to the hearings panel in regard to this matter.

3.8 Despite Mr Horne's comments, the visual and landscape evidence of Mr Bray (landscape expert for the submitter) does consider this matter. Mr Bray suggests it is unlikely that *'such a zone would be placed in a highly valued area of the landscape'*¹¹. He goes on to state that *'It's difficult to imagine an industrial zone being constructed in an elevated, highly visible area on the base of the Remarkables, for example'*¹². This is exactly the situation which has come about in the case of the Coneburn Industrial Zone through a rezoning in Stage 1 of the PDP.

3.9 Mr Bray also suggests that different provisions could apply to different areas within future GIZ land.¹³ While this may be the case, this is not desirable as such site specific rules promote more complex and unintegrated planning documents. One of the main issues addressed by the GIZ was to apply a more rationalised set of provisions to industrially zoned land. In addition, this would suggest that lower pole heights could be supported by the Submitter in parts of the GIZ. This

¹⁰ Para 32 of Mr Horne's EIC.

¹¹ Para 7.27 of Mr Brays EIC.

¹² Para 2.27 of Mr Brays EIC

¹³ Para 7.29 of Mr Brays EIC

position seems to contradict the overall relief sought in terms of the additional height above permitted buildings.

Visual and amenity related matters

- 3.10** The evidence of Mr Bray outlines that industrial and commercial landscapes are '*typically valued much less than broad natural landscapes*¹⁴. I am uncertain of the purpose of comparing the landscape value of natural landscapes with that of any urban zone. From a planning perspective, it is clear that highly modified urban zones will have lower landscape values than *broad natural landscapes*, and it is unlikely that people will specifically seek out these locations to experience high value natural landscapes.
- 3.11** In regard to this matter, I am of the view that landowners and occupiers of sites within the GIZ, as well as employees, visitors and customers that regularly trade with businesses within the GIZ, do place values on the characteristics of the GIZ. The GIZ is not in my view a traditional 'heavy' type industrial zone in which very poor levels of amenity are likely to be experienced given the nature of the District's industrial economy.
- 3.12** Mr McCarrison's evidence correctly suggests that higher masts should be located in urban areas where they would not be out of scale with the surrounding environment¹⁵. In my view, 18-metre high poles would not be commensurate to the scale of existing or future potential permitted buildings within the GIZ.
- 3.13** Mr Bray's comments do also not appear to address possible effects of the relief on those numerous different zones which adjoin the GIZ. In multiple locations the GIZ adjoins residential type activity areas. This is particularly the case in Arrowtown and would disagree that the area has a '*back of town feel*¹⁶. The GIZ in this location directly abuts the LDSRZ and the Meadow Park Special Zone. LDSRZ zoning also adjoins Wanaka's GIZ in a number of locations.

14 Para 8.2 of Mr Brays EIC.

15 Para 5.2c of Mr McCarrison's EIC.

16 Para 7.8 of Mr Brays EIC.

- 3.14** Mr Bray suggests that Chapter 30 offers controls to limit the effects of the type of poles sought in the relief¹⁷ but does not elaborate on this and it is not clear which controls would be relevant in the case of a permitted activity.
- 3.15** Ms Mellsop (landscape architect for QLDC) has considered the evidence provided by Mr Bray. She sets out the limitations of Mr Bray's assessment of visual effects in relation to the GIZ¹⁸. I rely on Ms Mellsop's comments which support the position I have set out above in regard to amenity and visual matters.
- 3.16** I support Mr Horne's proposal for a height in relation to boundary rule to apply to poles within the GIZ. I am of the view that this rule would be effective and efficient in managing potential adverse visual effects of such structures, in particular, where they adjoin other residential type zones. The provision would be the most appropriate way to achieve Objective 18A.2.4 which seeks to ensure that activities and development within the Zone does not adversely affect the amenity of other zones. Mr Thorne has not provided draft wording for such a rule and as such, I recommend the following amendments to Rule 30.5.6.6 (deletions shown in ~~strike through~~ and additions underlined):

30.5.6.6	<p>Poles</p> <p>With a maximum height no greater than:</p> <ul style="list-style-type: none"> a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka), or Jacks Point zones; e. <u>13m in the General Industrial Zone provided that</u> <ul style="list-style-type: none"> i. <u>On sites adjoining or separated by a road from a Residential zone (including the Meadow Park Special Zone and the Large</u> 	P
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17 Para 7.6 of Mr Brays EIC.

18 Paras 4.3 – 4.6 of Ms Mellsop's rebuttal.

	<p style="text-align: center;"><u>Lot Residential Zone) the pole does not breach the recession plane standard set out within Rule 18A.5.6(b).</u></p> <p>f. 11m in any other zone; and</p> <p>g. 8m in any identified Outstanding Natural Landscape.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.</p>	
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4. MR IAN THORNE FOR REAVERS NZ LTD (3340)

Restricted discretionary activity status for buildings

4.1 Mr Thorne suggests that a RDA status combined with the listed matters of discretion create uncertainty in terms of industrial building development.¹⁹ I do not agree. The intent of the GIZ to support the establishment, operation and long term viability of Industrial and Service activities, and the buildings which support them is set out clearly throughout Chapter 18A, and in a much stronger manner than under the ODP management framework.

4.2 Mr Thorne compares the built amenity of older and newer buildings in Glenda Drive to support a controlled activity status.²⁰ While it is not clear which buildings are being referred to I would highlight that the newer buildings at the southern end of Glenda Drive did come about as a result of resource consent processes and subdivision²¹ which included more stringent conditions on the appearance of buildings.

Internal boundary setbacks

4.3 Mr Thorne's evidence addresses relief relating to internal boundary setbacks for buildings in the GIZ which adjoin other Zones, with a particular focus on Glenda Drive.²² In regard to the adjoining Informal Recreation Zone in this area in this area, the section 32 report outlines

¹⁹ Para 3.3 of Mr Thorne's EIC.

²⁰ Para 3.2 of Mr Thorne's EIC.

²¹ For example, RM170559 and RM170342.

²² Section 6 of Mr Thorne's EIC.

at Issue 8²³ the issue associated with the split Industrial 'A' / Rural zoning that applied under the ODP regime. The notified GIZ maps applied the GIZ in these split zone locations.

- 4.4** In my view, this recommended change provides sufficient additional development flexibility. If this setback were to be removed in this location, in combination with the additional height provided for in the GIZ, it is likely that visual effects will come about particularly given the high prominent location of these properties when viewed from the east. I would note the comments of Ms Mellsop that were attached to the s32 report for the GIZ²⁴ in which she highlighted potential visual effects from removing the Rural Zone in this location. My view at that time was that the potential visual effects would be outweighed by the economic effects of providing greater building heights. However, this view was made in the knowledge that the setbacks would continue to apply. Mr Thorne is suggesting that these building setbacks not apply in this location and I would have greater concerns of potential visual effects in this area if these setbacks were to be removed. Mr Thorne has not addressed this matter nor offered landscape evidence to this effect.
- 4.5** In addition, I am of the view that the additional height provided for buildings within the GIZ offers landowners the ability to use sites more efficiently and with more flexibility while maintaining the setbacks set out within the GIZ.
- 4.6** Although Mr Thorne's comments appear to relate primarily to the Glenda Drive GIZ, the relief requested would apply to the GIZ in its entirety. This would not result in good planning outcomes on the basis that the GIZ adjoins other zones containing a range of uses, including residential activities in a number of locations. The possible impact of this relief on the wider GIZ and its adjoining zones has not been taken into account by Mr Thorne.
- 4.7** Figure 2 of Mr Thorne's EIC illustrates the location in which the Submitter's properties adjoin the Informal Recreation Zone, as well as the proximity to SH6/Frankton Ladies Mile High way. While Figure 2 is

23 Paras 7.97 – 7.101.

24 Appendix 3 to GIZ s32 report from Helen Mellsop – Registered NZILA Landscape Architect.

useful in illustrating the nature of this location, it does not in my opinion provide an assessment of the potential effects of 10-metre high buildings in this location. I also note that this location is a main gateway route into the Frankton/Queenstown area. GIZ Policy 18A.2.4.2 outlines that the effects of activities on main gateway routes should be managed. In my view, the application of a zero setback rule in this location would not meet this policy direction.

5. MR IAN GREAVES FOR HENLEY PROPERTY TRUST (3269)

Ancillary office activities

- 5.1** Mr Greaves seeks that the permitted threshold for ancillary office activities be provided for as 30% of the GFA of all buildings. He includes an example of a single resource consent (RM200369) to support this view. The consent is located in Wanaka's ODP Industrial B Zone.
- 5.2** The decision of the originally consented activity²⁵ indicates that the proposal required substantial modification to the mix of activities within the buildings in order to achieve a suitable level of onsite car parking. In particular, the initially proposed 100% Industrial use was required to be amended to 50% Industrial and 50% Warehousing. A condition of consent was included to require this mix on an ongoing basis. However, Table 1 in Mr Greaves' evidence appears to demonstrate the entirety of the buildings being used for warehousing. If this were the case the activity would be in breach of its resource consent, and therefore there does not appear to be any office activity that is ancillary to an industrial activity.
- 5.3** **Figure 1** below provides information from the consented activity. It highlights the 50% split between uses. These GFA figures would suggest that the amount of office for actual industrial activity is much greater than 30%. Mr Greaves does not provide any additional information as to the nature of the industrial activity and why it would require more office space than is being used for the actual Industrial activity, in the case of Building 1, and very nearly the same amount of

25 RM200369 is a s127 variation of the initially consented activity under RM191342.

space in the case of Buildings 2 and 3. I am not of the view that this is a typical activity within the GIZ, and the restrictive ongoing control on the mix of activities operating in the buildings in order to meet the parking standards is representative of this. In my view it would be appropriate to trigger a resource consent for an activity of this type/an activity proposing 30% (or more in this instance) of office space in order to be able to assess the type of effects that were taken into account in the case of this activity.

5.4 **Figure 1** also illustrates the large amount of car parking demand that would be associated with an activity with this proportion of office activity. It is disproportionate to the demand generated by Industrial activities.

Building 1 – Lots 22 and 23			
Activity	Area (m ²)	ODP Car Parks	PDP Car Parks
Office	568.8	11.37 (1 per 50m ²)	11.37 (1 per 50m ²)
50% Industrial	486	19.44 (1 per 25m ²)	9.72 (1 per 50m ²)
50% Warehouse	486	9.72 (1 per 50m ²)	4.86 (1 per 100m ²)
Total Parks Required		40.53 (rounded to 41)	25.95 (rounded to 26)
Parks Provided		24	24
Shortfall		17	2

Building 2 – Lot 24			
Activity	Area (m ²)	ODP Car Parks	PDP Car Parks
Office	224	4.48 (1 per 50m ²)	4.48 (1 per 50m ²)
50% Industrial	277.2	11.08 (1 per 25m ²)	5.54 (1 per 50m ²)
50% Warehouse	277.2	5.54 (1 per 50m ²)	2.77 (1 per 100m ²)
Total Parks Required		21.1 (rounded to 22)	12.79 (rounded to 13)
Parks Provided		13	13
Shortfall		9	0

Building 3 – Lot 21			
Activity	Area (m ²)	ODP Car Parks	PDP Car Parks
Office	224	4.48 (1 per 50m ²)	4.48 (1 per 50m ²)
50% Industrial	277.2	11.08 (1 per 25m ²)	5.54 (1 per 50m ²)
50% Warehouse	277.2	5.54 (1 per 50m ²)	2.77 (1 per 100m ²)
Total Parks Required		21.1 (rounded to 22)	12.79 (rounded to 13)
Parks Provided		13	13
Shortfall		9	0

Total shortfall	ODP = 35	PDP = 2
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Figure 1: Activity and car parking calculations from the decision from RM191342

5.5 I also suggest that this is an example of an activity within the Zone that required a resource consent and it may not therefore be representative of other Industrial/Service activities, and their associated ancillary Office needs, located within the GIZ that may be permitted.

Further, I am not of the view that this single example provides the breadth of evidence needed to demonstrate the same needs for ancillary office activities exist across the entirety of the GIZ.

5.6 This scale of ancillary office use was not observed when undertaking the ground truthing site visits conducted as part of the s32 evaluation.

5.7 Mr Greaves provides a table of examples of ancillary office rules in other District's industrial zones.²⁶ In my opinion, without an understanding of the industrial economy in these locations, the unique resource management issues they are seeking to address or a more specific knowledge of the nature of the zones themselves, it is difficult and potentially erroneous to suggest they would also be appropriate to the GIZ.

5.8 I note that through my s42A recommendations there is a consenting pathway for larger ancillary office activities, and as such, the provisions do not wholly exclude larger ancillary offices. The matters of discretion recommended offer a reasonably wide net of matters for applicants to demonstrate an evidential based need for greater scales of office space.

5.9 As outlined in my s42A, I remain open to considering amendments to this rule on the basis of evidence that demonstrates why larger ancillary Office space would be necessary to support Industrial and Service activities. If this information can be provided, my preference would be to amend the existing 50 – 100 m² restricted discretionary threshold range, rather than the existing permitted 50 m² limit. I also continue to support the use of a GFA m² measure as opposed to a % of GFA or site area as proposed by Mr Greaves for the reasons outlined in the s42A report by myself and the evidence in chief of Ms Hampson²⁷.

²⁶ Table 2 of Mr Greaves statement of evidence for Henley Property Trust dated 29 May 2020.

²⁷ Para 11.14 – 11.15 of Ms Hampson's EIC.

**6. MS MELISSA BROOKE FOR QUEENSTOWN AIRPORT COOPERATION
(3316)**

Building height

6.1 Ms Brooke maintains that an advice note is needed to ensure the effect of Designation 4 is taken account of in plan administration.²⁸ I maintain the position set out in my s42A in regard to this matter. In addition, I would add that an approach such as this would logically precipitate similar advice notes in all zones for the entire range of designations listed in Chapter 37 (Designations). In my view this would not provide for a concise, effective or efficient planning document.

