BEFORE THE ENVIRONMENT COURT
IN CHRISTCHURCH

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an appeal pursuant to Clause 14 of Schedule 1 of the Act
BETWEEN	**ALPS INVESTMENT LIMITED**
	Appellant
AND	**QUEENSTOWN LAKES DISTRICT COUNCIL**
	Respondent

NOTICE OF APPEAL

Dated: 19 June 2018

TODD & WALKER law
LAWYERS | NOTARY PUBLIC

Solicitors:

G M Todd/B B Gresson
PO Box 124
Queenstown 9348
P 03 441 2743
F 03 441 2976
graeme@toddandwalker.com;
ben@toddandwalker.com

To: The Registrar
Environment Court
Christchurch

1. Alps Investment Limited ("**the Appellant**") appeals against a decision of the Queenstown Lakes District Council ("**Council**") on the Queenstown Lakes Proposed District Plan ("**Plan**").

2. The Appellant made a submission on the Plan.[1]

3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

4. The Appellant received notice of the decision on 4 May 2018.

5. The decision the Appellant is appealing is:

   a. The zoning of part of the Appellant's land at Frankton-Ladies Mile Highway, Queenstown, being Lot 1 Deposited Plan 512581 ("**land**").

   b. The rules associated with such zoning relating to access.

   c. The rejection in part of the submission of Jandel Trust and further submission of the Appellant in support seeking a rezoning of the land as Business Mixed Use Zone ("**BMUZ**").

6. The reasons for the appeal are as follows:

   a. The Council erred in its zoning of the land, namely in their assessment of the appropriate location for the boundary between the BMUZ and the Medium Density Residential Zone.

   b. The decision will not result in the most efficient us of the land.

   c. The existence of the transmission lines that dissect the Appellant's land makes the same more suitable for more BMUZ than residential.

   d. The decision is not in accordance with sound resource management planning principles.

   e. The siting of the land on the Frankton Flats makes it more suitable for more of it to be zoned BMUZ.

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[1] The original submission was made by Peter and Margaret Arnott. The Appellant purchased the land subject to the submission in 2017 and has the right to pursue the submission as a successor in accordance with s 2A(1) of the Act.

f. BMUZ is more appropriate in achieving the range of Objectives dealing with Frankton, the Urban Growth Boundary protecting the airport, and the landscape values.

g. There was no evidence placed before the Council which would support the decision reached as to the boundaries of the BMUZ.

h. The Council relied on irrelevant comparisons to the depth of the Gorge Road zone in fixing the boundaries of the BMUZ. Such ignored the topographical constraints which exist in Gorge Road.

i. The requirements for the site to be serviced by access to a 4th leg of the State Highway/Eastern Access Road roundabout ignores the fact that access will need to be renegotiated via adjoining lots which may not be possible.

7. The Appellant seeks the following relief:

   a. That the decisions of the Council be overturned, and the Appellant's submission be accepted.

8. The following documents are attached to this notice:

   a. A copy of the Appellant's submission;

   b. A copy of the decision; and

   c. A list of names and addresses to be served with a copy of this notice.

Dated this 19th day of June 2018

Signed for the Appellant
By its solicitor and duly authorised agent
Graeme Morris Todd/Benjamin Brett Gresson

Address for Service for the Appellant:

Todd and Walker Law
PO Box 124
Queenstown 9348
Phone: 03 441 2743
Facsimile 03 441 2976
Email: graeme@toddandwalker.com; ben@toddandwalker.com

FORM 5: SUBMISSION

DISTRICT PLAN REVIEW

QUEENSTOWN LAKES DISTRICT COUNCIL

Clause 6 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

TO // Queenstown Lakes District Council

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Peter and Margaret Arnott		
Phone Numbers: Work: 03 4412743	Home:	Mobile: 027 433 0457
Email Address: C/O: graeme@gtoddlaw.com		
Postal Address: C/O: Graeme Todd, GTODD LAW, PO Box 124, Queenstown		Post code: 9348

PLAN CHANGE // To which this submission relates to:

Queenstown Lakes District Council Proposed District Plan

I COULD NOT gain an advantage in trade competition through this submission.

*I ____ ** directly affected by an effect of the subject matter of the submission:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

* *Delete entire paragraph if you could not gain an advantage in trade competition through this submission.*
** *Select one.*

SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

1. Proposed Planning Map 31a.

2. The position of the Outstanding Natural Landscape line on Planning Map 31a.

3. The proposed zoning of the Submitters' land shown on Planning Map 31a and legally described as Lot 1 Deposited Plan 19932 and Section 129 Block I Shotover Survey District (the "Submitters' Land").

4. Rule 8.5.3.1(a) and (b), Rule 8.5.3.2, and Rule 8.5.3.3.

5. Rule 27.4.1 that requires all subdivision to be a Discretionary Activity.

MY SUBMISSION IS // Include whether you support or oppose the specific provisions or wish to have them amended; and the reasons for your views.

1. We oppose in part the proposed zoning of part of the Submitters' Land as Rural General.

2. We oppose the position of the Outstanding Natural Landscape line as it traverses the Submitters' land.

3. We oppose Rule 8.5.3.1(a) and (b), Rule 8.5.3.2, and Rule 8.5.3.3.

2. We oppose Proposed Rule 27.4.1.

I SEEK THE FOLLOWING FROM THE LOCAL AUTHORITY // Give precise details:

1. That the part of the Submitters' Land currently proposed to be rezoned Rural General be rezoned Local Shopping Centre and/or Business Zone.

2. That the Outstanding Natural Landscape line be moved in a northerly direction to the northern boundary of the Submitters' Land.

3. That Rule 8.5.3.1(a) and (b), Rule 8.5.3.2, and Rule 8.5.3.3 be deleted.

4. That subdivision of Medium Density zone, Business zone, and Local Shopping Centre zone be a Controlled Activity.

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 23 October 2015

*** If this form is being completed on-line you may not be able, or required, to sign this form.*

QUEENSTOWN LAKES DISTRICT COUNCIL

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1167

FORM 6: FURTHER SUBMISSION

IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION/S ON THE PROPOSED DISTRICT PLAN

QUEENSTOWN LAKES DISTRICT COUNCIL

Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

TO // Queenstown Lakes District Council

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Peter and Margaret Arnott

Phone Numbers: Work: 03 4412743 | Home: 027 433 0457 | Mobile: 027 433 0457

Email Address: C/O: graeme@gtoddlaw.com, sam@gtoddlaw.com

Postal Address: C/O: Graeme Todd, GTODD LAW, PO Box 124, Queenstown

Post code: 9348

THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

In opposition to a submission on the Queenstown Lakes District Council Proposed District Plan

I AM

- ☐ A person representing a relevant aspect of the public interest.
  In this case, also specify the grounds for saying that you come within this category; or
- ☑ A person who has an interest in the proposal that is greater than the interest the general public has.
  In this case, also explain the grounds for saying that you come within this category; or
- ☐ The local authority for the relevant area.

The submitters are the registered proprietors of land that is on State Highway 6 (Ladies Mile) and would be adversely affected by the relief sought.

I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

We oppose the submission of Stephen Spence (submission number: 8)

THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE //

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

All of the submission and the relief sought.

THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

The land legally described as Lot 1 Deposited Plan 19932 and Section 129 Block I Shotover District is suitable for Medium Density, Local Shopping Centre or Business Mixed Use zoning to achieve the sustainable management of the land.

I SEEK THAT THE WHOLE OR PART *[DESCRIBE PART]* OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

We seek that all of the relief sought be declined.

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 18 December 2015

** *If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.

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QUEENSTOWN LAKES DISTRICT COUNCIL

Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

TO // Queenstown Lakes District Council

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Peter and Margaret Arnott

Phone Numbers: Work: 03 4412743 | Home: 027 433 0457 | Mobile: 027 433 0457

Email Address: C/O: graeme@gtoddlaw.com, sam@gtoddlaw.com

Postal Address: C/O: Graeme Todd, GTODD LAW, PO Box 124, Queenstown

Post code: 9348

THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

In conditional opposition to a submission on the Queenstown Lakes District Council Proposed District Plan

I AM

- ☐ A person representing a relevant aspect of the public interest.
  In this case, also specify the grounds for saying that you come within this category; or
- ☑ A person who has an interest in the proposal that is greater than the interest the general public has.
  In this case, also explain the grounds for saying that you come within this category; or
- ☐ The local authority for the relevant area.

The submitters are the registered proprietors of land that is on State Highway 6 (Ladies Mile) which is affected by the submission

I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

We conditionally oppose the submission of the Otago Foundation Trust Board as trustee for Wakatipu Community Presbyterian Church (submission number: 408)

THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE //

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The whole submission.

THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

That no provision has been made within the submitters proposal to enable access through the site from the submitters land to the roundabout on the Eastern Arterial Road and the Proposed District Plan states that access should be encouraged.

I SEEK THAT THE WHOLE OR PART *[DESCRIBE PART]* OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

We seek that the whole of the submission be disallowed unless provision is made to enable access through the site from the submitters land to the roundabout on the Eastern Arterial Road.

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 18 December 2015

*** If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.

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QUEENSTOWN LAKES DISTRICT COUNCIL

Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

TO // Queenstown Lakes District Council

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Postal Address: C/O: Graeme Todd, GTODD LAW, PO Box 124, Queenstown

Post code: 9348

THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

In part support of a submission on the Queenstown Lakes District Council Proposed District Plan

I AM

- ☐ A person representing a relevant aspect of the public interest.
  In this case, also specify the grounds for saying that you come within this category; or
- ☑ A person who has an interest in the proposal that is greater than the interest the general public has.
  In this case, also explain the grounds for saying that you come within this category; or
- ☐ The local authority for the relevant area.

The submitters are the registered proprietors of land that is on State Highway 6 (Ladies Mile) which is affected by the submission

I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

We support in part the submission of The Jandel Trust (submission number: 717)

THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE //

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The part of the submission that proposes the rezoning of the Frankton-Ladies Mile Highway (shown in green in the primary submission's attached map) to Business Mixed Use zone.

THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

The land legally described as Lot 1 Deposited Plan 19932 and Section 129 Block I Shotover District is suitable for Medium Density, Local Shopping Centre or Business Mixed Use zoning to achieve the sustainable management of the land.

I SEEK THAT THE WHOLE OR PART *[DESCRIBE PART]* OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

We seek that the land legally described as Lot 1 Deposited Plan 19932 and Section 129 Block I Shotover District be rezoned as Medium Density, Local Shopping Centre or Business Mixed Use zones.

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 18 December 2015

** *If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.

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Post code: 9348

THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

In opposition to a submission on the Queenstown Lakes District Council Proposed District Plan

I AM

- ☐ A person representing a relevant aspect of the public interest.
  In this case, also specify the grounds for saying that you come within this category; or
- ☑ A person who has an interest in the proposal that is greater than the interest the general public has.
  In this case, also explain the grounds for saying that you come within this category; or
- ☐ The local authority for the relevant area.

The submitters are the registered proprietors of land that is on State Highway 6 (Ladies Mile) and would be adversely affected by the relief sought.

I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

We oppose in part the submission of the NZ Transport Agency (submission number: 719)

THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE //

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The part of the submission contained on page 18 of the full submission pertaining to Standard 8.5 and the relief sought.

THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

That it may be impossible for some land owners to comply or obtain access through adjoining properties to such roads and access points.

I SEEK THAT THE WHOLE OR PART *[DESCRIBE PART]* OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

We seek that the part of the submission contained on page 18 of the full submission pertaining to Standard 8.5 and the relief sought be disallowed.

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 18 December 2015

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A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.

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IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION/S ON THE PROPOSED DISTRICT PLAN

QUEENSTOWN LAKES DISTRICT COUNCIL

Clause 8 of First Schedule, Resource Management Act 1991 – as amended 30 August 2010

TO // Queenstown Lakes District Council

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Name: Peter and Margaret Arnott

Phone Numbers: Work: 03 4412743 | Home: 027 433 0457 | Mobile: 027 433 0457

Email Address: C/O: graeme@gtoddlaw.com, sam@gtoddlaw.com

Postal Address: C/O: Graeme Todd, GTODD LAW, PO Box 124, Queenstown

Post code: 9348

THIS IS A FURTHER SUBMISSION // In support of (or in opposition to) a submission on the following Plan Change:

In support of a submission on the Queenstown Lakes District Council Proposed District Plan

I AM

- ☐ A person representing a relevant aspect of the public interest.
  In this case, also specify the grounds for saying that you come within this category; or
- ☑ A person who has an interest in the proposal that is greater than the interest the general public has.
  In this case, also explain the grounds for saying that you come within this category; or
- ☐ The local authority for the relevant area.

The submitters are the registered proprietors of land that is on State Highway 6 (Ladies Mile) which is affected by the submission

I SUPPORT (OR OPPOSE) THE SUBMISSION OF // Name the original submitter and submission number.

We support in part the submission of the Hansen Family Partnership (submission number: 751)

THE PARTICULAR PARTS OF THE SUBMISSION I SUPPORT (OR OPPOSE) ARE //

Clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal.

The part of the submission that supports the new area of Medium Density Residential zone in map 31 on State Highway 6, and the part of the submission that proposes the rezoning of the northern side of State Highway 6 located between Hansen Road and the Eastern Access Road to Medium Density, Business Mixed Use, or Local Shopping Centre zones.

THE REASONS FOR MY SUPPORT (OR OPPOSITION) ARE //

The land legally described as Lot 1 Deposited Plan 19932 and Section 129 Block I Shotover District is suitable for Medium Density, Local Shopping Centre or Business Mixed Use zoning to achieve the sustainable management of the land.

I SEEK THAT THE WHOLE OR PART *[DESCRIBE PART]* OF THE SUBMISSION BE ALLOWED, OR DISALLOWED // Give precise details.

We seek that the land to the northern side of State Highway 6 located between Hansen Road and the Eastern Access Road be rezoned to Medium Density, Business Mixed Use, or Local Shopping Centre zones.

I DO wish to be heard in support of my submission.

I WILL consider presenting a joint case with others presenting similar submissions.

SIGNATURE

Signature (to be signed for or on behalf of submitter) **

Date 18 December 2015

** *If this form is being completed on-line you may not be able, or required, to sign this form.*

NOTE TO PERSON MAKING FURTHER SUBMISSION

A copy of your further submission must be served on the original submitter within five working days after making the further submission to the Local Authority.

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QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 17-6

Report and Recommendations of Independent Commissioners
Regarding Mapping of Frankton, Lake Johnson, Tucker Beach Road

Commissioners
Denis Nugent (Chair)
Jan Crawford
David Mountfort

CONTENTS

PART A: FRANKTON NORTH OVERVIEW

1. PRELIMINARY MATTERS

1.1. Subject of Submissions

1. Parts B and C relate to an area of which we have called Frankton North, on the north side of State Highway 6 opposite the main Frankton Flats. The land extends along SH6 from Hansen Rd to Quail Rise, at the base of and rising slightly up Ferry Hill.

1.2. Outline of Relief Sought

2. The various submissions requested a variety of alternative relief, including:
   a. rural, or any mix of Low, Medium or High Density Residential, Industrial, Business Mixed Use or Local Shopping Centre Zones; and
   b. to amend the location of the Ferry Hill ONL line
   c. Consequential amendments to various objectives, policies and rules.

1.3. Description of the Site and Environs

3. The land is mostly used for small-scale rural activities, with some houses and an engineering workshop, scattered trees and some shelter belts. It contains flat lands along SH6, terraces and the lower slope of Ferry Hill. Two substations, belonging to Transpower and Aurora Energy, are located part way along the strip.

4. To the south across SH6 is the Queenstown Events Centre, the Five Mile development and Glenda Drive industrial area. To the north the land rises steeply to Ferry Hill.

5. The area is shown on Figure 6-1 below.

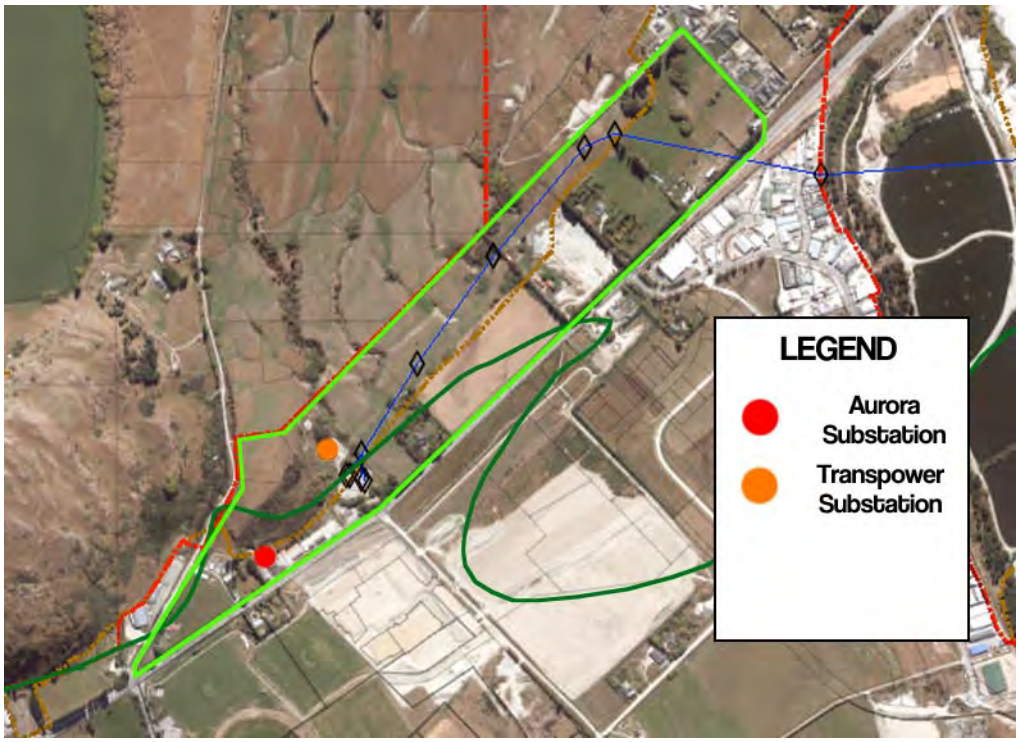

Figure 6-1 – The combined submissions sites are shown in light green outline, the notified ONL is the brown dashed line, the OCB is the dark green line and the Urban Growth Boundary is the red dashed line

6. This is a very complex strip of land to plan for, due to the various constraints which affect it. Different constraints affect all of it in different ways, including
   a. the ONL which affects all of the properties,
   b. airport noise at the western end of the block,
   c. access to Hansen Rd for the western blocks,
   d. traffic difficulties with congestion and safety issues at the Hansen Rd intersection,
   e. pedestrian/cycle access to the commercial and community facilities on the southern side of the SH6, and
   f. the presence of the 2 substations which divide the block and restrict any sort of unified access solution.

7. The case for the submitters was presented in several parts.
   a. Submission 455 from W and M Grant was in respect of a wedge shaped block at the western end of the block shown in Figure 6-1, and the balance of the block.
   b. The balance of the area was the subject of submissions from landowners in the block who presented a joint case at the hearings. As these two parts are separated by the two electricity substations and no access between them is likely to be feasible, we discuss them separately.
   c. The Otago Foundation[1] submitted in respect of one of the sites in which it has an interest and was heard separately. We include discussion of this submission with the landowners group above.
   d. QAC and NZTA lodged further submissions opposing the submissions of several of the landowners in the block. These submitters were heard separately but will be discussed together with the landowners group.
   e. Mr S Spence[2] submitted that the land should all be zoned rural or a form of zoning compatible with the Quail Rise Zone which is adjacent to the north west. He did not attend the hearing but we will discuss this submission together with the landowners' submissions.
   f. Sean & Jane McLeod[3] submitted that the entire area should be zoned Low Density Residential. Mr McLeod was heard separately but we will discuss this submission together with the landowners' submissions
   g. A number of other submitters and further submitters have submitted on the PDP provisions affecting this land other than mapping and will also be discussed separately.

