

Amy Bowbyes for QLDC – Summary of Evidence, 25 November 2016

Chapter 16 Business Mixed Use Zone – Hearing Stream 08

1. The Business Mixed Use Zone (**BMUZ**) replaces the Business Zone of the Operative District Plan. The zone is located in the Gorge Road area of Queenstown and the Anderson Heights area of Wanaka. Both locations are within walking distance from the respective town centres, and both locations contain established commercial activities.
2. The BMUZ proposes a shift from the operative regime, primarily through the introduction of residential activities and the exclusion of industrial activities. The zone also seeks to achieve high quality design outcomes, which were not sought by the operative Business Zone.
3. I recommend that the framework, structure and majority of the provisions of the notified chapter are retained as notified, and I recommend a number of changes shown in the redrafted chapter. The most significant changes I recommend are:
 - (a) maintaining the building heights as notified, however in respect of the restricted discretionary building heights for the Gorge Road area of the zone, I recommend significant amendments to notified Policy 16.2.2.7, and the inclusion of additional matters of discretion and an additional rule to redrafted Rule 16.5.8, which requires that any fourth storey (excluding basements) and above shall be set back a minimum distance of 3m from the building frontage;
 - (b) acknowledgement of Horne Creek which runs through the Gorge Road area of the zone and a new policy and matters of discretion to encourage naturalisation of the Creek and its incorporation into site layout, design and landscaping;
 - (c) introduction of minimum landscaping requirements; and
 - (d) relaxation of the height recession planes applied at the northern boundary of sites that adjoin a residential zone.
4. I have read and considered the pre-lodged evidence submitted by Mr Scott Freeman on behalf of submitters 542, 545, 550, 556 and 634.¹ Mr Freeman accepts the majority of changes I recommend in the redrafted chapter, with two exceptions.

1 G H and P J Hensman (542), High Peaks Limited *545), Ngai Tahu Property Limited (550), Skyline Enterprises Limited (556) and Trojan Holdings Limited (634).

5. First, Mr Freeman² requests that redraft Policy 16.2.1.4 and Rule 16.5.3, which are concerned with limiting the location of residential and visitor accommodation activities on sites fronting Gorge Road to ensure that commercial activities have primacy at street level, are amended to provide more specificity. Mr Freeman recommends that, rather than using the term 'fronting', a prescribed setback of 10m should be introduced.
6. I agree with Mr Freeman that prescribing a setback would provide greater certainty regarding the application of the policy and associated rule, and also that the term 'fronting' is not defined and consequently may be open to differing interpretations. I consider that replacing the word 'fronting' with 'adjoining' in both the policy and rule is appropriate, so that they apply to sites that adjoin Gorge Road. In addition, I consider that it would be appropriate to amend the policy and rule to only apply to residential and visitor accommodation activities located within 10m of the site boundary adjoining Gorge Road. Please note, however, that I wish to hear Mr Freeman speak to the Panel before making final recommendations as to the specific wording of the relevant policy and rule, which I will provide with my reply evidence.
7. Second, with regard to redraft Policy 16.2.2.9 and Rule 16.4.2 (insofar as the rule applies to Horne Creek), Mr Freeman³ highlights a number of issues with the practicalities and realisation of daylighting Horne Creek. Mr Freeman is of the view that there would be uncertainty regarding the application of Policy 16.2.2.9 and the relevant part of Rule 16.4.2. It is Mr Freeman's view that, rather than providing a policy and rule framework through the BMUZ provisions, the daylighting of Horne Creek should be subject to a separate process undertaken outside of the PDP process.
8. It is my view that the district plan is the appropriate method for addressing this issue as it enables Horne Creek to be considered in conjunction with specific development proposals. The relevant policy and rule were drafted with the view to provide flexibility for situations where daylighting the creek would significantly impact on the ability for a site to be developed. However, on reflection, I accept Mr Freeman's view that the drafting of these provisions may result in uncertainty as to their application. I wish to hear Mr Freeman speak before the Panel before making any specific recommendations on any revisions to the wording of the policy and rule.

2 Mr Freeman's evidence at paragraphs 35 and 36.

3 Mr Freeman's evidence at paragraphs 52 to 61.

9. I agree with Mr Freeman's suggestion that a Council-led process could be used to assist with achieving the daylighting of the creek in a co-ordinated manner. However, I consider that such a process should be implemented in parallel with the use of district plan provisions. It is my view that such a process could be incorporated into the development of future design guidelines for the BMUZ.
10. I have also read and considered the late evidence tabled by Mr Matt Norwell on behalf of Bunnings (746). I note that Mr Norwell accepts the recommended revised chapter insofar as the inclusion of new Policy 16.2.2.8 and the inclusion of the definition of 'Trade Supplier'. Mr Norwell seeks that notified Rule 16.4.6 is amended so that the first matter of discretion applies to neighbouring *residential* properties, rather than neighbouring properties generally. Insofar as the reasoning for the relief provided by Mr Norwell,⁴ I note that in the recommended revised chapter I have recommended the deletion of notified Policy 16.2.1.4, which concerns itself with residential amenity. I also note that Mr Norwell incorrectly states that all residential activities establishing in the BMUZ are required to be located above ground floor level, which is not the case.⁵
11. Mr Norwell correctly points out that the purpose of the BMUZ is to enable a high intensity mix of compatible residential and non-residential activities. In my view Rule 16.4.6 would assist with achieving this purpose. My view regarding the relief sought, as outlined in the s42A Report,⁶ therefore remains unchanged.

4 Mr Norwell's evidence at section 3.

5 Notified Rule 16.5.3.

6 At paragraph 12.15, page 37.