Land uses

6.2 Ms Brooke maintains that the words 'refuse collection and disposal' be removed from Rule 18A.4.10 based on potential confusion in regard to its activity status,²⁹ in particular with the definition of Outdoor Storage.

6.3 I acknowledge that the specific words 'refuse collection and disposal' are not individually defined within Chapter 2 (Definitions) of the PDP, the Health Act 1956 or the RMA, and this can create uncertainty. Having reflected on these words I am of the view that there is some nuance that I did not clarify in my s42A. The act of refuse 'disposal' in my view is captured by the definition of 'Landfill':

*'Means the use of land for the primary purpose of providing a disposal facility for the controlled deposit of solid wastes, household wastes and green waste onto or into land. Excludes offal pits, silage pits and silage stacks that are part of a farming activity.'*³⁰

6.4 Chapter 2 of the PDP also offers a definition of 'Waste Management Facility' within which the act of refuse collection could be captured:

'Means a site used for the deposit of solid wastes onto or into land, but excludes:

28 Para 2.3 of Ms Brooke's EIC.

29 Para 2.7 of Ms Brooke's EIC.

30 Page 16/17, PDP Chapter 2 (definitions).

- a. sites situated on production land in which the disposal of waste generated from that land takes place, not including any dead animal material or wastes generated from any industrial trade or process on that productive land;*
- b. sites used for the disposal of vegetative material. The material may include soil that is attached to plant roots and shall be free of hazardous substances and wastes; and*
- c. sites for the disposal of clean fill.³¹*

6.5 Both 'Landfill' and Waste Management Facilities' are not identified within Table 18A.4 and would therefore be non-complying activities.

6.6 I am concerned however that the act of 'refuse collection' could capture activities such as the collection of materials that could be processed or stored for the purpose of recycling, such as cardboard/paper etc. These materials are not likely to produce the same effects as a traditional refuse collection activity and may also appropriately fit within the definition of Industrial or Service Activities, and therefore be appropriately located within the GIZ. These types of activities provide important services for the District (and potentially surrounding districts) and assist in achieving overall sustainable management goals.

6.7 Taking into account the above, I am of the view that there is sufficient certainty provided for within the existing definitions of the PDP to address Ms Brookes concerns.

Lighting and Glare

6.8 Ms Brooke maintains that Rule 18A.5.7 be amended to reflect possible effects on airport operations.³² In my s42A I outlined that I did not have sufficient information regarding aircraft operations to propose an alternative method. While Ms Brooke has identified resource consents where glare has been the subject of concern for airport operations I have not been provided with any additional information in regard to this matter.

³¹ Page 43, PDP Chapter 2 (definitions).

³² Paras 2.9 – 2.12 and section 3 of Ms Brooke's EIC.

6.9 Ms Brooke suggests that an appropriate area for any such control to be applied would be the Inner Horizontal Surface as defined in QAC's Designation, Figure 2 (Queenstown Airport: Airport Protection and Inner Horizontal and Conical Surfaces). However, she suggests that this recommendation relates to Chapters 7, 8, 9 and 15. Chapter 18A is not identified as being applicable to this recommendation. It is not clear if the absence of reference to Chapter 18A is an error. Ms Glory's rebuttal evidence addresses the merits of the approach sought by Ms Brooke and I concur with the position she has reached.

7. MS JOANNE DOWD FOR AURORA ENERGY LTD (3153)

7.1 Ms Dowd outlines that the Advice Note wording recommended in my S42A is inconsistent with what has been agreed by the parties in the consent memorandum for Topic 17.³³

7.2 While I agree with Ms Dowd that consistency on this matter is important, the wording that I recommended applying to Chapter 18A appears consistent with the approach applied to Chapters 7, 8, 9, 11, 12, 16, 21, 22, 25 and 38 within the draft consent order attached to Ms Dowd's EIC. Ms Dowd's wording appears to be only partially consistent with the draft consent order document as it relates to 27.11.3.1, which is the subdivision chapter and has a different Advice Note to the zone chapters.

7.3 As such, I do not recommend any further changes.

8. MS PAULA COSTELLO FOR WILLOWRIDGE DEVELOPMENTS LIMITED (3220)

8.1 The GIZ land located to the east of Ballantyne Road is considered as part of the Three Parks s42A and subject to the Three Parks rebuttal evidence. As such, I do not address Ms Costello's evidence regarding zoning.

33 Para 37 of Ms Dowd's EIC.

Trade Suppliers

8.2 Ms Costello makes comments in regard to the proposed s42A framework for Trade Suppliers, suggesting that *'the Discretionary status along with the uncertainty around compliance with the subjective policies will mean the GIZ is not considered a location in which to confidently invest in development for this kind of business activity'*.³⁴ I have discussed possible management frameworks in regard to Trade Supplies at length in my s42A. I disagree that the proposed suite of provisions would result in the type of uncertainty described by Ms Costello.

8.3 I consider that the subject policies can improve administration of the nuanced definition and associated effects of Trade Supplier activities and present a clear expectation about the type of Trade Suppliers that are anticipated within the Zone, stating that those primarily involved in wholesaling related trade are to be 'recognised and provided' for, and other more retail based activities are to be 'avoided'. I believe that this direct policy approach provides potential Trade Supplier owners/occupiers and plan administrators with a reasonably high degree of confidence about the type of activities that will be provided for within the GIZ.

SUBMITTER EVIDENCE ON REZONING REQUESTS

9. TUSSOCK RISE LIMITED (3218), BRIGHT SKY LAND LIMITED (3130) AND ALPINE ESTATES LIMITED (3161)

9.1 Mr Blair Devlin has provided planning evidence for Tussock Rise Limited (3218), Bright Sky Land Limited (3128) and Alpine Estates Limited (3161) (referred to collectively as **Tussock Rise et al**).

The 'strategic context' of the 'Wanaka industrial area'

9.2 Mr Devlin presents a description of the context surrounding what he describes as the Wanaka industrial area stating that *'almost all land surrounding what I have called the 'Wanaka Industrial Area' is zoned*

34 Para 28 of Ms Costello's EIC.

for residential development of some shape or form'.³⁵ He notes that Wanaka has grown to surround the industrial area, it is no longer on the edge of town and as such, the proposed '*pure industrial*' approach taken on by the GIZ is inappropriate in this location.

9.3 Mr Devlin suggests in multiple places in his evidence that the General Industrial Zone (**GIZ**) is seeking to achieve a '*pure industrial zone*'. It is correct that the proposed GIZ seeks to provide viable spaces within the District to realise the long term benefits of the industrial economy. This also meets the expectation set out in the PORPS19 and in Chapter 3 (Strategic Direction) of the PDP. However, it is not clear what Mr Devlin means by '*pure industrial*'. While the proposed GIZ does set a clear expectation that non-industrial activities are not anticipated within the zone, it does not attempt to cleanse the land of all existing non-industrial type activities. To the contrary, its provisions do not act retrospectively, it enables the operation of ancillary non-industrial activities and offers consenting pathways for larger scale ancillary activities, including Trade Suppliers.

9.4 My s42A provides an in-depth exploration of possible options to provide additional ongoing certainty that existing non-industrial type activities within the GIZ can continue into the future. I outline that s10 of the RMA along with existing resource consents provide a suitable level of certainty that these activities can continue into the future. My s42A invited parties to provide further input into possible provisions that could build on this concept. Mr Devlin has not offered any further comments in regard to this approach. Therefore, I am not of the view that the proposed GIZ would impose a '*pure industrial*' environment within already developed parts of the Zone. It will however serve to maintain the future integrity of the land for activities which comprise the Districts industrial economy.

9.5 Part of Mr Devlin's argument is his suggestion that the '*Wanaka industrial area*' no longer represents the '*edge of town*'.³⁶ This seems to suggest that the proposed GIZ should be pushed further and further away from Wanaka's commercial core, and that it be located as an

35 Para 4.10 of Mr Devlin's EIC.

36 Para 4.11 of Mr Devlin's EIC.

island or spot zone within the District's Rural Zone with its Rural Character (**RCL**) and Outstanding Natural Landscape (**ONL**) classifications. I disagree with this position and suggest that Wanaka's GIZ is ideally located, amongst Wanaka's newest and fastest growing commercial cores.

- 9.6** In her EIC, Ms Hampson highlights the strategic economic benefits that can arise for the industrial economy from existing industrial or business areas (albeit generally in regard to a different rezoning proposals), in particular, key synergies and agglomeration benefits between neighbouring activities, increases to the functional amenity of an area (greater choice in a single location), greater transport efficiencies, and reducing potential for externality effects (by containing effects to a single location rather than dispersing them across multiple locations).³⁷
- 9.7** There is nothing in Chapter 18A, nor within Strategic Chapters 3 (Strategic Direction) or Chapter 4 (Urban Development) which indicates that industrially zoned land needs to be located on the edge of town, nor does it stipulate any other specific locational requirements for industrially zoned land.
- 9.8** The locational characteristics of the Wanaka GIZ are not dissimilar to other areas of GIZ, including those in Arrowtown and Glenda Drive where ODP or PDP commercial and residential purpose zones have been positioned in relatively close proximity. This demonstrates the GIZs highly strategic local service and employment characteristic.
- 9.9** Strategic Objective (**SO**) 3.2.1.5 outlines that local service and employment functions of industrial areas outside of Wanaka's town centre, including that of Three Parks, are to be sustained, while Strategic Policy (**SP**) 3.3.10 builds on this position, outlining that commercial rezoning likely to undermine such key local service and employment functions are to be avoided. The s32 report as supported by the technical assessment of Ms Hampson, sets out that the District's industrial economy and the businesses which it comprises play a key role in sustaining the economic wellbeing of the District's residents. In

³⁷ Para 13.2, 15.3 and 14.22 of Ms Hampson's EIC. Refer also Section 6.4.2, Page 91, Economic Assessment of Queenstown Lakes District's Industrial Zones - Stage 3 District Plan Review, May 2019.

particular, it is the District's fastest growing employment sector.³⁸ Mr Devlin's position that the GIZ be removed from being 'local' would not meet the expectation of these strategic level directions. The existing GIZ is in my view strategically located to serve a wide range of Wanaka's service and employment functions which would ultimately be undermined by the relief requested by Tussock Rise et al.

- 9.10** Mr Devlin outlines that the notified Wanaka GIZ '*is surrounded on almost all sides by residential activity*'.³⁹ This is not accurate in my view. The Wanaka GIZ interacts with a wide range of zone boundaries, including significant proportions of the proposed Active Sports and Recreation Zone, Rural Zone and the Three Parks Business Mixed Use Zone (**BMUZ**). Where the Wanaka GIZ does interact with residential purpose zones, particularly on its western boundaries, building restriction areas have been identified to soften the concentric transition between zoning types. The Large Lot Residential Zone to the north, and the small area of Rural Lifestyle Zone to the south (across Riverbank Road) contain much larger lots that allow for much greater setbacks than in zones such as the Lower Density Suburban Residential Zone (**LDSRZ**) where lot sizes are smaller.

GIZ and BMUZ purpose statements

- 9.11** Mr Devlin assesses the purpose statements of the BMUZ and the GIZ and outlines that the BMUZ purpose statement better represents the Wanaka GIZ. I disagree with this assessment. The BMUZ purpose statement at no point signals any place for Industrial or Service activities. Instead, it focuses on commercial, business, retail and residential uses that supplement town centres and which achieve high urban design standards.
- 9.12** This overall intent is further emphasised within the BMUZ provisions which identify Industrial activities and other Service type activities including panel beating, spray painting, motor vehicle repair or dismantling as non-complying activities. Warehousing, Storage &

38 Page 1, Economic Assessment of Queenstown Lakes District's Industrial Zones, May 2019.

39 Para 5.7 of Mr Devlin's EIC.

Lock-up Facilities (including vehicle storage), sheet metal work and motorbody building are identified as prohibited activities.

- 9.13** Activities within a BMUZ would also need to be considered against the proposed Business Mixed Used Design Guidelines, which outline design elements for any and all types of built development rather than for particular types of activities. In my view, it is unreasonable and cost prohibitive to require existing Industrial and Service activities in the area subject to Mr Devlin's evidence to achieve consistency with the proposed urban design guidelines.

Only vacant land to be zoned GIZ

- 9.14** Mr Devlin suggests that the characteristics which best suit the GIZ is vacant land located within the ODP Industrial B Zone so that *'any person purchasing one of these would go in 'eyes wide open' to the nature of the operative Industrial B zone and the proposed General Industrial zone*⁴⁰. These characteristics also apply to the "Tussock Rise site" (referring to the area of land owned by Tussock Rise Limited, not the wider area of land covered by the submission).

- 9.15** Mr Devlin relies on the *'nature of the surrounding land uses...and the elevated nature of the site*⁴¹ as the only distinguishing features which better qualify it for being zoned BMUZ. The Tussock Rise site adjoins LDSRZ land on its western side only (which includes areas of building restriction area) and a large proportion of Industrial and Service activities are located on the surrounding GIZ land. It is not clear from Mr Devlin's evidence why the elevated nature of the site would make it more suitable for BMUZ, in particular given the greater density that is provided for in Chapter 16.

Figure 8 of Mr Devlin's evidence

- 9.16** Using separate ground truthing information,⁴² Mr Devlin suggests the area surrounding the Tussock Rise site is better suited to BMUZ. The subsequent table supporting Figure 8, at paragraph 6.11, suggests that

40 Para 5.10 of Mr Devlin's EIC.

41 Para 5.11 of Mr Devlin's EIC.

42 Figure 8 of Mr Devlin's EIC.

41.9% of these activities⁴³ comprise Industrial and Service activities and would be anticipated within the GIZ. 5.4% of activities are identified as Trade Suppliers which the s42A version of the GIZ does recognise and provide for.