1.4. Notified and Recommended Zoning and Other Provisions

8. To understand the context of the submissions and evidence of the submitters, it is helpful to explain the notified provisions and the changes recommended by the Council officers.

9. As noted above, as notified this land was crossed by the Landscape Classification line, with ONL on the northern, sloping, land, and much of the flatter southern land was within the OCB of Queenstown Airport. Also, as noted above, the entire area was within the UGB.

10. As notified, all the land between the Transpower substation outside of the OCB and Ferry Hill was zoned MDR. The remaining land, being that within the OCB, the Transpower substation and the land to the west of it, were zoned Rural, with the land between the Landscape Classification line and SH6 being shown as RLC.

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1 Submission 408
2 Submission 8
3 Submission 391

11. The application of the MDRZ to this land also involved the inclusion of specific provisions in Chapter 8 applying to this land. This included a specific Objective and accompanying policies applying to this land[4]. In addition, notified Rule 8.4.11 included, as a matter of discretion:
For land fronting State Highway 6 between Hansen Road and the Shotover River, provision of a Traffic Impact Assessment, Landscaping Plan and Maintenance Program [sic], and extent of compliance with Rule 8.5.3.

12. Notified Rule 8.5.3 set out standards applying specifically to the MDR land between Hansen Road and Ferry Hill Drive. In summary, these:
    a. restricted access to this land to be from the Hawthorne Drive/SH6 intersection;
    b. required provision of a Traffic Impact Assessment and specified the contents thereof; and
    c. required a Landscaping Plan and Maintenance Program [sic] for a landscaping buffer from SH6.

13. Designations 1 and 338 applied to the Transpower and Aurora substations respectively.

14. In the Section 42A Report on MDRZ prepared for Hearing Stream 6, Ms Leith recommended amendments to the policies, partly in response to submissions and partly to make them action-oriented. She also recommended changes to the matter of discretion in Rule 8.4.11 in response to submissions, and in Rule 8.5.3, recommended deleting the requirement for a Traffic Impact Assessment and amended the landscaping requirement along SH6 to a 4m planted strip. Finally, Ms Leith recommended an additional Rule 8.5.5.2 setting a minimum density for the MDRZ at this location.

15. By a Minute dated 21 September 2016, the Chair transferred all the submissions on the specific objective, policies and rules applying to this land in Chapter 8 to this hearing stream.

16. In her Section 42A Report 5, Ms K Banks recommended the residential land be confined to the area south of the Landscape Classification line and east of the Hawthorne Drive roundabout, and that land be zoned HDR. Ms Banks adopted the recommendations of Ms Leith but transferred them into Chapter 9 with the exception of the minimum density requirement. Ms Banks additionally recommended the imposition of a setback of 50m from SH6 and 6m from Ferry Hill Drive.

17. Ms Banks recommended the remainder of the land be zoned Rural, with no changes to the UGB, OCB or Landscape Classification lines.

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[4] Objective 8.2.11 and Policies 8.2.11.1 to 8.2.11.7

[5] Figure 5, page 17

PART B: FRANKTON NORTH – WEST END - W & M GRANT

Submitter: W & M Grant (Submission 455)
Further Submissions

FS 1340 Queenstown Airport Corporation - oppose
FS 1092.16 New Zealand Transport Agency - oppose
FS1270.3 Hansen Family Partnership - support

2. PRELIMINARY MATTERS

2.1. Subject of Submission

18. This land lies at the eastern end of North Frankton and is a triangular site of 2.26 ha between Hansen Road and State Highway 6.. It is shown in Figure 6-2 below.

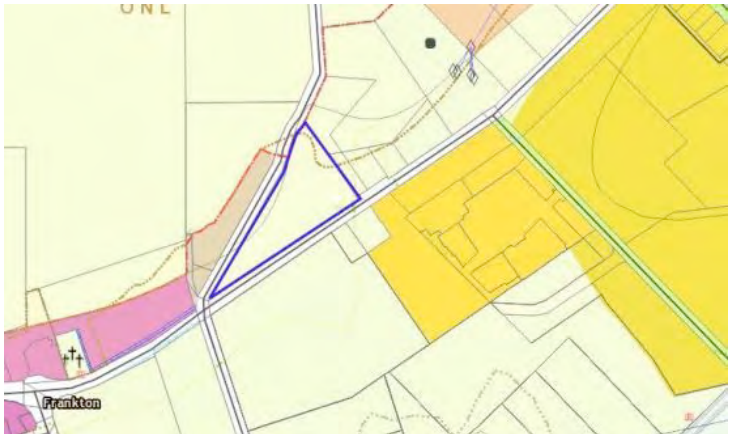

Figure 6-2 – Submission site

2.2. The case for rezoning

19. The submitters sought that the subject land be rezoned from Rural to either a Medium Density Zone with a Visitor Accommodation Overlay, or a zone to allow for commercial activities.

20. The case for the submitter was presented by Ms Lucy Millton, who is a planning consultant, and Mr Jason Bartlett who is a traffic engineer.

21. Mr Bartlett said that because of the density of traffic on SH6, any access to a development on the property would need to be via Hansen Rd. He acknowledged that right turns out of Hansen Rd are already difficult, and that there would be increased traffic generated through the intersection by any development. He acknowledged that development would generate pedestrian traffic across SH6 to facilities opposite and improved crossing facilities would be required. However he expected that NZTA would be upgrading the Hansen Rd intersection, probably as a left in left out only arrangement, and expected that safe pedestrian access would be able to be incorporated. Drivers going to Queenstown would need to turn left and turn back towards Queenstown at the nearby Grants Road roundabout. He said that the submitters would be prepared to cooperate with NZTA on this.

22. Ms Millton said that the site was:

a. realistically incapable of productive rural use, being too small, and that some rural activities which might be carried out on the site, such as outdoor pig farming and strip grazing of stock would be incompatible with, and possibly offensive to, nearby activities;

b. incapable of being developed for any form of residential activity under the Rural Zone as residential activity is prohibited within the OCB in that zone;
c. may need some upgrading of wastewater and water supply infrastructure to be able to proceed, but this would be achievable, if necessary at the submitters expense; and
d. the intersection and pedestrian safety issues would be resolved when the intersection is upgraded and the landowners would co-operate with the roading authorities to achieve this.

23. The request for a Visitor Accommodation Overlay was not discussed at all by any party, and therefore we will not take this any further because we have no evidence to base a decision on.

24. For the Council, Ms Kim Banks, in her Section 42A Report and Rebuttal evidence opposed the proposed rezoning on the grounds of inadequate infrastructure, the airport noise issue and the transport issues. However, she changed her view after the hearing and accepted that the land could be zoned BMUZ[6].

25. For the Council, Dr Marion Read, a landscape architect said part of the site was within the ONL and opposed any rezoning of that part of the site.

26. Also for the Council, Mr Tim Heath, an economist, produced a supplementary statement of evidence as part of the right of reply report. In this he reiterated his concern that additional commercial zoning of this and other land nearby land (discussed below), a total of 6.85ha, could have an adverse effect on the viability of the Frankton town centres such as Five Mile. However he also recognised that there were constraints, such as the OCB and the general undesirability of industrial in this location. He said that if there was to be any commercial zoning then the gross floor area (GFA) or retail) should be limited but did not say by how much.

27. We note that QAC opposed this submission, on the grounds that it would potentially increase the number of residents subject to aircraft noise.

28. As with the rest of Frankton North, NZTA, in its submission, opposed any form of business development along this stretch of SH6 because of the excessive traffic generation, but was not opposed to medium density residential development provided that access was obtained from Hansen Road and development was preceded by the reconfiguration/upgrade of the intersection of Hansen Road and State Highway 6.

3. DISCUSSION OF PLANNING FRAMEWORK

3.1. Airport Noise

29. Strategic Chapters 3 and 4 contain a number of objectives and policies that are designed to allow the airport to operate successfully without constraints due to the need to protect the sensitive activities from airport from airport noise.

30. Objective 3.3.5 is to
Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.

31. In support of this is a group of policies in Chapter 4 which provide

[6] K Banks, Reply Evidence at pages 27-28

4.2.2.15 Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

4.2.2.16 Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

4.2.2.17 Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.

4.2.2.18 Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.

32. The land is zoned Rural in the PDP. It lies entirely within the Urban Growth Boundary (the UGB). A very small portion of the site in the north east corner is within the ONL as notified. Almost the entire site is within the Queenstown Airport OCB. This provision is intended to discourage Activities Sensitive to Aircraft Noise (ASAN) from being established or manage the adverse effects of airport noise.

33. Establishment of ASAN is prohibited in the Rural Zone. Potential residential zones for the site include the LDR, MDR or HDRZ. In these zones, the establishment of ASAN is not prohibited, but it is discretionary in the LDRZ and there are requirements to ensure satisfactory indoor noise environments in all these zones. We note that at the time of notification, there was no MDR or HDR zoning within the OCB.

34. The Local Shopping Centre (LSCZ) and Business Mixed Use Zones (BMUZ), which are the zones which would achieve that aspect of the relief seeking commercial activities, require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the potential for reverse sensitivity effects on Queenstown Airport for buildings within the Queenstown Airport OCB

3.2. Urban Growth

35. The site is within the Urban Growth Boundary as shown on the planning maps. Relevant Objectives and Policies in Strategic Chapter 4 include;

Objective 4.2.1
Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defendable urban edges.

Objective 4.2.2A
A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

Policies
4.2.1.1 Policy
Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.
4.2.1.4 Policy
Ensure Urban Growth Boundaries encompass a sufficient area consistent with:

a. *the anticipated demand for urban development within the 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.*

4.2.2.3 Policy
Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

4.2.2.4 Policy
Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

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

3.3. Transport

36. Although Chapter 29 Transport has been notified, it is too early in the submission process for us to give any weight to the objectives and policies in that chapter. However Objective 4.2.2A above is relevant as transport and roading is one aspect of infrastructure that needs to be provided and operated efficiently.

37. A very small portion of the site was within the ONL as notified. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.[7] The location of the ONL boundary was challenged in submissions.

3.4. Economic Impacts

38. Relevant objectives and policies from Chapter 3 include

3.2.1 The development of a prosperous, resilient and equitable economy in the District.

……..

3.2.1.3 The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.

…….

[7] See Objective 3.2.5 Policies 3. 2.5.1, 3.3.30 and 6.3.11

3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained.

3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.

4. ISSUES

a. Transport issues

b. Infrastructure

c. Airport noise

d. Reasonable land use.

5. DISCUSSION OF ISSUES AND CONCLUSIONS

5.1. Transport and infrastructure

39. We accept that the transport issues, i.e. congestion, and safe operation of the Hansen Rd/SH6 intersection and pedestrian/cyclist crossing points would be capable of being resolved if the prospective road and intersection upgrades proceed, as appears likely. When we heard the NZTA submissions, we were told that the Hansen Rd intersection project is likely to proceed.[8] It would be important that development did not proceed until these improvements were completed. Provisions can be devised to ensure this occurs.

40. Similarly, development would need to be restricted under the zone rules until any other required infrastructure upgrades were completed.

5.2. Airport Noise

41. We accept that in most circumstances, the location of the site within the OCB would result in development of activities sensitive to airport noise being discouraged. Most large airports in New Zealand operate under a planning regime in which an OCB, representing the 55dBA contour is shown on the planning maps[9] and new residential activity within this contour is discouraged or controlled in various ways. This system derives from The New Zealand Standard for Airport Noise Management and Land Use Planning NZS6805:1992.

42. As described above the PDP adopts this regime for Queenstown Airport in a modified form. QAC in its further submission generally supported this approach and opposed any residential development on this site.

43. In contrast the NZTA submission opposed business development on this site because of the excessive traffic generation which would result leading to congestion and safety issues on SH6. NZTA was not opposed to higher density residential development, as discussed by Mr Anthony MacColl in his evidence to the hearing.[10]

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8 A MacColl, EIC at paragraph 51.

9 Except in Christchurch where the OCB is set at 50dBA resulting in an even more restrictive regime.

10 op cit at paragraph 52

44. With regard to landscape, we understand that the small portion of the site within the ONL is a steep gully which would be most unlikely to be developed under any zoning. The submitter did not request that the ONL be altered here, but other submitters have done so including on this property.[11] We note that, as discussed later in this report, we recommend moving the Landscape Classification line such that no part of this site would be within the ONL.

5.3. Reasonable Land use

45. If we accept the points of view of QAC and NZTA then the only zoning option for the site would be Rural. With regard to Rural, we accept the evidence of Ms Millton that Rural zoning would be an isolated pocket and leave the owner with few options other than retaining the existing home. If the owners did attempt some of the more intensive rural activities, this could detract from surrounding amenities. We consider this to be bordering on an unreasonable burden for the land owners to accept. It is possible that this may make the land incapable of reasonable use under section 85 of the RMA.

46. We think it is highly relevant that the site is included within the UGB. The provisions quoted above make it clear that this conveys an expectation that the land will be eventually developed for urban purposes, not rural. We do not regard this as a site providing a transition to rural as set out in Policy 4.2.2.12, as other sites to either side are also to be developed for urban purposes

47. With regard to commercial activities, we note that the LSCZ is intended to provide for local services to residential communities. We note there is a quite large and well-developed LSCZ nearby already, and the present site would be too large for any additional facilities of that sort that might be required and would be more likely to be proposed for more extensive commercial or other activity. The other option would be BMUZ. We discuss this more extensively later in this report. In brief however, we do not consider there would be significant adverse distributional effects on the viability of the developing centres on the Frankton Flats if a small additional BMUZ is established north of SH6 at Frankton. Nor do we consider there would be significant adverse traffic generation effects of concern to NZTA from this small site once the Hansen Rd intersection has been upgraded and safe crossing points over the highway established.

48. Some submitters have called for industrial zoning of sites at Frankton North. We heard no evidence about this from anyone, except Ms Kim Banks in her Section 42A Report, who said that industrial zoning at this site would be unsuitable because it forms part of the entrance to Queenstown.[12] We are inclined to doubt that it will remain at the entrance to Queenstown for much longer, but nevertheless we do consider that industrial zoning would be likely to adversely affect the amenities of the surrounding area unless it is a form of zoning that is tailored to result in an attractive appearance and an absence of external effects. We were given no evidence of such a solution and can take it no further.

49. For all these reasons, we have concluded that the most appropriate form of urban development for this site would be BMUZ.

50. We consider that amendments to the zoning provisions should be made to ensure that that development does not take place prior to the reconfiguration of the Hansen Rd/SH6 intersection together with safe crossing facilities across SH6 for cyclists and pedestrians. We

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11 Hansen Family Partnership – Submission 751. See discussion later in this report.

12 K Banks, Section 42A Report at paragraph 4.33.

also consider that the provision of ASAN, which would otherwise be provided for in this zone, should be prohibited on this site.

51. This has been a very difficult site to find an appropriate urban zoning for, and nothing in the PDP suite of zones has proved completely suitable. We do not see the long term future of this site as rural for the reasons we have given. We consider the relatively minor effect on SH6 that would result, and the possible small and short term oversupply of commercial land are acceptable in all the circumstances. We consider this zoning to be the best fit of all the available options and therefore the most appropriate way to give effect to the objectives and policies relating to protection of Queenstown Airport and residents.

6. RECOMMENDATION

52. For the reasons set out above, we recommend that:
    a. Submission 455 and FS1340 and FS 1270.3 be accepted;
    b. FS 1092.16 be rejected in part;
    c. The land be zoned Business Mixed Use, subject to the amendments to that zone set out in Appendix 1;
    d. Chapter 16 be amended as set out in Appendix 1 of this report.

PART C: FRANKTON NORTH – CENTRAL AND EAST

Submitters: **S Spence (Submission 8), Ian & Dorothy Williamson (Submission 140), Universal Developments Limited (Submission 177), S & J McLeod (Submission 391), P & M Arnott (Submission 399), Otago Foundation Trust Board (Submission 408), Jandel Trust (Submission 717), Hansen Family Partnership (Submission 751), FII Holdings Limited (Submission 847)**

Further Submissions

FS1270 Hansen Family Partnership – support 399, 408, 717, 847, oppose 8
FS1029 Universal Developments – oppose 8, 717
FS1061 Otago Foundation Trust Board – support 399, 851, oppose 8, 717
FS1062 Ross Copeland – oppose 717
FS1195 Jandel Trust – support 751, 847, oppose 8, 391
FS1271.12 Hartell Properties Ltd and Others
FS1167 P & M Arnott -support 717, 751, oppose 8, 408
FS1340 Queenstown Airport Corporation – oppose 399, 408, 717, 751
FS1092.9 New Zealand Transport Agency – oppose 408, 717, 751
FS1077 Board of Airline Representatives – oppose 399, 717, 751, 847
FS1189 FII Holdings Ltd – support 717, oppose 8, 391

7. PRELIMINARY MATTERS

7.1. Subject of Submissions

53. These submissions related to an area of approximately 28 ha north of the SH6 at Frankton, as shown on Figure 6-1 above, which is reproduced below as Figure 6-3 for convenience. Note that some of the submissions include the Grant land (submission 455) at the south western tip of the strip which has been discussed separately above.

7.2. Outline of Relief Sought

54. The submissions requested a wide range of alternative zonings ranging from rural, through to all forms of residential, business and industrial.

55. Other submissions sought amendments relating to various PDP provisions affecting the lands requested to be rezoned.

7.3. Description of the Site and Environs

56. The land is mostly used for small-scale rural activities, with some houses and an engineering workshop, scattered trees and some shelter belts. It contains flat lands along SH6, terraces and the lower slope of Ferry Hill. Two substations, belonging to Transpower and Aurora Energy, are located part way along the strip.

57. To the south across SH6 is the Queenstown Events Centre, the Five Mile development and Glenda Drive industrial area. To the north the land rises steeply to Ferry Hill.

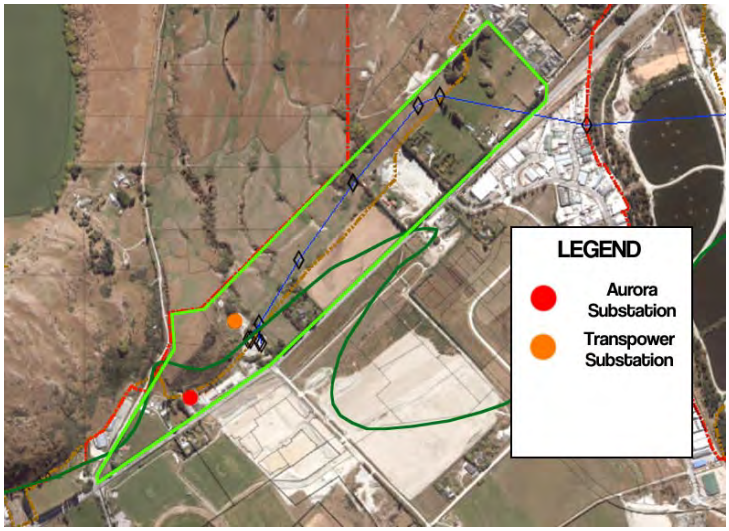

Figure 6-3 – the submission site

7.4. The Case for Rezoning

58. Figure 6-4 below shows the location of the properties of various submitters. Note that the Otago Foundation has an interest in the Hansen Family Trust land where it proposes to build a church complex. The Grant property discussed above is also shown.