- 9.17** This information also fails to represent the nuance of activities within the GIZ in my view as it does not represent the potential range of ancillary activities present. It is also not clear how many of these 'non-industrial activities' might in fact be ancillary to an Industrial or Service activity.
- 9.18** Mr Devlin , at 6.11 includes the vacant land (4.3%) within what he terms 'non-industrial activities'⁴⁴ which I consider to be misleading as it could yet be developed for Industrial or Service activities.
- 9.19** It is also misleading to suggest that any existing activity identified in this context would be prohibited. I discuss in my s42A the application of existing use rights to these activities and suggest options for submitters to consider for these situations. Mr Devlin has not responded in regard to these options. A number of these activities may also have resource consents that will enable them to continue.
- 9.20** I also note that the area subject to this assessment only includes those sites which adjoin the Tussock Rise site. However, the area sought to be included in the BMUZ by the submitter is much wider and includes a large area of land that does not adjoin the Tussock Rise site.
- 9.21** Overall, Mr Devlin's analysis of existing activities builds on the data presented in the s32 report and the resource management issue present within the ODP framework for managing industrially zoned land, being one of the principle reasons promulgating the proposed GIZ. It assists in demonstrating the limited ability for the ODP framework to effectively provide space for the establishment, operation and growth of activities which make up the District's industrial economy. However, I disagree that the appropriate response to this issue is to simply impose a zone (being the BMUZ relief sought by Mr

43 Industrial, Service and Trade Supplier activities.

44 Para 6.12 of Mr Devlin's EIC.

Devlin) which reinforces the loss of industrially zoned land to non-industrial uses and the ongoing pressures this framework places on the District's industrial economy. I consider the most appropriate response in this instance is to amend the industrial zoning to address the issues present.

Rationalising the ODP industrial Zones

- 9.22** The application of a single zoning framework for the management of industrial land in the District was discussed in the s32 report⁴⁵ and was complimented by expert commentary from Ms Hampson who outlined that *"there seems little need to retain or create industrial zones that have a particular niche role within the industrial economy (such as heavy industry or light industry specifically"*⁴⁶. I rely on and adopt Ms Hampson's position.
- 9.23** Mr Devlin draws attention to the National Planning Standards (**NPS**) descriptions of the three possible industrial type zonings (Light, General and Heavy).⁴⁷ Mr Devlin considers the GIZ to be similar to the NPS description of the Heavy Industrial Zone. The difference between the NPS descriptions appears to relate predominantly to the type of effects that the zone may result in, with the NPS Heavy Industrial Zone referring to *'potentially significant adverse effects'*.
- 9.24** I am not of the view that the nature or make up of existing activities within the Wanaka GIZ, nor those which comprise the District's industrial economy (as described in the s32 report and Ms Hampson's assessment of the industrial economy) are consistent with the description of the Heavy Industrial Zone. In particular, the NPS does not offer any further guidance on what comprises a heavy, light or general industrial activity, including in the definitions standard. The Christchurch City Plan is one such plan which offers a usefully comprehensive definition of Heavy Industrial Activity (noting this was prepared well before the National Planning Standards existed):

45 Paras 7.69 – 7.76, s32 Report for GIZ.

46 Section 7.3, Page 104 Economic Assessment of Queenstown Lakes District's Industrial Zones Stage 3 District Plan Review, 22 May 2019.

47 Para 7.3 of Mr Devlin's EIC.

- a. *blood or offal treating; bone boiling or crushing; dag crushing; fellmongering; fish cleaning or curing; gut scraping and treating; and tallow melting;*
- b. *flax pulping; flock manufacture or teasing of textile materials for any purpose; and wood pulping;*
- c. *storage and disposal of sewage, septic tank sludge or refuse;*
- d. *slaughtering of animals; storage, drying or preserving of bones, hides, hoofs or skins; tanning; and wool scouring;*
- e. *the burning of waste oil in the open air or in any combustion processes involving fuel-burning equipment;*
- f. *any other processes involving fuel-burning equipment, which individually or in combination with other equipment, have a fuel-burning rate of up to 1000 kg/hr;*
- g. *the open burning of coated or covered metal cable or wire, including metal coated or covered with varnish, lacquers, plastic or rubber;*
- h. *any activity with the potential to discharge asbestos to air, including the removal or disposal of friable asbestos, except where it complies with the Health and Safety in Employment (Asbestos) Regulations 1998 and is supervised and monitored by Occupational Safety and Health staff;*
- i. *burning out of the residual content of metal containers used for the transport or storage of chemicals;*
- j. *the burning of municipal, commercial or industrial wastes, whether by open fire or the use of incinerators for disposal of waste;*
- k. *any industrial wood pulp process in which wood or other cellulose material is cooked with chemical solutions to dissolve lining, and the associated processes of bleaching and chemical and by-product recovery;*
- l. *crematoriums; and*
- m. *any industrial activity which involves the discharge of odour or dust beyond the site boundary.*

9.25 The range of activities identified in the Christchurch City Plan (as an example) are likely to result in significant adverse effects, and would be well suited to sites within a Heavy Industrial Zone. They do not in my view fit within the established understanding of the District's

industrial economy and are very rarely, if at all, present within the proposed GIZ.

Reverse Sensitivity

9.26 Mr Devlin highlights a single example of 'live-work custodial units' on Gordon Road as a 'test case' to consider possible reverse sensitivity risk⁴⁸. These custodial units, which are used for residential purposes, were consented under Resource Consent RM050831. Mr Devlin indicates that he has enquired with the Council as to possible complaints from these residential units.⁴⁹ He reports that there were no complaints recorded about surrounding business or industrial activities.

9.27 An assessment of the approved conditions for Resource Consent RM050831 reveals the following relevant condition (of Decision 3):⁵⁰

8. *Prior to certification pursuant to Section 221 of the Act, the consent holder shall register the following covenant on the pertinent Certificate of Titles:*

- *No individual unit may be subdivided (strata titled) to separate the industrial component (ground level) with the custodial unit (upper level). The two levels within each unit must remain in the same ownership.*
- *There shall be no outside storage of refuse or refuse bins or skips.*
- *There shall be no residential accommodation on the ground level component of each unit.*
- *No owner or occupier may object to or cause objection to or otherwise frustrate any legitimate and complying activity undertaken within the Industrial Zone or land titles adjoining the development.*

9.28 This condition reveals a potential reason no complaints have been made from this group of residential units, in particular, the first and last bullet points. Therefore, I disagree with Mr Devlin that this is a good 'test case' for assessing reverse sensitivity risk.

48 Para 9.2 of Mr Devlin's EIC.

49 Para 9.4 of Mr Devlin's EIC.

50 Relating to Unit Title Subdivision conditions relating to the 14-unit development.

9.29 I would also highlight the following comments made by Commissioner Shiels in making the notification determination on RM050831:

*'the general industrial amenity prevailing, lead me to the view that the proposal for residential units has many unsatisfactory aspects... Whether this type of development is desirable is something the Council may well wish to consider, but I have to proceed on the basis of the Plan as it is.'*⁵¹

9.30 In his concluding statements, Commissioner Shiels outlined:

*'It will be apparent that I have reservations about the application, and generally about the co-location of industrial and residential activities. Issues of reverse sensitivity arise, but are not able to be considered in situations where the Site Standard in Rule 11.3.5(i) is met, or will inevitably be met in due course. But even more serious issues arise of amenity for the residents. The Applicant may be right that it will be young couples rather than families that will occupy such units but nothing in the P.O.D.P. or the Application ensures that. It does not take too much imagination to foresee families living in such units through economic necessity, as the lower standard of amenity may mean lower cost.'*⁵²

9.31 The proposed GIZ seeks to address the issues grappled with by Commissioner Shiels by removing the potential for such poor resource management outcomes to take place within land zoned for industrial purposes.

9.32 Mr Devlin suggests that the most likely potential effects that could be complained of are noise and odour.⁵³ I consider there to be a range of additional effects that could compromise the type of amenity that might be expected from residential occupiers, as well as for the range of other activities enabled within the BMUZ. These could include the amount of traffic, including heavy vehicles loading and unloading, vibration, dust and other particle emissions, and potential general amenity intrusions.

9.33 Mr Devlin also relies on acoustic evidence provided for the submitter by Dr Trevathan of Acoustic Engineering Services suggesting that

51 Para 41, RM050831 Notification Determination by Commissioner (Trevor J Shiels) 11 September 2006.

52 Para 50, RM050831 Notification Determination by Commissioner (Trevor J Shiels) 11 September 2006.

53 Para 9.1 of Mr Devlin's EIC.

reverse sensitivity issues relating to noise on Residential and Visitor Accommodation activities are addressed through Rule 16.5.5.⁵⁴ Mr Chiles has provided rebuttal to this evidence and I rely on his comments on this matter.

9.34 As noted above, I consider there to be a range of other potential reverse sensitivity effects beyond noise. In addition, I note that Rule 16.5.5 relates to Residential and Visitor Accommodation activities only rather than the full range of activities that could contain critical listening environments, and which are anticipated within the BMUZ.

9.35 Mr Devlin suggests that in the balance of situations, non-objection covenants could be applied to sites at the time of subdivision. I do not consider this to be a desirable or best practice method to address potential reverse sensitivity issues. In particular, it is more likely than not to lead to increases in construction costs for future landowners and/or occupiers. Further, this approach imposes a set of adverse effects on future landowners and/or occupiers which they have no right address. In my view this approach does not match up well with Policy 4.2.2.2(d) which calls for new zoning to integrate with existing urban development. The issues associated with such restrictive covenants were highlighted recently in a local Environment Court decision (*Gibbston Vines Limited v Queenstown Lakes District Council* [2019] NZEnvC 115) in which Judge Hassan outlined that '*Taking away the capacity of those suffering noise issues to object does not take away the adverse effect that is the source of that conflict*'.⁵⁵

9.36 I also note that Mr Devlin's proposition of non-objection covenants does not address the potential reverse sensitivity effects that would be experienced across the wider area of land located within the GIZ and sought by the submitter to be included within the BMUZ.

Transport matters

9.37 Transport related evidence for the proposed rezoning has been provided by Mr Andrew Carr for the submitter. Mr Smith (Council's

⁵⁴ Para 9.7 of Mr Devlin's EIC.

⁵⁵ *Gibbston Vines Limited v Queenstown Lakes District Council* [2019] NZEnvC 115 at [154].

expert) has assessed Mr Carr's evidence and I rely on his comments in regard to this matter.

- 9.38** I note Mr Smith has identified a number of areas of concern with the assessment provided from Mr Carr and suggest that the proposal fails to identify the potential overall effects of the surrounding land use connection and impacts of traffic on the safe movement of all road users.

Other matters

- 9.39** Mr Devlin insists that a 'slight majority' of Industrial and Service activities is pivotal to the position I have reached in my s42A at paragraph 8.7 seeking to retain the GIZ in Wanaka. I disagree that 50% has been applied as a target or specific threshold used to determine the zoning regime in this location or any other GIZ location. This approach is supported by the re-zoning principle outlined in Mr Barr's Strategic Evidence that '*zoning is not determined by existing resource consents and existing use rights, but these will be taken into account*'.⁵⁶
- 9.40** The mix of activities is but one of the range of reasons I have identified within the s32 and s42A reports for seeking to amend the provisions that apply to the District's industrially zoned land. The principle reason for monitoring the mix of activities within the ODP industrial zones was to understand the effectiveness of the ODP provisions in providing space for the establishment and operation of activities which support the District's industrial economy. In my view, the results provide substantial justification to change the approach to managing industrially zoned land. I do not believe that these results justify a planning regime that would promote ongoing (and in the case of BMU zoning, enhanced) pressure on the viability of the District's industrial economy. It would be counterintuitive to hamper the ongoing operation and growth of a significant proportion of Wanaka's existing industrial economy and which is known to contribute to the economic wellbeing of the Wanaka community.

⁵⁶ Craig Barr, Strategic Evidence dated 18 March 2020, at 8.7(k).

Proposed amendments to the BMUZ text

- 9.41** Mr Devlin has proposed changes to the BMUZ text to restrict Large Format Retail. As outlined above, and for the reasons outlined in the s32 and s42A, I do not support the application of the BMUZ and do not therefore support the proposed text changes.
- 9.42** Mr Devlin proposes a new 40 metre setback provision to apply in the BMUZ⁵⁷. This would require only Residential and Visitor Accommodation activities to be setback from the GIZ. I am of the view that this does not address potential reverse sensitivity issues. It is limited to just a small range of activities that could be effected. Further, it is not clear how this provision could possibly be achieved on other sites subject to the submission (existing GIZ land sought to be rezoned BMUZ).
- 9.43** Mr Devlin also proposes a new rule in the BMUZ applicable to land 'west of Ballantyne Road' to limit buildings to 10 metres high⁵⁷. This rule appears to place additional limits on the BMUZ in this location (along with those described above), which, while limiting buildings to the same height provided for in the GIZ, suggests there is an underling attempt to retrofit the existing BMUZ provisions to generally limit the underlying intent of the BMUZ to enable higher a density and intensity of development. This suggests in my view that the BMUZ is not well suited to the Tussock Rise site and is not well integrated with the surrounding land use framework.

Economic matters

- 9.44** I note that Ms Hampson (economic expert for the Council) has provided rebuttal in response to economic evidence provided to support the relief sought by the submission. I rely on the comments made by Ms Hampson.

⁵⁷ Appendix A of Mr Devlin's EIC.

10. MR SCOTT EDGAR FOR UPPER CLUTHA TRANSPORT LTD (3256)

Appropriateness of the GIZ

10.1 Mr Edgar outlines that *'there is in my opinion no expectation in the PDP that all GIZ land must be located within a UGB'*.⁵⁸ I disagree. Chapter 2 (Definitions) provides a definition of Urban Development. I note all strategic appeals relating to Urban Development (allocated to "Topic 3") are subject to (two) draft consent orders that are filed with the Court. That includes relevant provisions from Chapter 3, all of Chapter 4, and the definition of Urban Development. I understand that the draft consent orders have been sitting with the Court until it resolves Topic 1 and Topic 2 appeal matters, and that the Court has been advised that these can shortly be issued. I have attached the two draft consent orders in **Appendix 2**. Urban Development is defined as (changes underlined and ~~struck through~~ show the consent order changes in this section of my evidence):

Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development, nor does the provision of regionally significant infrastructure within rural areas.