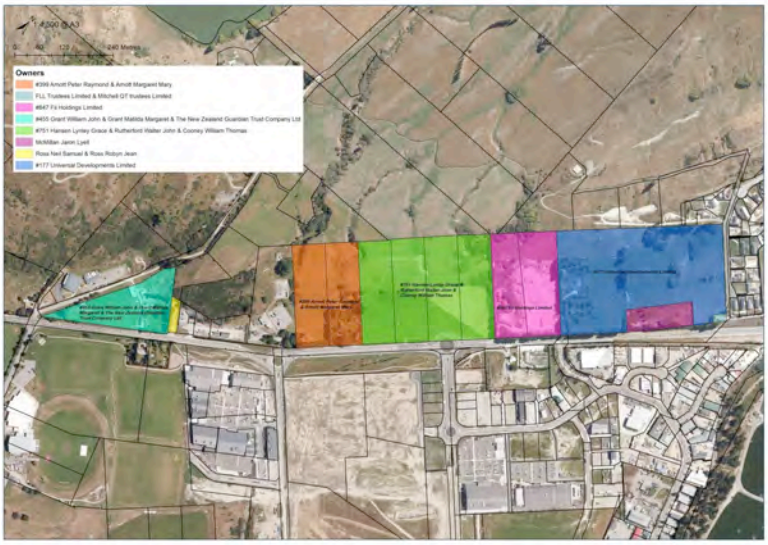

Figure 6-4 – Landowner submitters properties

59. The case for the landowners was presented by Mr Warwick Goldsmith, legal counsel, with evidence from Mr James Bentley, landscape architect, Mr Andy Carr, traffic engineer and transport planner, and Mr Chris Ferguson, planner.

60. Briefly, the extensive range of alternative zonings requested by the submitters was narrowed down at the hearing to a request for BMUZ across all the properties, along with a request for relocation of the ONL to the uphill boundaries of the properties.

61. In opening Mr Goldsmith submitted that that the planning complexities of the site culminate in a particular planning environment which is of relatively low amenity (at least in part), is suited to a range of potential mixed use options, and which should be maximised in the most efficient way in light of its proximity to developed land, particularly given the Site's ability to

contribute to the District's foreseeable shortage of feasible commercial capacity and to the demand for centrally located residential land.

7.5. Landscape

62. Mr Bentley challenged the location of the ONL across the site, stating that it was based purely on the boundary between the flat land/terraces at the base of Ferry Hill, and the slopes of Ferry Hill itself which he regarded as too simplistic an approach, because of the cultural overlays present on the site. These include electricity substations, the National Grid power pylons, houses, tracks, shelter belts, a water race, a reservoir, grazed land a recently approved 4 lot rural residential subdivision all within the ONL. He said that all of this is influenced by the close proximity of SH6 and the adjacent mixed use developments on Frankton Flats south of SH6, which have an influence on the naturalness of the area which is a key consideration in the classification of the landscape. He recommended that the ONL boundary be set at a water race which traverses across the face of Ferry Hill a little above the flat area. He said that although the lands immediately adjacent to the water race were not significantly different from each other, land use activities are more strongly present below the water race and human influence is more prevalent.

63. In his legal submissions Mr Goldsmith drew our attention to a decision of the Environment Court, *JS Waterston v Queenstown Lakes District Council*[13] which discusses principles applicable to the setting of ONL boundaries in a case at Ferry Hill. The Court said that there

"….there are four circumstances that suggest that the topographical should give way to a recognition of the realities of the situation."

64. In summary, the Court's four circumstances are:
    a. The presence of existing buildings in the landscape,
    b. Whether the naturalness of the land has been affected has been reduced by exotic grasses and trees,
    c. The presence of existing or consented rural residential subdivision adjacent to the site,
    d. The need for a practical boundary.

65. Mr Goldsmith said all four factors were present in this case.

66. For the Council Dr Read preferred the existing ONL line because it was, in her view, the best and most obvious change in landform, and there was no physical delineator higher up the hill. She did not accept that the water race represented a true change in the landscape character.

7.6. Transport

67. Mr Andy Carr presented transport evidence for the submitters. Accepting that direct access from properties in the block to SH6 would be unsafe and not permitted by NZTA under Limited Access Road legislation, he said that traffic access to the site would have to be largely from a new fourth leg on the Hawthorne Drive/SH6 roundabout, which was designed to allow for this. He said that there is already considerable peak hour traffic at this roundabout, and analysed what level of additional traffic would be possible while still achieving a satisfactory level of service. He calculated peak hour traffic generation from both higher density housing, and business mixed use. The standard he set out to achieve is what is known "Level of Service E" which represents a delay of 50 seconds for an approaching vehicle for any leg of the roundabout. He proposed that in order to achieve the BMUZ zoning which the landowners prefer, it would be necessary to limit traffic generation on the site, which he proposed to do

[13] C169/2000 at page 6

by setting a limit that would allow for each hectare of land to generate 55 vehicle movements (two-way) in the peak hours (that is, 1,430 vehicle movements divided by the 26.1ha of land owned by the group). Development beyond this level would be a restricted discretionary activity to enable developments to be assessed in the light of prevailing conditions at the time.

68. Mr Carr mentioned almost in passing the possibility of a connection being made to the Tucker Beach Rd intersection further to the north east. NZTA is considering a major upgrade to this intersection. However Mr Carr did not rely on that, because trips from the submission sites would mostly be to or from Queenstown or Frankton, and Tucker Beach Rd would be a longer route.

69. For the Council, its transport expert, Ms Wendy Banks said in her Reply evidence that level of Service C would be more appropriate, which would result in an overall limit of 1200 two way vehicles in the peak hour. In her opinion, based on potential full development, the part of the site recommended for BMUZ could exceed the 1200 movements per peak hour without allowing for any contribution for the HDRZ (as recommended by Ms K Banks) portion of the site. She was not comfortable with the movements per hectare regime proposed by Mr Carr, as she thought it would be difficult to calculate and enforce, although accepting that it would allow for a fair distribution of development across the various sites, rather than allowing the earlier developments to claim a disproportionate share of the development. In conclusion, she was comfortable with a mixture of BMUZ and HDRZ on the site, but subject to floor area limits calculated across the whole site.

70. For NZTA, Mr MacColl and Mr Sizemore reiterated the Agency's opposition to any form of business zoning on the north side of SH6 at Frankton, but that it was comfortable with higher density residential forms of zoning provided these had access to an internal roading system and not directly to SH6, and provided also that safe pedestrian facilities are provided across SH6.. They did not comment on the detailed modelling or the trip generation limits discussed by Mr Carr and Ms K Banks.

7.7. Economic Impacts

71. For the Council, Mr Tim Heath, an economist, produced a supplementary statement of evidence as part of the right of reply report. In this he reiterated his concern that additional commercial zoning of this and the Grant land to the west (discussed separately above), a total of 6.85ha of BMUZ could have an adverse effect on the viability of the Franktown town centres such as Five Mile. However he also recognised that there are constraints, such as the OCB and the general undesirability of industrial in this location. He said that if there was to be any commercial zoning then the gross floor area (GFA) or retail) should be limited, but did not say by how much.

7.8. Planning

72. For the submitters, Mr Ferguson discussed various options for the zoning of the sites. With regard to the Rural Zone, he said that this should not be a repository for sites that are otherwise too difficult but in itself needs to be justified as being the best fit with the objectives and policies of the PDP. He said that the BMUZ zoning would be the most appropriate in achieving the range of objectives dealing with the role of Frankton, urban growth, protection of the airport, and landscape values. He accepted that it would be appropriate to apply some specific rules to the BMU zoning to recognise the relevant constraints and ensure appropriate management of effects. New rules were proposed to restrict activities within the OCB, ensuring appropriate acoustic insulation for sensitive activities close to the State Highway and managing vehicle access to protect the function of the State Highway.

73. He also proposed a 20 metre wide setback from SH6 for maintenance of the visual amenity of this approach to Queenstown except at the eastern end of the site where the road descends to the Shotover River and cuts into the terrace landform. He said that this did not need to be the same as the 50m setback on the southern side of SH6 because that was designed to relate to building heights there and to preserve views to the Remarkable Mountains. He considered 20 m to be sufficient for visual amenities and would also provide opportunities for possible future road widening and installation of roadside services.

74. He acknowledged that a concern for BMUZ would be whether this would create an oversupply of commercial land and have the potential to detract from the viability of other town centres, particularly at Frankton. He discussed the economic evidence for the Council by Mr Phil Osborne, who said that there were currently 46.8 ha of vacant zoned commercial land in the Wakatipu Ward and that this would not be sufficient in the long term, resulting in a predicted shortfall of 16 ha by 2048. Mr Ferguson considered that although Mr Osborne had identified potential economic risks from an oversupply of land over the sort to medium term, these were only potential risks not established outcomes.

75. After the hearing, in her Reply evidence, Ms K Banks changed her position and recommended that the western end of the block (as well as the Grant land) be zoned BMUZ, with the balance outside the ONL, as recommended by Dr Read, as HDRZ, along with amended provisions addressing the various issues particular to the sites. The BMUZ portion would correspond to those parts of the properties affected in part by the OCB. She did this recognising the unsuitability of any rural zoning, avoiding issues in the OCB and keeping the business portion small enough to avoid significant economic effects on the town centres.

76. For the Otago Foundation Trust Board, Ms Alyson Hutton, a planner gave evidence in support of the Foundation's submission supporting the Council's originally proposed MDR zoning, and opposing the then recommendation in Ms K Banks' original Section 42A Report which recommended reverting the zoning west of the Hawthorne Drive roundabout to Rural. In particular, she considered the suggested Rural Zone could not be justified on its own merits and was simply a default zoning in the absence of anything else. She pointed out that the residential component of the church complex the Foundation proposed to build would be outside the part of the site within the OCB.

77. Mr Sean Mcleod gave brief evidence in support of the submission by S and J Mcleod[14]. They are not landowners in the block, but are residents of Queenstown with a keen interest in the hierarchy of zoning in Queenstown. Mr Mcleod said it was inappropriate to have higher density zoning on the outskirts of Queenstown; rather the highest densities should be at the centre. He did not believe the site suitable for either medium or high density. He preferred increasing the density of existing urban areas rather than continuing to spread into rural areas.

78. Stephen Spence[15] did not provide evidence in support of his submission. His submission sought to remove the proposed MDRZ and retain rural zoning on the land. He stated that any development should be sympathetic to the style of development in the Quail Rise Zone. Mr Spence considered this area to be an important landscape in regard to the entranceway to Queenstown and was concerned that any development at MDR level would impinge on the amenity values of Quail Rise residents and increase the traffic in Quail Rise. Other submitters

[14] Submission 391

[15] Submission 8

seeking to reduce the density in this location included Ian and Dorothy Williamson[16], who sought rezoning to LDRZ, although presented no evidence in support of that part of their submission.

8. DISCUSSION OF PLANNING FRAMEWORK

8.1. Airport

79. Strategic Chapters 3 and 4 contain a number of objectives and policies that are designed to allow the airport to operate successfully without constraints due to the need to protect the sensitive activities from airport from airport noise

80. Policy 3.3.5 is to

3.3.5 Policy
Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.

81. In support of this is a group of policies in Chapter 4 which provide

4.2.2.15 Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

4.2.2.16 Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

4.2.2.17 Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.

4.2.2.18 Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.

82. A strip of land adjacent to SH6 is within the Queenstown Airport OCB and was zoned Rural when notified. The OCB provisions are intended to discourage Activities Sensitive to Aircraft Noise (ASAN) from being established or manage the adverse effects of airport noise.

83. Establishment of ASAN is prohibited in the Rural Zone. Potential residential zones for the site include the LDR, MDR or HDRZ. In these zones, the establishment of ASAN is not prohibited, but it is discretionary in the LDRZ and there are requirements to ensure satisfactory indoor noise environments in all these zones. We note that at the time of notification, there was no MDR or HDR zoning within the OCB.

84. The Local Shopping Centre (LSCZ) and Business Mixed Use Zones (BMUZ), which are the zones which would achieve that aspect of the relief seeking commercial activities, require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the potential for reverse sensitivity effects on Queenstown Airport for buildings within the Queenstown Airport Outer Control Boundary.

[16] Submission 140

8.2. Landscape

85. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.[17]

86. As notified the Landscape classification line bisected most of the sites, with the lower flatter lands nearest SH6 outside it and the slopes up to the property boundaries within the ONL, even though they were zoned MDR. We note that there are no rules in Chapter 8 which would impose any additional controls on MDR land within an ONL.

8.3. Urban Growth

87. The site is within the Urban Growth Boundary as shown on the planning maps. Relevant Objectives and Policies in Strategic Chapter 4 include;

Objective 4.2.1
Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defendable urban edges.

Objective 4.2.2A
A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

Policies

4.2.1.1 Policy
Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.

4.2.1.4 Policy
Ensure Urban Growth Boundaries encompass a sufficient area consistent with:

- *a. the anticipated demand for urban development within the 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.*

4.2.2.3 Policy
Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

[17] See objective 3.2.5. and Policies 3.2.5.13.3.29, 3.3.30 and 6.3.11

4.2.2.4 Policy

Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

4.2.2.12 Policy

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

8.4. Transport

88. Although Chapter 29 Transport has been notified, it is too early in the submission process for us to give any weight to the objectives and policies in that chapter. However, Objective 4.2.2A above is relevant as transport and roading is one aspect of infrastructure that needs to be provided and operated efficiently.

89. A very small portion of the site is within the ONL. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.[18]

8.5. Economic Impacts

90. Relevant objectives and policies from Chapter 3 include

3.2.1 The development of a prosperous, resilient and equitable economy in the District.

……..

3.2.1.3 The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.

…….

3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres , Frankton and Three Parks, are sustained.

3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.

9. ISSUES

a. Landscape

b. Airport

c. Road noise

d. Transport

e. Economic effects

f. Setbacks

[18] See Objective 3.2.5.1 and Policies 3.3.29, 3.3.30 and 6.3.11

10. DISCUSSION OF ISSUES AND CONCLUSIONS

10.1. Landscape

91. We have received very different opinions from Dr Read and Mr Bentley regarding the location of the ONL. Dr Read has taken the topographical approach and therefore supported the location that was notified, generally at the base of the slope. Mr Bentley took an approach which recognised physical and cultural modifications of the landscape and recommends placing it along the water race which traverses the hillside above the properties. He acknowledged that this was only an approximation of the transition from the more modified lands below the water race and the more natural lands above it.

92. We consider that there is some merit in the cultural modification approach. However we do not think the water race is a particularly suitable boundary.

93. When Ferry Hill is viewed from the highway corridor or nearby, most of it is not visible. The upper slopes are cut off by intervening topography and the skyline is quite low. The water race actually crosses this skyline. We do not think an ONL boundary should cross the skyline when seen from such a well-used location. It needs to be well below the skyline in this location. Ferry Hill is able to be viewed as a whole from further away, for example from the lower parts of Shotover County, but from that distance, the modifications to the landscape appear near the of bottom of the hill and are relatively minor in their visual impact.

94. We are unable to pinpoint an exact location where the higher and more natural landscape merges into the lower, culturally-modified landscape. We accept Mr Goldsmith's interpretation based on the *Waterston* decision discussed earlier and consider that in this location a "practical boundary" would be appropriate. The suggestion of using the water race could have been a practical boundary, but only works from distant viewpoints. The only other readily identifiable feature in this vicinity is the uphill boundary of the submission properties. We have therefore decided to adopt that as the ONL boundary in this location. We note that this will be at a very similar elevation to the houses on Trench Hill Rd at Quail Rise, adjacent to the submission sites. We note also that, other than the land that was zoned Rural when the PDP was notified (that is the Transpower site and the land west of it), moving the Landscape Classification line to the property boundaries will have no practical effect on protecting the ONL as the notified MDR zoning provided no protection in any event. We further note that this altered position corresponds to the notified UGB (which no submission sought to be altered).

10.2. Airport

95. As shown on Figure 6-3, some of the land in this group is within the OCB. QAC submitted strongly against residential use of this land. This could be resolved by zoning the land for a commercial activity, which could be BMUZ without the residential component. NZTA's evidence was firmly against BMUZ because of high traffic generation and consequent effect on SH6, and it preferred MDR because of its lower traffic generation. The Council's evidence on this was ambivalent in the end, with the economist Mr Heath concerned about the potential impact on the vitality of the Frankton centres unless the floor area was limited in some way, but recognising the inherent difficulties in finding a suitable zone for the OCB affected lands. In her Reply evidence, Ms Kim Banks recommended zoning the OCB-affected properties BMUZ from SH6 to the ONL line, rather than to the property boundaries as requested by the submitters. This would partly meet Mr Heath's concerns, as it would be a smaller area than proposed by the submitters and would therefore result in a lesser amount of floor area.

96. We have decided to accept Ms Banks' solution, in a slightly modified form. As we are also recommending altering the ONL location we do not propose to use that notified line as a boundary. We consider that there could be a BMUZ zone on the Arnott and Hansen Family Trust properties, which are the ones affected by the OCB, for a depth of 90 metres back from SH6, which we estimate would be sufficient for a double row of BMUZ activities with an internal access road between. We note that a number of the sites in the existing BMUZ zone at Gorge Road are approximately this depth.

10.3. Transport

97. Development of any sites will need to be prevented until a new road is constructed to a "fourth leg" off the Hawthorne Drive Roundabout. In addition, subdivision of sites should ensure that adequate access it provided throughout the area to this connection point.

10.4. Economic Effects

98. We understand the concern of Mr Heath, given that both he and Mr Osborne, who also gave economic evidence for the Council, said that there is at present adequate zoned commercial land in Queenstown for the short to medium term, although in the longer term, after 2038 there could be a shortage developing. However, this is a relatively small area[19] of land that we are proposing for rezoning, and due to the proposed roading upgrades it will be a number of years before it can come to the market. Economic modelling is not an exact science. We are satisfied that this will achieve the objectives and policies of the PDP cited above relating to the development of the economy and functioning of town centres.

10.5. Balance of the sites

99. The balance of the sites, which are outside the OCB should remain MDRZ in our opinion, rather than HDRZ recommended by Ms K Banks. This is for two reasons. Firstly, MDRZ would provide a better transition to the Rural land which would commence at the property boundaries slightly above the bottom of Ferry Hill. Secondly we do not think that the site would not really provide good alternative access to nearby commercial and employment centres by pedestrians, cyclists and public transport, as the zone purpose for HDRZ suggests, even after the installation of safe crossing points. Further, the nearest centre, which is Five Mile, does not provide a full range of commercial, community and social facilities in any case.

10.6. Setbacks

100. In the end both Ms Banks and Mr Ferguson recommended a 20m setback along most of the frontage of these sites, in the form of a Building Restricted Area. This was said to be for visual amenity, and also to allow for future road widening and underground services. We note that NZTA already has a widening project under consideration and has not moved to designate land for this purpose, although it remains able to do so. We are not convinced of any landscape or amenity need for such a wide setback and did not receive any expert evidence on that.

101. Ms Banks proposed a 6m setback from Ferry Hill Drive, but we understood that was to create a buffer between the relatively low density of the ODP Quail Rise Special Zone and the higher density allowed by the HDRZ. Such a setback was not included in the notified rules for the MDRZ and, even if we considered it necessary, which we do not, we doubt that there is scope to apply such a setback in the MDRZ.

10.7. Road Noise

102. NZTA is concerned that residents would be adversely affected by road noise from SH6 which is a very busy road in this vicinity. Ms Banks proposed that it be dealt with by rules requiring

[19] We estimate it as a little less than 3 ha in this part of Frankton North.

mechanical ventilation and an Indoor Sound Design Level so that residents would have a satisfactory indoor noise environment. We accept that this is an appropriate response to the issue. We note that recommended Rule 8.5.2 requires sound insulation for activities sensitive to road noise within 80m of any State Highway. We are satisfied that rule will provide adequate noise attenuation for residential activities.

10.8. Recommended Amendments to Chapters 8, 16 and 27

103. Submissions on particular provisions in Chapter 8[20] relating to this land were deferred to be dealt with by this Hearing Stream. Ms Banks recommended an amended version of Rule 8.5.3 be inserted into Chapter 9 consistent with her initial recommendation that much of the land be zoned High Density Residential.