10.2 I consider this definition to be very clear as to the intent of urban development, marking it as not of a rural character and differentiated from rural development. The GIZ would very clearly fit into this definition given the nature of the activities and built form it enables.

10.3 Chapter 4 sets out the objectives and policies for managing the spatial location and layout of urban development within the District, with the first objective (4.2.1) being that UGBs are to be used as a tool to manage the growth of urban areas within distinct and defensible urban edges:

58 Para 76 of Mr Edgar's EIC.

4.2.1 Objective – Urban Growth Boundaries used as a tool to manage the growth of ~~larger~~ urban areas within distinct and defensible urban edges. (from Policies 3.3.12~~3~~ and 3.3.13~~4~~)

- 10.4** Policy 4.2.1.1 sets out that UGBs will be used to identify areas available for growth of urban settlements.

4.2.1.1 Define Urban Growth Boundaries, where required, to identify the areas that are available for the growth of ~~the main~~ urban settlements.

- 10.5** Policy 4.2.1.3 again seeks to emphasise that urban development be ‘contained’ within UGBs:

4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.

- 10.6** In my view, Policy 4.2.1.3. Chapter 3 goes further at SP 3.3.14 stating that the PDP’s intent is to apply zones and provisions within those zones that avoid urban development outside of UGBs. Taking this direction into account I disagree with Mr Edgar’s position that the GIZ need not be located within a UGB.

- 10.7** Mr Edgar applies the following interpretation to SP 3.3.15 (which is not changed through the Urban Development draft consent order):

- (a) It does not state that urban development must be located within the Settlement Zone but rather settlements more generally and;
- (b) It directs that urban development simply be located within the applicable urban zone, such as GIZ.⁵⁹

- 10.8** I disagree with Mr Edgar’s interpretation of the intent of Policy 3.3.15. In regard to point a) I note that, as notified, this provision did refer to

59 Para 77 of Mr Edgar’s EIC.

'small rural settlements' and was amended by the Hearings Panel to refer to 'settlements' only. While the policy doesn't specifically refer to the Settlement Zone, when considering this policy, the Hearings Panel outlined that one of its key components is how it relates to *'the smaller townships and settlements of the District, where no UGB is proposed to be fixed. Putting aside Lake Hawea Township which we have recommended be brought within the urban areas defined by UGBs, these are Glenorchy, Kingston, Cardrona, Makarora and Luggate'*.⁶⁰

- 10.9** Essentially this is the policy that sets up the framework for the zoning of the Settlement Zone (previously called Township Zones in the ODP) outside of the UGB.
- 10.10** Mr Edgar's reference to 'settlements more generally' has no specific meaning in the PDP when it is detached from the Settlement Zone, the PDP does not enable any other urban development outside of UGBs.
- 10.11** In regard to Mr Edgar's point b), I have addressed this matter in my discussion regarding the functioning and purpose of UGBs above, as the GIZ would constitute urban development it must be located within a UGB. In my opinion, it is more accurate to interpret SP 3.3.15 as setting out that urban development within the settlements of Glenorchy, Kingston, Cardrona, Makarora and Luggate be located within what is now known as the Settlement Zone.
- 10.12** Turning back to Chapter 4, I consider that Policy 4.2.1.2 offers additional relevant clarification in regard to the location of new urban development and any associated amendments to the UGBs:

4.2.1.2 Focus urban development primarily on land within and ~~at selected locations~~ adjacent to the existing larger urban areas settlements and, to a lesser extent, ~~accommodate urban development~~ within and adjacent to smaller urban areas, towns and rural settlements.

60 Para 571 of Report 3 Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6 PDP.

- 10.13** Working alongside the requirement for UGBs, Policy 4.2.1.2 directs that urban development ‘primarily’ occurs on land within and adjacent to existing larger urban areas. It then outlines that urban development can occur ‘to a lesser extent’ within and adjacent to smaller urban areas, towns and rural settlements. This provides clear direction for future Urban Development, and the necessary extension of the surrounding UGB. The proposed location of the GIZ in this instance is not in my opinion within or adjacent to a larger urban area, and is not within or adjacent to the Settlement Zone at Luggate. It is located approximately 500 metres from the boundary of the Luggate Settlement Zone at its closest point, and is separated from the Settlement Zone by a large area of Rural Residential Zoning.
- 10.14** Taking into account the discussion above, in conjunction with the matters discussed in my s42A, I am not of the view that the GIZ in this location is supported by the strategic direction in Chapters 3 and 4. As such, I maintain the view that the Rural Industrial Sub-Zone is a more suitable alternative (which I return to below).

Workers accommodation

- 10.15** Mr Edgar seeks to retain the Submitter’s original relief that Workers Accommodation be provided within the GIZ (or within the Rural Industrial Sub-Zone) if it were to apply to the site in Luggate only.⁶¹ I have addressed this matter in my s42A⁶² and rely on my previous comments. I note Mr Edgar requests that this rule apply only to the site at Luggate as opposed to the entire GIZ. It is not clear from Mr Edgar’s EIC what makes the GIZ on the Submitter’s land especially well-suited to workers accommodation over the balance of the GIZ.
- 10.16** In any case, I am not of the view that the rule proposed by Mr Edgar provides sufficient limits on what defines worker accommodation as ancillary to Industrial or Service activities, compared to that proposed in the GIZ in regard to Ancillary Office, Commercial and Retail activities. As drafted, the rule would allow for residential accommodation on the site of any scale and in any location. In my view,

61 Para 89 or Mr Edgars EIC.

62 Paras 5.88 – 5.90 of s42a Report for GIZ.

this is likely to result in adverse effects for future potential residential owners/occupiers and reverse sensitivity effects on Industrial and Service activities within the site.

- 10.17** Further, Mr Edgar has not outlined any associated changes to the GIZ or Rural Zone (as relevant to the Rural Industrial Sub-Zone) objective and policy framework to support this rule.

GFA limits on the site

- 10.18** Mr Edgar requests that a rule be included within the GIZ (or within the Rural Industrial Sub-Zone) if it were to apply which limits the total maximum GFA that can be achieved on the site to 25,000 m²⁶³. The precise need for this highly restrictive rule is not clear from the Submitter's supporting landscape or Traffic evidence. Neither Mr Carr (traffic/transport) nor Mr Espie (landscape) for the Submitter identify specific rationale for this rule. The associated matters of discretion however suggest it is necessary for the management of traffic/transport.
- 10.19** Mr Smith (traffic expert for the Council) has raised a number of concerns in his rebuttal in regard to the application of this GFA limit and the way it has been used in Mr Carr's assessment.
- 10.20** I am not of the view that the proposed rule is effective or efficient. It would result in the application of a development enabled zone that at the same time substantially limits the potential development the zone seeks to enable. If the concerns highlighted require such a high level of restriction, the overall relief could be considered inappropriate in my view.
- 10.21** There is no directly relevant policy support for this site specific rule, and again Mr Edgar has not proposed any associated amendments to the objective and policy framework of the GIZ nor the Rural Zone (as relevant to the Rural Industrial Sub-Zone).

63 Para 91 of Mr Edgars EIC.

- 10.22** The proposed rule also appears to interact awkwardly with the existing building coverage rule. It does not in my opinion provide plan users or administrators with certainty as to the scale of development that is provided for on the site.
- 10.23** It is not clear from Mr Edgar's evidence if the area subject to the proposed GFA limit includes or excludes the proposed building restriction area.
- 10.24** In the case of the Rural Industrial Sub-Zone, the proposed rule would involve the application of legal descriptions. This is not desirable plan making in my view and the Council has sought to avoid reference to legal descriptions in PDP rules. Legal descriptions can change overtime, making such a rule redundant and triggering the need for amendments to provisions.
- 10.25** Overall, the proposed rule appears to apply a first in first served approach and does not effectively future proof the land and underling zone for what it seeks to enable. The rule does not provide certainty as to who/what tenant/landowner/business will be ultimately liable for the mitigation necessary to address the effects associated with breaching the identified threshold.
- 10.26** A better approach in my view would be to restrict the area of land that is located within any development enabled zone on the site such that it meets the site's inherent constrains. This approach would be more consistent with the direction provided for in Policy 4.2.1.4(c) and would avoid the above-mentioned shortfalls of the proposed provision.

Landscape matters

- 10.27** Mr Edgar relies on the evidence of Mr Espie in regard to landscape related issues. Mr Jones (landscape expert for the Council) has assessed Mr Espie's comments and the proposed methods (building setbacks, building restriction areas, and landscaping) on the site to assist in mitigating potential adverse effects on landscape values, and I rely on his evidence.

- 10.28** A building restriction area has also been proposed over the old landfill at the northern end of the site. This building restriction area covers a significant proportion of the site and a rule has been proposed by Mr Edgar that would make any building in this area non-complying. I express similar concerns with this method as outlined above in regard to the proposed restriction on GFA. It would result in a significant proportion of the site being zoned for urban development but effectively not able to be developed, and calls into question if the scale of zoning in this location is appropriate.
- 10.29** I also note that the GIZ identifies outdoor storage and outdoor waste storage (alongside any building) as being non-complying in any building restriction area shown on any structure plan in Chapter 27. Mr Edgar has not proposed that such activities also be excluded from the subject building restriction area. In any case this rule would not apply on the basis that a structure plan has not been proposed by Mr Edgar. Such activities are likely to be common place within land zoned for industrial type development, and as such, if the purpose of the proposed building restriction area is to manage landscape effects I am of the view that a similar rule also needs to be identified for outdoor storage and outdoor waste storage in the building restriction area. I note that a similar provision would need to be identified within the Rural Industrial Sub-Zone provisions.
- 10.30** Site specific setbacks have been proposed to manage potential landscape effects. This has the effect of making breaches to this setback a restricted discretionary activity. In my view, this activity status is not commensurate with the effect that is being controlled. Mr Jones considers that these setbacks should become building restriction areas and I agree with this position. I believe, the application of building restriction areas to this land would be more effective than the setback. Any breaches to this rule would be non-complying, and place a clear expectation that built form in this area is not anticipated. This would also avoid the application of unnecessarily complicated site specific setback provisions, which in the case of Mr Edgar's proposed rule for the Rural Industrial Sub-Zones, references legal descriptions.

- 10.31** Mr Edgar suggests in his evidence that *'increased zone boundary setbacks (20m) from the Church Road and Clutha River boundaries of the submission site in order to ensure that buildings are setback from the public road and adjoining ONL and that adequate space is available for landscaping and screening'*⁶⁴. However, I note that the proposed provisions do not provide any mechanism to require such landscaping or screening in this location. It appears that the only instance in which such landscaping or screening would be provided is in the case of setback breaches which may not eventuate. I note that there is scope to consider landscaping when buildings are proposed in the GIZ and the Rural Industrial Sub-Zone, however, it is not clear that the landscape values as intended to be protected by the proposed setback and as emphasised in Mr Espie's evidence, would be sufficiently captured. In my view, it would be more effective to develop a method to require landscaping and screening to take place within the proposed setback (or building restriction area as I prefer). I note this position is consistent with that expressed by Mr Jones.
- 10.32** Mr Jones considers the Rural Industrial Sub-Zone a better fit for the site as it offers greater control over visual effects. I agree with Mr Jones on this matter.
- 10.33** Overall, Mr Jones does not oppose either the GIZ or Rural Industrial Sub-Zone applying to the site, subject to appropriate provisions being developed in regard to the matters described above and in his rebuttal.

Infrastructure matters

- 10.34** Mr Powell has provided rebuttal in response to the infrastructure evidence provided by the submitter (Ms Greaves). I rely on the rebuttal of Mr Powell and note that he no longer opposes the rezoning on landscape grounds.

64 Para 64 of Mr Edgar's EIC.

Traffic and Transport matters

10.35 Mr Smith has provided rebuttal in response to the traffic/transport evidence provided by the submitter (Mr Carr). I rely on the rebuttal of Mr Smith and note that he maintains opposition to the proposed rezoning.

Overall position on rezoning

10.36 I am of the view that there are a number of outstanding matters that have yet to be resolved by the evidence presented by Mr Edgar and the associated landscape and traffic/transport experts.

10.37 I am of the view that a Rural Industrial Sub-Zone **may be applied to at least part of the site** subject to Mr Edgar putting forward an appropriate suite of provisions, including any necessary supporting policies, preferably with an associated structure plan that addresses landscape matters. Mr Smith's concerns relating to traffic/transport should also be addressed. Until these matters are addressed and a practical suite of planning methods are proposed, I am not able to support the rezoning.

11. MS HAYLEY MAHON FOR BUSH CREEK PROPERTY HOLDINGS LIMITED AND BUSH CREEK PROPERTY HOLDINGS NO. 2 LIMITED (3353), BUSH CREEK INVESTMENTS LIMITED (3354) AND M J THOMAS (3355)

Land uses

11.1 Ms Mahon suggests the GIZ in Arrowtown is not appropriate on the basis that there are no Industrial activities taking place within the Zone. She outlines that the Arrowtown GIZ is currently '*largely service and commercial activities*'.⁶⁵

11.2 Ms Mahon appears to separate Light Industrial activities from Industrial activities. The list of defined terms relevant to the GIZ are address in the s32 report⁶⁶ and I note in regard to this matter that under Chapter

65 Para 46 of Ms Mahon's EIC.

66 Paras 7.75 – 7.76, s32 report for the General Industrial Zone.

2 (Definitions) of the PDP, Light Industrial activities are not distinguished from Industrial activities. Given this, I consider that the identified Light Industrial activities within the Arrowtown GIZ should be considered Industrial activities under the proposed GIZ framework. I am not of the view that these previously defined Light Industrial activities would be better suited to being located within a BMUZ in terms of their long term operation and growth.