104. In addition, a number of submission points from NZTA (719), Otago Foundation Trust Board (408 and FS1061), Peter and Margaret Arnott (399) and FII Holdings Ltd (847) relating to the PDP provisions other than zoning affecting these sites were referred to us from the Stream 8 Hearings Panel.

105. As we have discussed above, with the zoning approach we recommend, we also recommend amendments to Chapters 8, 16 and 27 to deal with the specific issues raised with the zoning of this land. We set out the recommended changes in full in Appendix 1. In summary they are:

a. Chapter 8:
    i. insert a new policy dealing with the effects of stormwater discharges on SH6 (Policy 8.2.8.2);
    ii. insert two new policies dealing with external and internal roading, pedestrian and cycling connections (Policies 8.2.8.8 and 8.2.8.9);
    iii. insert a revised matter of discretion for the erection of 4 or more residential units in this area (Rule 8.4.10);
    iv. revise Rule 8.5.3 to remove the requirement for a traffic impact assessment and to amend the landscaping requirements;
b. Chapter 16:
    i. Insert a new objective and policy specific to this land consistent with Objective 8.2.8 and its policies (Objective 16.2.3 and Policies 16.2.3.1 to 16.2.3.9);
    ii. Include amendments to rules to make Warehousing, Storage and Lock-up Facilities and Trade Suppliers prohibited activities in this part of the BMUZ (Rules 16.4.7 and 16.4.18);
    iii. Insert a rule making Activities Sensitive to Aircraft Noise a prohibited activity within the Queenstown Airport Outer Control Boundary (Rule 16.4.17);
    iv. insert a new standard consistent with Rule 8.5.3 to apply to the BMUZ in this area (Rule 16.5.11);
c. Chapter 27:
    i. Insertion of a new Objective and policies related to ensuring roading access through both the MDRZ and BMUZ in this area (Objective 27.3.11 and Policies 27.3.11.1 to 27.3.11.3);
    ii. Insertion of standards specific to subdivision in this area in MDRZ and BMUZ (Rules 27.7.8.1 and 27.7.8.2).

106. We are satisfied that the combination of objectives recommended are the most appropriate way to achieve the purpose of the Act in this context, while taking into account the higher

[20] Notified Rule 8.5.3

order documents, the Strategic Directions Chapters and the alternatives available to us. The recommended policies are, in our view, the most appropriate way to achieve the policies.

107. For all the reasons set out above, we are satisfied that the rules we recommend are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapters 8, 16 and 27, and those in the Strategic Directions chapters. Where we have not recommended rules suggested to us, or included in the notified PDP, that is because, for the reasons set out above, we do not consider them to be effective or efficient.

11. RECOMMENDATION ON ZONING

108. For the reasons set out above, we recommend that:
    a. Submission 8 be rejected;
    b. Submissions 140, 177, 391, 399, 408, 717, 751 and 847 and Further Submissions 1270, 1029, 1061, 1062, 1195, 1271, 1167, 1340, 1092, 1077 and 1189 be accepted in part;
    c. The land between Hansen Road and Ferry Hill Drive be rezoned as Business Mixed Use and Medium Density Residential, the location of the Outstanding Natural Landscape boundary be amended, and the Building Restricted Area on the north side of State Highway 6 at Frankton be deleted, as shown on the map in Appendix 2 to this report; and
    d. Chapters 8, 16 and 27 be amended as set out in Appendix 1 to this report.

PART D: WOODLOT PROPERTIES (UGB & ONL)

Submitter **Woodlot Properties (Submission 501.4)**
Further Submitter:

Bob & Justine Cranfield (FS1102.4), Oasis in the Basin Association (FS1289.4), FII Holdings Ltd (FS1189.11), The Jandel Trust (FS1195.10) oppose;
Hansen Family Partnership (FS1270.84) support

12. PRELIMINARY MATTERS

12.1. Subject of Submission

109. This submission relates to the south-eastern side of Ferry Hill, west of Trench Hill Road.

12.2. Outline of Relief Sought

110. The submitter sought that the ONL be shifted higher up Ferry Hill to allow for sustainable development in the Quail Rise Zone.

111. The submitter sought that the Urban Growth Boundary (UGB) line be shifted south to align with the ONL line in order to restrict further development of this area and protect the landscape value of Ferry Hill.

12.3. Description of the Site and Environs

112. The land affected is on the slopes of Ferry Hill above the present developed residential area in Quail Rise, and also on a strip of land zoned Medium Density Residential in the PDP to the west above State Highway 6, as illustrated on Figure 6-5 below. The submission land is steep, undeveloped and open. It is prominently visible from the Frankton Flats and Shotover Country and other areas to the south and east. To the south and west, down slope, is a strip of land near the base of the hill parallel to SH6 and also subject to rezoning submissions. We have referred to that area of land elsewhere in this report as Frankton Flats North.

Figure 6-5: location of the submission site

113. The land in the Quail Rise zone is not within Stage 1 of the PDP. As discussed in our Introductory Report if the land the subject of an ONL or UGB notation was never part of the PDP and was only shown on the planning maps for information, it follows that it could not be the subject of PDP notations.

114. Following this approach, we consider that the location of the UGB and ONL on the Quail Rise zone are not within the scope of our hearing and we cannot consider them. The location of these lines will need to be revisited when the Council reviews the Quail Rise zone in a subsequent stage of the PDP.

115. However the pocket of land within the submission to the south of the Quail Rise zone, between the ONL line and the zone boundary is within Stage 1. We have discussed the ONL line over this land in our report on Frankton North

13. RECOMMENDATION

116. For the reasons set out above, we recommend that:

a. Submission 501.4 and FS1102.4, FS1289.4, FS1189.11, FS1195.10 and FS1270.84 be accepted in part; and

b. The ONL line be moved so that it aligns with the UGB on the north side of the Medium Density Residential Zone and ends at the point at which the zone boundaries of the Rural, Medium Density Residential and Quail Rise Zones intersect.

PART E: SCHIST HOLDINGS LIMITED AND BNZL PROPERTIES LIMITED

Submitter **Schist Holdings Limited and BNZL Properties Limited (Submissions 488.1 and 488.3)**
Further Submissions
FS11340- Queenstown Airport Corporation – oppose

14. PRELIMINARY MATTERS

14.1. Subject of Submissions

117. This submission related to the southern end of Glenda Drive, Frankton Flats.

14.2. Outline of Relief Sought

118. The submission sought that:
   a. the subject properties and the southern end of Glenda Drive (if not most of Glenda Drive) be rezoned from Industrial A to BMUZ; and to
   b. Amend Rule 16.5.7.1 by adding a new standard "16.5.7.2 Queenstown (Glenda Drive) a. Up to 8m – Permitted b. Up to 10m – Restricted Discretionary".

14.3. Description of the Site and Environs

119. The submission concerned two adjoining properties located on the eastern side of Glenda Drive at its intersection with Hawthorne Drive as shown on Figure 6-6. To the east lies the Shotover River and the Council's sewage treatment plant, which occupies the lower river terrace. These sites and the Glenda Drive area are used predominantly for industrial and commercial activities.

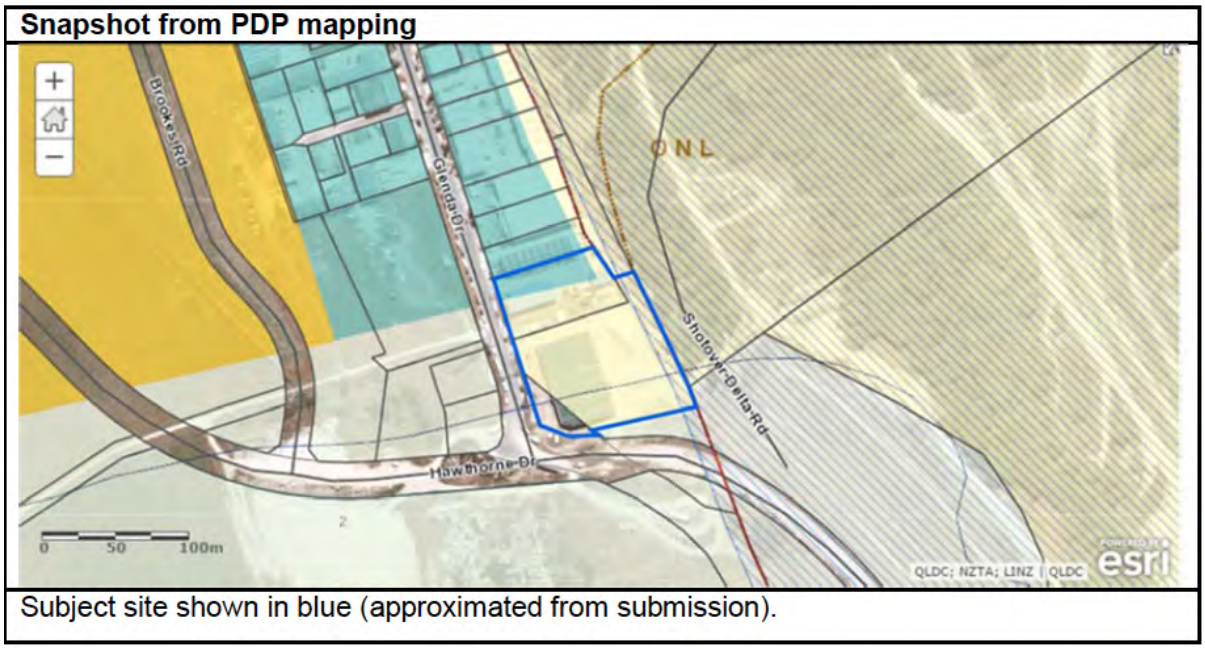

Figure 6-6 – Map showing the notified zoning of the BNZL site (on the corner) as Rural and Schist Properties Ltd as partly Rural and partly Industrial A, sites outlined in blue

14.4. The Case for Rezoning

120. The submission stated that the southern end of Glenda Drive (if not most of Glenda Drive) was more appropriately zoned BMUZ because this zoning would more accurately reflect what was happening on the ground in relation to these and other properties. No reason was given for seeking a reduction in the maximum permitted height in the BMUZ from 12m to 8m in Glenda Drive. The submitters did not appear at the hearing and did not provide evidence in support of their submission.