- 11.3** Ms Mahon also appears to separate Service activities from what has been defined as the District's industrial economy. Ms Hampson's work⁶⁷ undertaken and incorporated into the s32 analysis⁶⁸ identifies Service activities as being a fundamental component of the District's industrial economy. Applying Ms Hampson's expertise, it is not correct to suggest that the large proportion of Service activities present within the Arrowtown GIZ make it less suited to being included within the GIZ. Ms Mahon has not provided any technical evidence to the contrary. This position is further emphasised within the purpose statement of the GIZ which clearly identifies Service activities as a key part of the Zone.
- 11.4** I consider it is incorrect to suggest that the GIZ in Arrowtown comprises a large proportion of Commercial activities as Ms Mahon submits at para 46 of her evidence. The ground truthing analysis outlines that just two predominant Commercial activities are present within the Zone, representing just 8.3% of the total observed predominant activities.
- 11.5** I disagree that the s32 report findings are consistent with the interpretation presented by Ms Mahon. It clearly outlines that *'Overall, the zone appears to have a strong industrial character, with 75.1% of all observed predominant activities being those more traditional industrial uses (Light Industrial, Outdoor Storage, Service Activities and Yard Based Service activities). Further, these industrial type activities do not appear to rely heavily on other non-industrial related activities.'*⁶⁹

67 Section 7.1 and Appendix 1, Appendix 1, Economic Assessment of Queenstown Lakes District's Industrial Zones, 22 May 2019.

68 Para 7.7 – 7.8 and Issue 2 (paras 7.22 – 7.49) GIZ s32 report.

69 Para 7.29, s32 report for the General Industrial Zone.

11.6 Ms Mahon outlines that the BMUZ would enable the current local service and employment functions which take place within the area now (which are not classified as industrial) could continue to be sustained.⁷⁰ This position does not recognise the inclusion of the existing 'Light Industrial' activities within the PDP definition of Industrial activities which take on a non-complying or prohibited activity status within the BMUZ, nor does it provide an assessment of the ongoing viability of the existing Service activities within this area in the face of increased pressure from the wide range of non-industrial type activities as has been discussed in detail in the s32 and s42A.

'Avoid' direction

11.7 Ms Mahon requests that the Hearings Panel consider amending Strategic Policy 3.3.8 if the GIZ be retained over the subject land. The subject submissions did not request this as part of their relief and as such, I am of the view that this is not within the scope of the submission.

11.8 Ms Mahon suggests that QLDC Practice Note 2/2019⁷¹ enables such changes to be sought to strategic level chapters of the PDP. In my view, the relevant text in this instance is on the final page of the Practice Note:

'Council's view is that when your land is reviewed and notified with a proposed PDP zone, you will be able to make a submission on that proposed PDP zone and any relevant district-wide provisions that apply to that proposed zone (Stage 1 or Stage 2 district wide chapters).

Your submission must focus on the interplay between the proposed PDP zone applying to your land and the relevant district-wide provisions, not the district-wide provisions more generally (ie. how they work with other zones).'

11.9 This text enables relief in regard to relevant district wide provisions. It does not extend to strategic level provisions which are located in a different part of the District Plan, and therefore does not afford the

70 Para 44 of Ms Mahon's EIC.

71 QLDC Practice Note 2/2019 available from <https://www.qldc.govt.nz/services/resourceconsents/practice-notesand-guidance> - accessed 27/05/2020.

scope Ms Mahon is seeking in her evidence for new changes to Strategic Policy 3.3.8. In addition, even if there was scope, Ms Mahon's approach suggests a 'bottom up' approach to drafting a district plan (i.e. decide on a method first and then write the objectives), which I do not agree with.

11.10 I would also highlight that the substantial amount of work undertaken as part of the Stage 3 industrial land review demonstrates the validity of the 'avoid' direction set out within Strategic Policy 3.3.8. It offers significant direction to manage the range of issues being addressed within the District's GIZ. In my view, any weakening of this policy direction would adversely impact the ability of the GIZ to support the District's industrial economy and the overall economic benefits that it is known to provide the community. Ms Mahon has not provided any assessment of these potential wider ranging effects.

11.11 Strategic Policy 3.3.8, while wholly relevant to the GIZ, is also relevant to other Zones which provide for Industrial activities, including the Rural Industrial Sub-Zone. The change to Strategic Policy 3.3.8 would impact land included within this zone and as such, would give rise to natural justice issues as these effected parties would not be able to have input into any such change. Ms Scott can address this scope issue further if necessary.

'Bunnings' decision

11.12 Ms Mahon identifies the Environment Court *Bunnings Limited v QLDC* decision⁷² and, uses Judge Jackson's interpretation of the word 'inefficient' to assist in her position that the Arrowtown GIZ should be included in the BMUZ. I highlight that Judge Jackson also identified other externalities which need to be taken into account. I am of the view that the work undertaken as part of the Stage 3 industrial land review has both, a) added significant knowledge on this subject matter that Judge Jackson did not have before him when making his decision, and b) that this work has identified a range of other externalities the are present in making such decisions. These externalities in my view are being directly addressed by the proposed GIZ provisions.

⁷² *Bunnings Limited v Queenstown Lakes District Council* [2019] NZEnvC 59.

11.13 In addition, I would note that the *Bunnings* decision was made in regard to a proposed Trade Supplier activity. My s42A sets out a substantial discussion in regard to Trade Supplier activities, and I have sought to provide a deliberate pathway for these activities to establish within the GIZ where they can demonstrate that they serve the District's industrial economy.

11.14 It should also be noted that Judge Jackson's decision was made on a specific resource consent proposal in an entirely different ODP zone framework. Resource consent proposals are deliberately assessed on their merits based on the information that is available at the time the proposal is being considered. One rezoning principle (which are set out in Mr Barr's Evidence) not addressed in Ms Mahon's EIC is that '*zoning is not determined by existing resource consents and existing use rights, but these will be taken into account*'. I am of the view that the Bunnings Resource Consent process has been appropriately taken into account through the change in activity status for Trade Suppliers, recommended in my s42A.

Other matters

11.15 Ms Mahon is of the view that the GIZ would result in the phasing out of non-industrial type activities.⁷³ I discuss the effect of s10 of the RMA in my s42A report and outline that the provisions do not apply retrospectively. They do not directly seek to remove existing non-industrial type activities. I also explore possible options that could be applied to further bolster the effect of s10 in my s42a report and request further input on this from submitters, however Ms Mahon has not provided any additional advice on this matter.

11.16 Ms Mahon suggests that BMU zoning in the Arrowtown GIZ area would result in less adverse visual effects from public places than GIZ.⁷⁴ I have noted in response to other similar evidence statements that the BMUZ provides for greater building height and seeks to achieve greater density than the GIZ. No technical visual evidence has been

73 Para 68 of Ms Mahon's EIC.

74 Para 75 of Ms Mahon's EIC.

included within Ms Mahon's evidence to support her view in regard to this matter.

12. MS HAYLEY MAHON FOR J. C. BREEN FAMILY TRUST (3235), BREEN CONSTRUCTION CO. (3235), ALPINE NOMINEES LTD (3226), 86 BALLANTYNE ROAD CORPORATION (3286) AND NPR TRADING COMPANY (3298)

12.1 Ms Mahon draws a substantial amount of her evidence in regard to these submissions from her evidence submitted and discussed above in regard to Submitters 3353, 3354 and 3355. As such, I draw on my comments above in the sections below, and do not repeat any rebuttal that is already covered in Section 10 where Ms Mahon makes the same or similar arguments.

Land uses

12.2 As per her evidence on Submissions 3353, 3354 and 3355, Ms Mahon suggests the GIZ is not suitable for the subject land on the basis that there are very few, what she terms 'heavy industrial activities' taking place within the Wanaka GIZ⁷⁵.

12.3 As for Submissions 3353, 3354 and 3355, Ms Mahon misinterprets what types of activities comprise the District's industrial economy, the application of the PDP definitions applying to these activities, and the wider intent of the GIZ to provide for Industrial and Service activities. I refer to my discussion above in regard to this matter.

12.4 She suggests that the only activities which are representative of the GIZ in this area are 'industrial and yard based activities' which comprise 7.8% of observed predominant land uses. It is incorrect in my view to suggest that the identified service activities (29.9%) and light industrial activities (23.4%) do not also comprise part of the broader industrial type activities within the subject area.

12.5 Later in her evidence, Ms Mahon suggests that '*The current character of the Wanaka Industrial area is made up of only a small proportion of*

⁷⁵ Paras 32, 34, 35 of Ms Mahon's EIC.

*commercial activities (only 3.9%) with the existing pattern trending towards larger proportions of service, light industrial and office activities*⁷⁶ and that *'The kinds of existing retail activities which exist in the Ballantyne Road and Gordon Road area are generally related to the construction industry rather than the retail which occurs in Wanaka town centre.'*⁷⁶ These statements contradict her earlier discussion on the character of this area and support the position set out within the s32 and s42A.

- 12.6** I also note that Ms Mahon's evidence appears to focus exclusively on land uses present within the Industrial 'A' Zone. This in my view does not accurately portray the wider area present within the Wanaka GIZ.
- 12.7** As such, I disagree with Ms Mahon when she suggests that *'A strict industrial activity approach ignores the current character and built environment of the Ballantyne Road and Gordon Road area'*⁷⁷. I am of the view that the GIZ is well suited to the character of land uses present within this area.
- 12.8** Ms Mahon outlines that the range of 'business parks' that are established or consented should also be taken into account⁷⁸, and identifies a number of sites in her Annexure B. Ms Mahon has not provided an assessment of the actual consented activities at these locations, and in my view, many of the images presented illustrate the presence of Industrial and Service activities. Ms Mahon also presents pictures 13 and 14 as being a 'business park'. This is the same site that was identified by Mr Devlin in his EIC for Submitters 3128, 3130 and 3161 as an ideal test case for reverse sensitivity effects. I refer to my rebuttal in response to Mr Devlin in this case and highlight that the actual consented activities on the site are industrial type uses at ground level and associated custodial units at first floor. As such, I consider the reference to this site as a 'business park' to be misleading.
- 12.9** Ms Mahon considers that units in these 'business parks' and their unit type nature presents constraints such that industrial activities will not be able to operate within them. The above mentioned example suggests

76 Para 42 of Ms Mahon's EIC.

77 Para 41 of Ms Mahon's EIC.

78 Para 58 of Ms Mahon's EIC.

this is not the case. Further, I highlight the work by Ms Hampson⁷⁹ and the discussion in the s32 report⁸⁰ relating to the District's industrial economy which outlines that it does in fact comprise a range of smaller scale operations that are likely to be highly suited to smaller unit type building arrangements.

12.10 Ms Mahon suggests that the restrictive approach within the GIZ would not achieve Strategic Objective 3.3.11 as it is not going to provide for a wide variety of activities and diversification⁸¹. While the GIZ does apply a more restrictive approach than the ODP regime, I disagree that it would fail to meet Strategic Objective 3.3.11. This objective falls under the heading *Town Centres and other Commercial and Industrial Zones* within Chapter 3 and refers to commercial zones more generally. In my view, the direction expressed in 3.3.11 should be viewed at a whole of plan level such that the mix of these zones and the activities they enable work together to achieve the objective sought. I am of the opinion that the GIZ is fundamental in achieving this objective in that it seeks to provide locations for the establishment, operation and long term growth of our industrial economy. No other zones treat Industrial and Service activities in same manner and in the absence of such an approach, true business growth and diversification could not be achieved.

Other matters

12.11 Ms Mahon identifies the *Coromandel Watchdog case*⁸² in her evidence and suggests that '*a precautionary approach is inappropriate where there is sufficient information about the effects of a proposal in determining what activity status should be applied*'⁸³. In my view, a significant amount of work has been undertaken as part of the GIZ review to suggest that sufficient information exists on the effects of Office, Commercial and Retail activities within the GIZ to apply an avoid approach.

79 Pages 18 – 19, Economic Assessment of Queenstown Lakes District's Industrial Zones, 22 May 2019.

80 Para 7.11, GIZ s32 report.

81 Para 61 of Ms Mahon's EIC.

82 *Coromandel Watchdog of Hauraki Inc v Chief Executive of the Ministry of Economic Development* [2007] NZCA 473.

83 Para 95 of Ms Mahon's EIC.

12.12 Ms Mahon suggests that a restricted discretionary activity status be applied to Trade Supplier activities. I discussed the approach to managing Trade Suppliers at length in my s42A report⁸⁴ and maintain my previous position on this matter. Ms Mahon has not in my view offered sufficient discussion on the mechanics of her proposed approach taking into account the identified resource management issues associated with these activities.

A handwritten signature in blue ink, consisting of a stylized 'L' and 'P' followed by a horizontal line.

Luke Thomas Place
12 June 2020

84 Paras 5.47 – 5.57, s42a Report for GIZ.

Appendix 1
Recommended Revised Provisions

KEY:

Chapter 18A was notified as new. Any black underlined or ~~strike through~~ text, reflect the notified variation to district wide provisions.

Section 42A 18/03/2020 recommended changes to notified provisions are shown in red underlined text for additions and ~~red strike through text~~ for deletions.

Rebuttal 12/06/2020 recommended changes to notified provisions are shown in green underlined text for additions and ~~green strike through text~~ for deletions.

18A General Industrial Zone

18A.1 Purpose

The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient industrial development capacity.

The Zone seeks to ensure a range of site sizes are available, including for those Industrial and Service activities which require larger buildings and more space for the purpose of outdoor storage, manoeuvring and parking vehicles including heavy vehicles. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. Activities and development that would not primarily result in sites being used for Industrial and Service activities are avoided.

While the Zone seeks to provide for land uses more commonly associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.

18A.2 Objectives and Policies

18A.2.1 Objective - Industrial and Service activities are enabled within the Zone and their long-term operation and viability is supported.

Policies

- 18A.2.1.1 Enable a diverse range of Industrial and Service activities that provide benefit in the form of economic growth and skilled employment opportunities.
- 18A.2.1.2 Enable Office, Retail and Commercial activities that are ancillary to Industrial or Service activities.
- 18A.2.1.3 Enable the operation of food and beverage retail activities which serve the daily needs and convenience of workers and visitors to the Zone.
- 18A.2.1.4 Recognise that Industrial and Service activities have the potential to create noise, glare, dust, odour, shading, traffic effects and other effects that can be incompatible with activities that are enabled in adjacent or nearby non-industrial zones.

PART 3

GENERAL INDUSTRIAL ZONE 18A

18A.2.1.x Recognise and provide for Trade Suppliers within the Zone only where the following can be demonstrated:

- a. the activity plays a role in supporting the establishment, operation and long term viability of Industrial and Service activities;
b. the activity is primarily involved in wholesaling related trade comprising the storage, sale and distribution of goods to other businesses and institutional customers, including trade customers; and
c. the activity has an operational need to be located within the Zone due to space requirements for buildings, storage and loading of materials, and for the manoeuvring and parking of heavy vehicles.

Commented [LP1]: Points 3041.1 3151.1 3165.1 3165.5 3201.2 3201.5 3234.19 3235.19 3256.2 3256.7 3256.8 3266.19 3269.2 3269.10 3270.2 3270.3 3270.4 3286.19 3298.20 3300.19

18A.2.1.5 Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial and Service activities now and into the future.

18A.2.2 Objective – The establishment, operation and growth of Industrial and Service activities within the Zone is not undermined by incompatible land uses.

Policies

18A.2.2.1 Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial and Service activities:

- a. Office, Retail and Commercial activities that are not ancillary to Industrial or Service activities
b. Trade Suppliers
c. Large Format Retail
d. Residential Activity, Residential Units and Residential Flats, and
e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.

Commented [LP2]: Points 3041.1 3151.1 3165.1 3165.5 3201.2 3201.5 3234.19 3235.19 3256.2 3256.7 3256.8 3266.19 3269.2 3269.10 3270.2 3270.3 3270.4 3286.19 3298.20 3300.19

18A.2.2.x Avoid Trade Suppliers within the Zone where the activity:

- a. is predominantly in the business of retailing such that they become retail destinations or commercial attractions for use by the general public and which do not support the operation and long term viability of Industrial and Service activities;
b. could give rise to reverse sensitivity effects on Industrial or Service activities; and
c. could give rise to adverse effects on the safety and efficiency of the transportation network.

Commented [LP3]: Points 3041.1 3151.1 3165.1 3165.5 3201.2 3201.5 3234.19 3235.19 3256.2 3256.7 3256.8 3266.19 3269.2 3269.10 3270.2 3270.3 3270.4 3286.19 3298.20 3300.19

PART 3

GENERAL INDUSTRIAL ZONE 18A

- 18A.2.2.2 Avoid the cumulative establishment of activities and development within the Zone that would undermine the role played by town centre and other key business zones as the District's strategic hubs of economic activity.
- 18A.2.2.3 Limit the scale, location and function of Office, Retail and Commercial activities to ensure they are ancillary to Industrial or Service activities.
- 18A.2.2.4 Ensure all Office, Retail and Commercial activities are constructed and operated to mitigate adverse reverse sensitivity effects to Industrial or Service activities.
- 18A.2.2.5 Limit the scale, location and function of food and beverage related commercial activities within the Zone to ensure they serve the direct needs of workers and visitors to the Zone or directly relate to and support the operation of an Industrial activity.

18A.2.3 Objective - Activities and development within the Zone provide a level of amenity which make it a pleasant, healthy and safe place to work in and visit.

Policies

- 18A.2.3.1 Manage activities and development, both within sites and at their interface with public spaces, to ensure that people working in and visiting the Zone enjoy a pleasant level of amenity while recognising that the type of amenity experienced within the Zone may be lower than that anticipated within zones intended to accommodate more sensitive land uses.
 - 18A.2.3.2 Control the location of ancillary Office, Retail and Commercial activities and encourage them to actively engage with the street frontage and public places.
 - 18A.2.3.3 Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial and Service activities.
 - 18A.2.3.4 Control activities and development by applying sound insulation ventilation standards or other appropriate mitigation to ensure they are not significantly adversely affected by Industrial and Service activities or by airport noise.
- 18A.2.4 Objective - Activities and development within the Zone are undertaken in a way that does not adversely affect the amenity of other zones.**
- 18A.2.4.1 Manage noise, glare, dust, odour, shading, visual and traffic effects of activities and development within the Zone to ensure the amenity of other zones is not adversely affected, including through the use of Building Restriction Areas.
 - 18A.2.4.2 Manage adverse effects of activities on the visual amenity of main gateway routes into Queenstown, Wanaka and Arrowtown through the use of landscaping and by controlling the bulk and location of buildings and development.

18A.2.3.x Objective - Activities sensitive to aircraft noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are avoided or managed to mitigate noise and reverse sensitivity effects.

Commented [LP4]: Points 3316.6 3316.7 3316.8 3316.9
(objective and policies)

PART 3

GENERAL INDUSTRIAL ZONE 18A

Policies

18A.2.3.x.x(1)Require as necessary all alterations and additions to buildings containing an Activity Sensitive to Aircraft Noise located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve specified design controls.

18A.2.3.x.x(2)Avoid any new Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary.

18A.3 Other Provisions and Rules

18A.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision and Development
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	38 Open Space and Recreation	39 Wāhi Tūpuna
Planning Maps		

18A.3.2 Interpreting and Applying the Rules

18A.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

18A.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.

18A.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.

18A.3.2.4 These following abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

PART 3

GENERAL INDUSTRIAL ZONE 18A

18A.3.2.X Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 (Energy and Utilities) part 30.3.2.c has additional information in relation to activities and obligations under NZECP43:2001.

Commented [LP5]: Point 3153.15

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

18A.4 Rules – Activities

	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.1	Industrial activities and Service activities	P
18A.4.2	Office, Retail and Commercial activities that are ancillary to Industrial or Service activities	P
18A.4.3	Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises	P
18A.4.4	Outdoor Storage	P

	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.5	<p>Buildings</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, including materials and colours; b. landscaping at the interface of the site with adjacent roads and public places; c. signage platforms; d. lighting; e. the external appearance and proximity to the street front of any ancillary activities, including Office, Retail and Commercial activities; f. servicing, including water supply, stormwater and wastewater; g. access, manoeuvring, loading and car parking; h. location and provision of waste and recycling storage space; i. the contribution the building makes to the safety of the General Industrial Zone through adherence to CPTED principles; and j. natural hazards; and k. <u>Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or the subject site any adverse effects on that infrastructure</u> 	RD

Commented [LP6]: Point 3153.14

	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.6	<p><u>Buildings within the Outer Control Boundary</u></p> <p>a. Any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise on any site located within the Queenstown Airport Outer Control Boundary or the Queenstown Airport Air Noise Boundary shall achieve those standards set out in 36.6 Airport Noise of Chapter 36 (Noise). (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours.</p> <p>b. <u>Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</u></p> <p><u>Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 or by submitting a certificate to the Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open</u></p> <p>Discretion is restricted to:</p> <p>a. the design, construction, orientation and location of the alterations or additions to achieve adequate indoor sound insulation from aircraft noise.</p>	RD
18A.4.x	<u>Trade Suppliers</u>	<u>D</u>
18A.4.7	Outdoor storage and Outdoor waste storage within any building restriction area shown on any structure plan within Chapter 27 (Subdivision and Development)	NC
18A.4.8	Commercial Recreation and Recreation activities	NC
18A.4.9	Community activities and Community Facilities	NC
18A.4.10	Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and “refuse collection and disposal” (as listed in that Act)	NC
18A.4.xx	<p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan maps</p>	NC
18A.4.11	Activities that are not listed in this Table	NC
18A.4.12	Trade Suppliers and Large Format Retail	PR
18A.4.13	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary or the Queenstown Airport Air Noise Boundary	PR

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Commented [LP8]: Points 3041.1 3151.1 3165.1 3165.5 3201.2 3201.5 3234.19 3235.19 3256.2 3256.7 3256.8 3266.19 3269.2 3269.10 3270.2 3270.3 3270.4 3286.19 3298.20 3300.19

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	Table 18A.4 – Activities in the General Industrial Zone	Activity Status
18A.4.14	Office, Retail and Commercial activities not otherwise identified	PR
18A.4.15	Residential Activity, Residential Units and Residential Flats	PR
18A.4.16	Visitor Accommodation, Residential Visitor Accommodation and Homestay activities	PR
18A.4.17	Airport	PR
18A.4.18	Mining activities	PR

18A.5 Rules – Standards

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
18A.5.1	<p>Ancillary Office, Retail and Commercial activities</p> <p>a. The total area used for the activity within a building shall not exceed 50 m², excluding any outdoor area provided for in d. below;</p> <p>b. The activity shall occur within the same building as the associated Industrial or Service activity, except where provided for in d. below;</p> <p>c. For Retail and Commercial activities, only goods manufactured, fabricated, processed, packaged, distributed, maintained or repaired in association with an Industrial or Service activity may be sold from the site;</p> <p>d. Any part of the activity which stores, displays or otherwise operates outside a building shall be contained within a single area not exceeding 10 m² that directly adjoins and can be directly accessed from the building;</p> <p>e. Where the activity fronts the street and is located on the ground floor, there shall be visually transparent glazing on the elevation facing the street for a minimum of 20% of that elevation.</p> <p>Note: Any Critical Listening Environments will be assessed against those noise insulation and ventilation requirements set out in Table 5 of Chapter 36 (Noise).</p>	<p>Standard 18A.5.1a 50 – 100 m² RD >100 m² NC</p> <p>Standards 18A.5.1b to 18A.5.1e RD</p> <p>For RD non-compliance discretion is restricted to:</p> <p>a. the relationship of the activity to Industrial or Service activities operating on the site;</p> <p>b. reasons why the activity could not reasonably locate in another zone;</p> <p>c. cumulative effects on industrial development capacity;</p> <p>d. reverse sensitivity effects on surrounding Industrial and Service activities;</p> <p>e. the scale of the activity in terms of the total indoor and outdoor area required, the number of staff and anticipated number of customers;</p>

PART 3

GENERAL INDUSTRIAL ZONE 18A

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
		<ul style="list-style-type: none"> f. the effect of the activity on access, parking and onsite manoeuvring and loading; g. the location of the activity on the site and within the building or unit; and h. visual effects including any signage, colour, materials, outdoor storage and other outdoor area associated with the activity.
18A.5.2	<p>Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding the sale of liquor)</p> <ul style="list-style-type: none"> a. The total area used for the activity shall not exceed 60m². This includes any area contained within a building and any area located outside of a building used for storage, display, seating or otherwise associated with the activity; b. Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; c. Any Licensed Premises shall be ancillary to an Industrial activity; and d. Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site. 	NC
18A.5.3	<p>Minimum Boundary Setbacks</p> <ul style="list-style-type: none"> a. Road boundary setbacks <ul style="list-style-type: none"> i. fronting any residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone) – 7m ii. all other road boundaries – 3m and State Highway boundaries – 5m iii. State Highway boundaries – 5m b. Internal boundary setbacks 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places; b. the nature of the activity, including any noise, vibration, odour, dust, glare, traffic or any other nuisance effects; c. landscaping and screening; and

Commented [LP10]: Points 3234.23 3235.23 3266.23 3286.23 3298.24 3300.23 3136.3 3348.6 3357.6

PART 3

GENERAL INDUSTRIAL ZONE 18A

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
	<ul style="list-style-type: none"> i. where a site adjoins any other zone outside of the General Industrial Zone – 7m ii. no minimum internal setbacks are required where a site adjoins other sites within the General Industrial Zone 	d. compatibility with the appearance, layout and scale of surrounding sites.
18A.5.4	<p>Building coverage</p> <p>Maximum building coverage of 75%</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. site layout and the location of buildings; b. traffic effects of additional building coverage including adequate provision of access, onsite parking, loading and manoeuvring; c. visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places; d. landscaping and screening; and e. adequate provision and location of outdoor storage space, including waste and recycling storage and servicing areas.
18A.5.5	<p>Building Height</p> <p>Maximum building height of 10m except where specified in Rule 18A.5.6 below.</p>	NC
18A.5.6	<p>Building Height – Sites adjoining or separated by a road from a Residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone)</p> <ul style="list-style-type: none"> a. Maximum building height of 7m; b. A recession plane applies for all buildings which is inclined towards the site from a point 3m above ground level at the following angles: <ul style="list-style-type: none"> i. 45° applied on the northern site boundary; and 	NC

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
	<p>ii. 35^o applied on all other site boundaries.</p>	
18A.5.7	<p>Glare</p> <p>All lighting shall comply with the following:</p> <p>a. All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky;</p> <p>b. No activity shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property; and</p> <p>c. No activity on any site shall result in greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned residential (including the Meadow Park Special Zone and the Large Lot Residential Zone) measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects of glare on amenity values, the transportation network and the night sky</p>
18A.5.8	<p>Outdoor storage</p> <p>All outdoor storage shall comply with the following:</p> <p>a. not be located within any road boundary setbacks; and</p> <p>b. where adjoining any zone, excluding the Rural Zone, shall be screened by a solid fence at least 2m in height or by dense planting of the same height.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. visual impacts of the material to be stored within the setback when viewed from adjacent sites, roads and public places;</p> <p>b. the nature of the activity, including any noise, vibration, odour, dust, glare or any other nuisance effects emitted from the activity;</p> <p>c. the type and volume of material to be stored;</p> <p>d. landscaping and screening; and</p>

PART 3

GENERAL INDUSTRIAL ZONE 18A

	Table 18A.5 - Standards for activities located within the General Industrial Zone	Non-compliance status
		e. whether pedestrian or vehicle access is compromised.
18A.5.9	<p>Fencing</p> <p>a. Any site adjoining a residential zone (including the Meadow Park Special Zone or the Large Lot Residential Zone) shall establish a solid fence at least 2m in height, or dense planting that shall achieve the same height, along the site boundary;</p> <p>b. In the General Industrial Zone in Wanaka, the following additional standards shall apply in regard to Building Restriction areas shown on any structure plan shown in Chapter 27 (Subdivision and Development):</p> <p style="margin-left: 40px;">i. Fences on or within 4m of open space areas shall be no higher than 1.2m</p> <p style="margin-left: 40px;">ii. This standard shall not apply to fences which are at right angles to the boundary of the open space area.</p> <p>c. No razor wire or barbed wire shall be used on any fencing.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <p>a. visual impacts of the material to be stored when viewed from adjacent sites, roads and public places;</p> <p>b. the nature and scale of the activity;</p> <p>c. the type and volume of materials to be stored; and</p> <p>d. landscaping and screening.</p>

18A.6 Non-Notification of Applications

18A.6.1 Except as provided for under Rule 18A6.1.X ~~the~~ following restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

18A.6.1.1 18A.6.1.1 Buildings

18A.6.1.2 18A.6.1.2 Ancillary Office, Retail and Commercial Activities

18A.6.1.X For any application for resource consent where Rule 18A4.5 (k) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.

Commented [LP11]: Point 3153.2

18A.6.2 The following restricted discretionary activities will not be publicly notified but notice may be served on those persons considered to be adversely affected if those persons have not given their written approval:

18A.6.2.1 Additions and alterations to buildings within the Outer Control Boundary - Queenstown Airport

Variations to the Proposed District Plan

Underlined text for additions and ~~strike through~~ text for deletions.

Variation to Chapter 25 - Earthworks

25.5.5	<u>General Industrial Zone</u>	500m ³
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Variation to Chapter 27 - Subdivision and Development

General Industrial Zone

27.3.13 Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial and Service activities which cannot locate elsewhere in this District, including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.

Policies

27.3.13.1 Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial and Service activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.

27.3.13.2 Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial and Service activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.

27.3.13.3 Ensure any new subdivision provides adequate road access, onsite parking, loading and manoeuvring suitable for the activities anticipated to establish within the lots.

27.3.13.4 Ensure any new subdivision integrates well with current and future transport networks, including roads and public and active transport systems by managing the functional layout and arrangement of lots and their access.

27.3.13.5 Ensure subdivision only occurs where the necessary infrastructure exists to service the lots.

27.3.13.6 Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial and Service Activities.

Connell Terrace Structure Plan

27.3.13.7 Ensure subdivision is consistent with the Connell Terrace Structure Plan by requiring;

- a. landscaping and on-going maintenance of the Building Line Restriction Area shown on the Connell Terrace Structure Plan; and
- b. a roading layout that is consistent with the Connell Terrace Structure Plan.

Ballantyne Road Structure Plan

27.3.13.8 Ensure subdivision is consistent with the Ballantyne Road Structure Plan by requiring;

- a. landscaping and on-going maintenance of the Building Line Restriction Area shown in the Ballantyne Road Structure Plan; and
- b. a roading layout that is consistent with the Ballantyne Road Structure Plan.

27.5 Rules – Subdivision

27.5.7	<p>All urban subdivision activities, unless otherwise provided for, within the following zones:</p> <p>...</p> <p><u>10. General Industrial Zone</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; l. ecological and natural values; m. historic heritage; n. easements. <p>For the avoidance of doubt, where a site is governed by a Structure Plan, that is included in the District Plan, subdivision activities shall be assessed in accordance with the rules in Table 27.7 <u>Rule 27.7.1</u>.</p>	RD
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27.6 Rules - Standards for Minimum Lot Areas

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.

Zone	Minimum Lot Area
General Industrial	<p>1000m²</p> <p>Except:</p> <p>Subdivision of lots between 1000m² and 500m² shall be a discretionary activity.</p> <p>Subdivision of lots less than 500m² shall be a non-complying activity.</p>

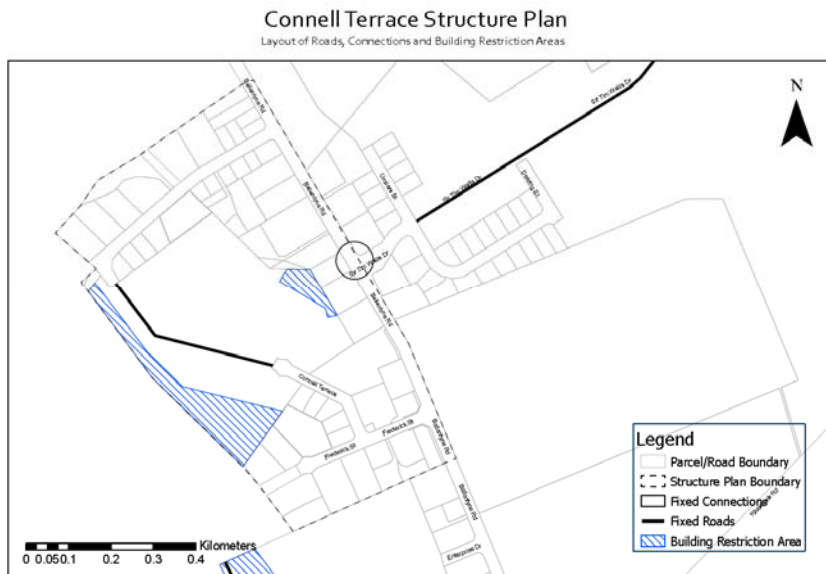
27.6 Zone – Location Specific Rules

	Zone and location specific Rules	Activity Status
27.7.10	<p><u>Connell Terrace Structure Plan</u></p> <p>27.7.10.1 In addition to those matters of control listed under Rule 27.5.7.10 when assessing any subdivision consistent with the <u>Connell Terrace Structure Plan</u>, the following shall be additional matters of discretion:</p> <ol style="list-style-type: none"> <u>roading layout;</u> <u>the provision and location of walkways and the green network; and</u> <u>the integrated approach to landscaping of the building restriction areas.</u> 	RD
	<p>27.7.10.2 Any subdivision that does not comply with the <u>Connell Terrace Structure Plan</u> located in Section 27.13.</p> <p><u>For the purposes of this rule:</u></p> <ol style="list-style-type: none"> <u>any fixed roads shown on the Structure Plan may be moved no more than 20 metres;</u> <u>the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres; and</u> <u>Landscaping along the western boundary of the BRA shall be either;</u> 	NC

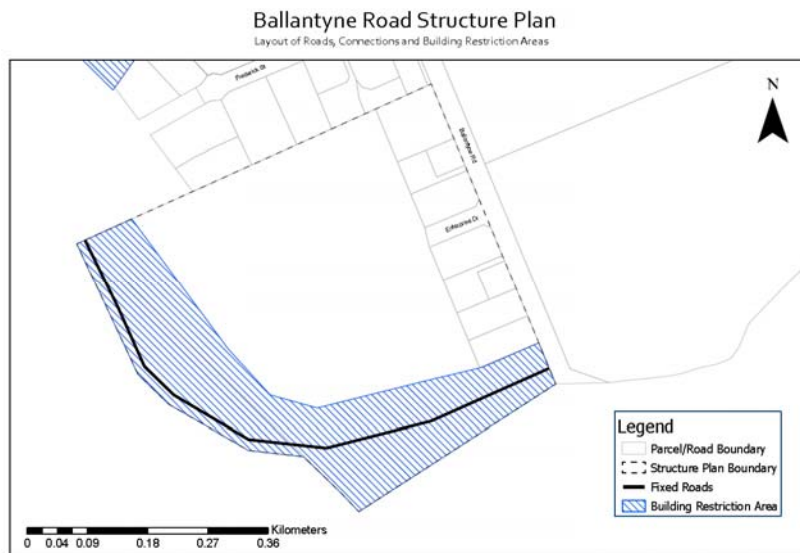
	Zone and location specific Rules	Activity Status
	<ul style="list-style-type: none"> i. <u>a 3-5m height and 15-20m width mounding with predominantly evergreen planting with a height of 5-6m; or</u> ii. <u>a 30m strip of dense predominantly evergreen planting with a height of at least 8 metres.</u> 	
<u>27.7.11</u>	<p><u>Ballantyne Road Structure Plan</u></p> <p><u>27.7.11.1 In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent the Ballantyne Road Structure Plan shown in part 27.13, the following shall be additional matters of discretion:</u></p> <ul style="list-style-type: none"> a. <u>roading layout;</u> b. <u>the provision and location of walkways and the green network; and</u> c. <u>the integrated approach to landscaping of the building restriction areas.</u> 	<u>RD</u>
	<p><u>27.7.11.2 Any subdivision that does not comply with the Ballantyne Road Structure Plan located in Section 27.13.</u></p> <p><u>For the purposes of this rule:</u></p> <ul style="list-style-type: none"> a. <u>any fixed roads shown on the Structure Plan may be moved no more than 20 metres; and</u> b. <u>the boundaries of any fixed open spaces shown on the Structure Plan may be moved no more than 5 metres.</u> 	<u>NC</u>

27.13 Structure Plans

27.13.7 Connell Terrace Structure Plan



27.13.8 Ballantyne Road Structure Plan



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Variation to Chapter 29 - Transport

Policies

29.2.4.9 Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of Industrial activities, Service activities and vehicle-orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety and efficiency of the adjoining road(s) and provides for the safe movement of pedestrians within and beyond the site, taking into account:

- a. The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and
- b. The ability to mitigate any potential adverse effect of the access on the safe and efficient functioning of the transport network.

Table 29.3 – Standards for activities outside of roads

	Table 29.3 - Standards for activities outside roads	Non-compliance status						
29.5.10	<p>Loading Spaces</p> <p>a. Off-street loading shall be provided in accordance with this standard on every site in the <u>General Industrial Zone</u>, Business Mixed Use Zone, the Town Centre zones, and the Local Shopping Centre Zone, except in relation to unstaffed utility sites and on sites where access is only available from the following roads:</p> <ul style="list-style-type: none"> • Queenstown Mall • Beach Street • Shotover Street • Camp Street • Rees Street • Marine Parade • Church Street • Earl Street • Ballarat Street • Memorial Street • Helwick Street • Buckingham Street. <p>b. Every loading space shall meet the following dimensions:</p> <table border="1"> <thead> <tr> <th></th> <th>Activity</th> <th>Minimum size</th> </tr> </thead> <tbody> <tr> <td>(i)</td> <td>Offices and activities of less than 1500m² floor area not handling goods and where on-street parking for occasional delivery is available.</td> <td>6m length 3m wide 2.6m high</td> </tr> </tbody> </table>		Activity	Minimum size	(i)	Offices and activities of less than 1500m ² floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The location, size, and design of the loading space and associated manoeuvring. b. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.
	Activity	Minimum size						
(i)	Offices and activities of less than 1500m ² floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high						

Table 29.3 - Standards for activities outside roads			Non-compliance status
(ii)	All other activities except residential, visitor accommodation, and those listed in Rule 29.5.13(ii)(a) above.	9m length 3.5m wide 4.5m high	
c. Notwithstanding the above:			
i. Where articulated trucks are used in connection with any site sufficient space not less than 20m in depth shall be provided.			
ii. Each loading space required shall have unobstructed vehicular access to a road or service lane.			
iii. Parking areas and loading areas may be served in whole or in part by a common manoeuvre area, which shall remain unobstructed.			

29.8 Minimum Parking Requirements

Table 29.4			
	Minimum Parking Requirements,	Resident/ Visitor	Staff/ Guest
29.8.19	Industrial activity or service activity, other than where the activity is more specifically defined elsewhere in this table (Table 29.5)	0	1 per 50m ² of indoor and outdoor area/ GFA; except 1 per 100m ² of GFA used for warehousing and indoor or outdoor storage (including self-storage units); and 1 per 100m ² of GFA for distribution centres <u>Note: In the General Industrial Zone parking spaces will also be required for any ancillary Office, Retail or Commercial activity pursuant to rules for those activities.</u>

Variation to Chapter - 36 Noise

36.5 Rules – Standards

Table 3: Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.15	<p><u>Sound from activities in the General Industrial Zone.</u></p> <p><u>Note: For the purpose of this rule, a road that is located outside this zone is not deemed to be a “site outside this zone” and, as such, the noise levels specified in a above may be exceeded on road reserves adjacent to this zone.</u></p>	<p><u>At any point within any site located in any other zone.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	<p><u>NC</u></p>

36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone, General Industrial Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB $L_{Aeq(1 min)}$, on High Setting and 30 dB $L_{Aeq(1 min)}$, on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		
If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.		

Variation to Chapter - 31 Signs

Commented [LP12]: Points 3129.1 3129.2 3129.3 3129.4 3129.5 3129.6 3129.7 3129.8 3129.9 3129.10

31.6 Rules - Activity Status of Signs in Commercial Areas

The rules relating to signs in Table 31.6 are additional to those in Table 31.4 and are subject to the standards in Table 31.7. If there is a conflict between the rules in Table 31.4 and the rules in Table 31.6, the rules in Table 31.6 apply.

Table 31.6 – Activity Status of Signs in Commercial Areas		General Industrial Zone
31.6.1	<p>Static signage platforms that is one of the sign types listed in Rules 31.6.2 to 31.6.5 below and complies with the standards applying to that sign type.</p> <p>Control is reserved to the matters set out in Rule 31.14.</p>	C
31.6.2	Arcade directory signs.	P
31.6.3	Upstairs entrance signs.	P
31.6.4	<p>All signs located within the ground floor facade of a building</p> <p>In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14.</p> <p>Note: Parts 31.3.2 and 31.16 of this Chapter explain and illustrate the application of this rule.</p>	C
31.6.5	<p>Above ground floor signs.</p> <p>In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14.</p> <p>Note: Part 31.16.7 of this Chapter has a diagram which illustrates the application of this rule.</p>	C
31.6.6	Digital signage platforms within the ground floor facade of a building	PR
31.6.7	Digital signage platforms above ground floor level	PR
31.6.8	Digital signs not located within a digital signage platform	PR

Table 31.6 – Activity Status of Signs in Commercial Areas		General Industrial Zone
31.6.9	Billboard signs	PR
31.6.10	Any sign activity which is not listed in Table 31.4 or Rules 31.6.1 to 31.6.9 inclusive	D

Variations to PDP Chapter 30 – Energy and Utilities

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.6	<p>Poles</p> <p>With a maximum height no greater than:</p> <ul style="list-style-type: none"> a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka), or Jacks Point zones; e. <u>13m in the General Industrial Zone provided that</u> <ul style="list-style-type: none"> i. <u>On sites adjoining or separated by a road from a Residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone) the pole does not breach the recession plane standard set out within Rule 18A.5.6(b).</u> f. 11m in any other zone; and g. 8m in any identified Outstanding Natural Landscape. <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.</p>	P

Commented [LP13]: Spark NZ Limited and Vodafone (3032)

Appendix 2
Draft consent orders for Topic 3, Urban Development

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-093-150

IN THE MATTER of the Resource Management
Act 1991 (the Act)

AND

IN THE MATTER of appeals under clause 14 of
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council on Stage
1 of the Proposed Queenstown
Lakes District Plan

BETWEEN

**AURORA ENERGY LIMITED
CLARK FORTUNE
MCDONALD AND
ASSOCIATES
DARBY PLANNING LIMITED
PARTNERSHIP
FII HOLDINGS LIMITED
FRIENDS OF WAKATIPU
GARDENS AND RESERVES
AND ASSOCIATED
RESIDENTS
QUEENSTOWN AIRPORT
CORPORATION LIMITED
QUEENSTOWN PARK
LIMITED
REMARKABLES PARK
LIMITED
TRANSPower NEW
ZEALAND LIMITED
WATERFALL PARK
DEVELOPMENTS LIMITED**

Appellants

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge
of the Act **IN CHAMBERS** at

sitting alone under section 279

DRAFT CONSENT ORDER

TOPIC 3 - URBAN DEVELOPMENT

Introduction

1. The Court has read and considered the notices of appeal filed by the following parties against the decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the parts of those appeals allocated into Strategic Topic 3 - Urban Development:
 - 1.1 Aurora Energy Ltd (**Aurora**)¹⁸;
 - 1.2 Clark Fortune McDonald and Associates (**Clark Fortune**)¹⁹;
 - 1.3 Darby Planning Limited Partnership (**Darby**)²⁰;
 - 1.4 FII Holdings Limited (**FII Holdings**)²¹;
 - 1.5 Friends of Wakatipu Gardens and Reserves and Associated Residents (**Friends of Wakatipu Gardens**)²²;
 - 1.6 Queenstown Airport Corporation (**QAC**)²³;
 - 1.7 Queenstown Park Limited (**QPL**)²⁴;
 - 1.8 Remarkables Park Limited (**RPL**)²⁵;
 - 1.9 Transpower New Zealand Limited (**Transpower**)²⁶; and
 - 1.10 Waterfall Park Developments Limited (**Waterfall Park**)²⁷.
2. Sixty-two parties gave notice of their intention to become parties to the above appeals under section 274 of the Act.
3. Thirty-four parties attended the Environment Court assisted mediation from 29 January to 1 February 2018, being:
 - 3.1 Alexander and Jayne Schrantz;
 - 3.2 Aurora (appellant and section 274 party);
 - 3.3 Board of Airline Representatives New Zealand;
 - 3.4 Clark Fortune (appellant);
 - 3.5 Coneburn Preserve Holdings Limited;
 - 3.6 Darby (appellant and section 274 party);

18 ENV-2018-CHC-108.

19 ENV-2018-CHC-065.

20 ENV-2018-CHC-150.

21 ENV-2018-CHC-084.

22 ENV-2018-CHC-098.

23 ENV-2018-CHC-093.

24 ENV-2018-CHC-127.

25 ENV-2018-CHC-126.

26 ENV-2018-CHC-114.

27 ENV-2018-CHC-124.

- 3.7 FII Holdings (appellant and section 274 party);
- 3.8 Friends of Wakatipu Gardens;
- 3.9 Greenwood Group Limited;
- 3.10 Halfway Bay Lands Limited;
- 3.11 Hansen Family Partnership;
- 3.12 Henley Downs Farms Holdings Limited;
- 3.13 Henley Downs Land Holdings Limited;
- 3.14 Jacks Point Developments Limited;
- 3.15 Jacks Point Land Limited;
- 3.16 Jacks Point Land No. 2 Limited;
- 3.17 Jacks Point Management Limited;
- 3.18 Jacks Point Residential No. 2 Limited;
- 3.19 Jacks Point Village Holdings Limited;
- 3.20 Otago Regional Council;
- 3.21 QAC (appellant and section 274 party);
- 3.22 Queenstown Country Club;
- 3.23 Council;
- 3.24 QPL (appellant and section 274 party);
- 3.25 Real Journeys Limited;
- 3.26 Real Journeys Limited (trading as Go Orange Limited);
- 3.27 RPL (appellant and section 274 party);
- 3.28 Southern District Health Board;
- 3.29 Steve Xin;
- 3.30 Te Anau Developments Limited;
- 3.31 Transpower (appellant and section 274 party);
- 3.32 Universal Developments Limited;
- 3.33 Waterfall Park (appellant and section 274 party); and
- 3.34 Willow Pond Farm Limited.

- 4. The Court has considered the memorandum filed by the above parties dated 14 March 2019, in which the parties respectfully requested that the Court approve the agreed amended provisions attached to that memorandum.

- 5. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

APPENDIX A

(amendments shown in underline and ~~strikethrough~~ text)

Chapter 2 Definitions

Urban Development	Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development, <u>nor does the provision of regionally significant infrastructure within rural areas.</u>
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Chapter 3 Strategic Direction

3.2 Strategic Objectives

3.2.2 **Urban growth is managed in a strategic and integrated manner. (addresses Issue 2)**

- 3.2.2.1 Urban development occurs in a logical manner so as to:
- promote a compact, well designed and integrated urban form;
 - build on historical urban settlement patterns;
 - achieve a built environment that provides desirable, healthy and safe places to live, work and play;
 - minimise the natural hazard risk, taking into account the predicted effects of climate change;
 - protect the District's rural landscapes from sporadic and sprawling urban development;
 - ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
 - contain a high quality network of open spaces and community facilities; and.
 - be integrated with existing, and ~~planned proposed future,~~ infrastructure and appropriately manage effects on that infrastructure.

(also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)

3.2.3 **A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5)**

- 3.2.3.2 Built form integrates well with its surrounding urban environment.

3.3 Strategic Policies

Urban Development

- 3.3.13 Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Queenstown, Frankton, Jack's Point and Arrowtown), Wanaka and where required around other townships and ~~Lake Hawea Township~~. (relevant to S.O. 3.2.2.1)

Chapter 4 Urban Development

4.1 Purpose

The purpose of this Chapter is to elaborate on the strategic direction in Chapter 3 and set out the objectives and policies for managing the spatial location and layout of urban development within the District. This chapter forms part of the strategic intentions of this District Plan and will guide planning and decision making for urban growth and development within the District's major urban settlements and smaller urban townships. This chapter does not address site or location specific physical aspects of urban development (such as built form) - reference to zone and District wide chapters is required for these matters.

This chapter gives effect to the National Policy Statement on Urban Development Capacity (NPS-UDC), which requires that local authorities provide sufficient development capacity to meet the current and future needs of the District's community. This chapter provides the strategic planning framework to achieve effective and efficient urban environments that can meet demand for the development of land for housing and businesses. Provision is made for a range of dwelling types and locations and business environments and for the district's urban areas to develop and change over time in response to the changing needs of the District's community.

The District experiences considerable growth pressures, and contains high-growth urban areas as defined in the NPS-UDC. Urban growth within the District occurs within an environment that is revered for its natural amenity values, and the District relies, in large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors. Uncontrolled urban development can result in the fragmentation of rural land; and poses risks of urban sprawl, disconnected urban settlements and a poorly coordinated infrastructure network. The roading network of the District is under some pressure and more low density residential development located remote from employment and service centres has the potential to exacerbate such problems.

The objectives and policies for Urban Development provide a framework for a managed approach to urban development that utilises land and resources in an efficient manner, and preserves and enhances natural amenity values. The approach seeks to achieve integration between land use, transportation, infrastructure, services, open space networks, community facilities and education; and increases the viability and vibrancy of urban areas.

Urban Growth Boundaries are established for the key urban areas of the Wakatipu Basin (including Queenstown, Frankton, Jacks Point and Arrowtown) and Wanaka, Arrowtown and where required around other townships Lake Hawea Township, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency and offer a quality environment in which to live, work and play.

4.2 Objectives and Policies

4.2.1 Objective - Urban Growth Boundaries used as a tool to manage the growth of ~~larger~~ urban areas within distinct and defensible urban edges. (from Policies 3.3.123 and 3.3.134)

Policies

- 4.2.1.1 Define Urban Growth Boundaries, where required, to identify the areas that are available for the growth of ~~the main~~ urban settlements.
- 4.2.1.2 Focus urban development primarily on land within and ~~at selected locations~~ adjacent to the existing larger urban areas settlements and, to a lesser extent, ~~accommodate urban development~~ within and adjacent to smaller urban areas, towns and rural settlements.
- 4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.
- 4.2.1.4 Ensure Urban Growth Boundaries encompass, at a minimum, an sufficient area that provides sufficient, feasible development capacity and urban development opportunities consistent with:
- a. the anticipated medium term demand for housing and business land urban development within the District Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;
 - b. ensuring the ongoing availability of a competitive land supply for urban purposes;
 - c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;
 - d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;
 - e. a compact and efficient urban form;
 - f. avoiding sporadic urban development in rural areas;
 - g. minimising the loss of the productive potential and soil resource of rural land; and
 - h. a future development strategy for the District that is prepared in accordance with the National Policy Statement on Urban Development Capacity.

4.2.1.5.a When locating Urban Growth Boundaries or extending towns and rural settlements through plan changes to provide for urban development, have particular regard to minimising significant adverse effects on the values of open rural landscapes.

4.2.1.6 Review and amend Urban Growth Boundaries ~~over time~~, as required, to address changing community needs, respond to monitoring evidence, or to enable appropriate urban development (having regard to Policy 4.2.1.4).

4.2.2A Objective - A compact, ~~and integrated and well designed~~ urban form within the Urban Growth Boundaries that:

(i) is coordinated with the efficient provision, use and operation of infrastructure and services; and-

(ii) is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities.

Policies

4.2.2.1 Integrate urban development with ~~the capacity of existing or proposed-planned~~ infrastructure so that:

- a. urban development is serviced by infrastructure of sufficient the capacity; and
- b. reverse sensitivity effects of activities on regionally significant infrastructure are minimised; and
- c. in the case of the National Grid, reverse sensitivity effects are avoided to the extent reasonably possible and the operation, maintenance, upgrading and development of the National Grid is not compromised.

4.2.2.2 Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:

- a. its topography;
- b. its ecological, heritage, cultural or landscape significance if any;
- c. any risk of natural hazards, taking into account the effects of climate change;
- d. connectivity and integration with existing urban development;
- e. convenient linkages with public transport;
- f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;
- fa. the level of existing and future amenity that is sought (including consideration of any identified special character areas);
- g. the need to make provision for the location and efficient operation of infrastructure and utilities, including regionally significant infrastructure;
- h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;
- i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and
- j. the need to locate emergency services at strategic locations.

~~4.2.2.12 Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.~~

Wakatipu Basin Specific Policies

4.2.2.21 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that ~~more land is needed to meet demand for urban development in the Wakatipu Basin and~~ a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

Upper Clutha Basin Specific Policies

4.2.2.23 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that ~~more land is needed to meet demand for urban development in the Upper Clutha Basin and~~ a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-093-150

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of appeals under clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan

BETWEEN

**DARBY PLANNING LIMITED
PARTNERSHIP (ENV-2018-
CHC-150)
QUEENSTOWN PARK
LIMITED (ENV-2018-CHC-127)**

Appellants

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge
of the Act **IN CHAMBERS** at

sitting alone under section 279

DRAFT CONSENT ORDER

TOPIC 3 - URBAN DEVELOPMENT

Introduction

1. The Court has read and considered the notices of appeal filed by the following parties against the decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the parts of those appeals allocated into Strategic Topic 3 - Urban Development:

- 1.1** Darby Planning Limited Partnership (**Darby**)⁶; and
 - 1.2** Queenstown Park Limited (**QPL**).⁷
- 2.** As relevant to the appeal points endorsed by this consent memorandum, a total of nine parties attended the Environment Court assisted mediation from 29 January to 1 February 2018, being:
 - 2.1** Alexander and Jayne Schrantz;
 - 2.2** Darby (appellant and section 274 party);
 - 2.3** Otago Regional Council;
 - 2.4** QAC (appellant and section 274 party);
 - 2.5** Council;
 - 2.6** QPL (appellant and section 274 party);
 - 2.7** Remarkables Park Limited;
 - 2.8** Steve Xin; and
 - 2.9** Te Anau Developments Limited.
- 3.** The Court has considered the memorandum filed by the above parties dated 9 April 2020, in which the above-named parties respectfully request that the Court approve the agreed amendments to two provisions included in Chapter 4 of the PDP, as outlined in that memorandum.
- 4.** The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - 4.1** all parties to the proceeding have executed the memorandum requesting this order; and
 - 4.2** all parties are satisfied that all matters proposed for the Court's endorsement are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.

⁶ ENV-2018-CHC-150.

⁷ ENV-2018-CHC-127.

APPENDIX A

(amendments shown in underline and ~~strikethrough~~ text)

Chapter 4 Urban Development

4.2 Objectives and Policies

Policies

4.2.1.5 When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, ~~avoid impinging on~~ protect the values of Outstanding Natural Features Landscapes and ~~or~~ Outstanding Natural Landscapes Features.

...

4.2.2.14 Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps that:

...

- d. ~~avoid~~protect the values of Outstanding Natural Features and Outstanding Natural Landscapes;