121. For the Council, Ms Evans noted that the submitter opposed the industrial zoning only and therefore may not have been aware that part of the land is within the Rural zone.[21] Specifically, part of the Schist Holdings site was notified Rural in Stage 1 and the rest of that site is ODP Industrial A. The BNZL site is all notified Rural. The submission opposed the industrial zoning (not notified in Stage 1) and sought BMUZ over the whole of both sites.[22] Consequently, as discussed in Report 17-1, submissions on land that was not notified in Stage 1 (i.e., ODP Industrial A) are not 'on' Stage 1 of the PDP and therefore must be rejected. There is no scope to rezone the land from Rural to BMUZ due to the defects in the submission.

122. Nevertheless, Ms Evans considered the merits of zoning both sites as BMUZ. She considered that the BMUZ would result in a level of intensification and provision for residential development that would be inconsistent with the majority of the Glenda Drive industrial area. In her opinion, applying the BMUZ to a small section of land that was part of a wider industrial area and that contains industrial uses would be an inconsistent zoning approach.[23] Also, the rezoning proposal did not consider ASAN that are facilitated by the BMUZ and how they would be managed.

123. Dr Read opposed the rezoning to BMUZ from a landscape perspective because it would facilitate a scale of buildings that would be out of step with the area and detract from the amenity of the townscape. In her opinion, a strip of land between the submitters' sites and the river terrace should remain in the Rural zone to mitigate effects of development on visual amenity enjoyed from public and private locations on the eastern side of the river.[24]

124. Ms Evans also considered that the sites did not exhibit rural character and indicated that it may be appropriate to consider extending the industrial zone to the end of Glenda Drive. This could occur when the industrial zones were reviewed subsequently.

125. For QAC, Mr John Kyle opposed rezoning requests that would provide the opportunity for a greater number of ASAN to establish within the ANB and OCB because that would potentially give rise to adverse reverse sensitivity effects on QAC and would expose a greater number of people to the adverse effects of aircraft noise.[25]

126. In summary, the Council's evidence supported retention of the notified Industrial A and Rural zoning but also identified the need to review the extent of the Industrial A zoning in a later stage of the Plan review.

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21 R Evans, Section 42A Report, 24 May 2017, paragraph 7.3

22 S Scott, Legal Submissions for the Council, 21 July 2017, paragraph 13.11

23 R Evans, Section 42A Report, 24 May 2017, paragraph 7.10

24 Dr M Read, EIC, 24 May 2017, paragraphs 6.12 – 6.16

25 J Kyle, EIC, 9 June 2017, paragraphs 5.8 - 5.10 and 5.19

14.5. Discussion of Planning Framework

127. The zoning of the two properties and surrounding area are discussed above. We do not need to examine the planning framework any further however for completeness, changes proposed in Stage 2 of the review are noted.

128. As notified, public open space was zoned Rural in the PDP. In the vicinity of the submitters' properties, Rural zoning applied to the sewage treatment plant and also an area of open space on the lower river terrace. The Stage 2 Variations propose new Open Space and Recreation zones for public open space. While the Stage 2 Variations maps show that Rural zoning is retained for the designated sewage treatment plant, a strip of land to the rear of Schist Properties' site (and other industrial sites on the eastern side of Glenda Drive) is now proposed to be zoned Informal Recreation. This proposed change does not affect our recommendation.

129. The submission sites are located within the OCB for Queenstown Airport.

15. ISSUES

a. The most appropriate zone for the submitters' properties and Glenda Drive.

b. Scope

16. DISCUSSION OF ISSUES AND CONCLUSIONS

130. In this location, industrial and business activities are complementary to, and supportive of, Frankton and Queenstown Airport while also being well-positioned to serve the district via an excellent transport network. Frankton's role in providing for small businesses in an accessible location was made clear in Mr Heath's evidence on commercial land requirements. Policy 3.2.1.3 as recommended provides that '*the Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin*.' In our view, industrial zoning in Glenda Drive is consistent with this outcome given the strategic planning role of Frankton Flats and Remarkables Park.

131. BMU zoning provides for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved. While BMUZ is not an available option due to lack of scope and defects in the submission, we record that BMUZ is not appropriate in this location because Glenda Drive lacks proximity to an existing town centre. BMUZ would also enable more intensive development that would displace industrial activities while increasing the likelihood of ASAN being established. Given that the area is demonstrably urban, we are not sure that height is a significant issue, but again, that should be part of a comprehensive review of the zoning applicable to Glenda Drive.

132. The notified Rural zoning of both properties is also inappropriate because it does not recognise their existing use and development. These sites are not capable of being developed in accordance with the purpose and provisions of the Rural Zone nor would this be an efficient use of this land. In our view, Rural zoning is anomalous in the circumstances.

133. With respect to QAC's further submission opposing rezoning that would enable ASANs or intensification, retention of Rural zoning satisfies this concern in the interim.

134. For the reasons set out above, we find an industrial zoning in Glenda Drive (setting aside these two sites) would implement the Strategic Direction of the PDP and would therefore be the most appropriate zone for this area. However, no scope is provided in the submission to rezone the rural land to industrial, and we have no evidence setting out appropriate provisions.

135. Accordingly, we conclude that the Council should consider applying an industrial zone to these sites either by variation or as part of the review of industrial zones in a later stage.

17. RECOMMENDATION

136. For the reasons set out above, we recommend that:
   a. Submissions 488.1 and 488.3 be rejected; and
   b. FS1340 be accepted; and
   c. Rural zoning be retained; and
   d. The Council consider applying an industrial zone to the submission sites by way of variation or when it reviews the industrial zones in a later stage.

PART F: FLETCHER DISTRIBUTION LTD AND MICO NEW ZELAND LIMITED; REAVERS NZ LIMITED

Submitter **Fletcher Distribution Ltd and Mico New Zealand Limited (Submission 344), Reavers NZ Limited (Submission 720)**

Further Submissions

FS1077.60 - Board of Airline Representatives of New Zealand (BARNZ) – oppose 720

18. PRELIMINARY MATTERS

Subject of Submissions

137. These submissions related to the Frankton Placemakers site and the adjoining strip of stopped road as shown on Figures 6-7 and 6-8.

Outline of Relief Sought

138. The submitters sought that areas of land occupied by industrial uses and zoned Rural be rezoned industrial. Reavers also sought industrial zoning for a strip of stopped road located between their properties and SH6.

Description of the Site and Environs

139. Glenda Drive is an industrial area which has developed rapidly in recent years in conjunction with Frankton Flats. The site is located on a busy intersection with SH6 and is used as a carpark serving Frankton Placemakers. The Placemakers building itself is on land zoned Industrial A and therefore was not part of Stage 1 of the PDP.

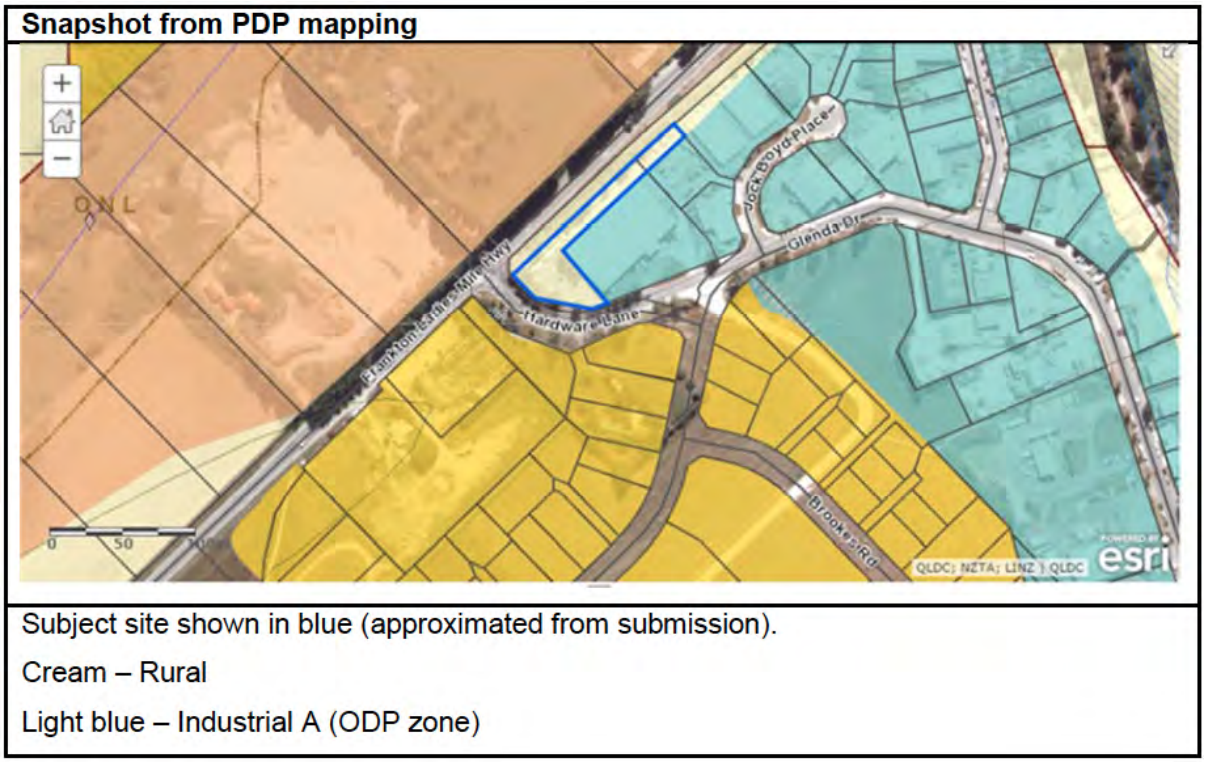
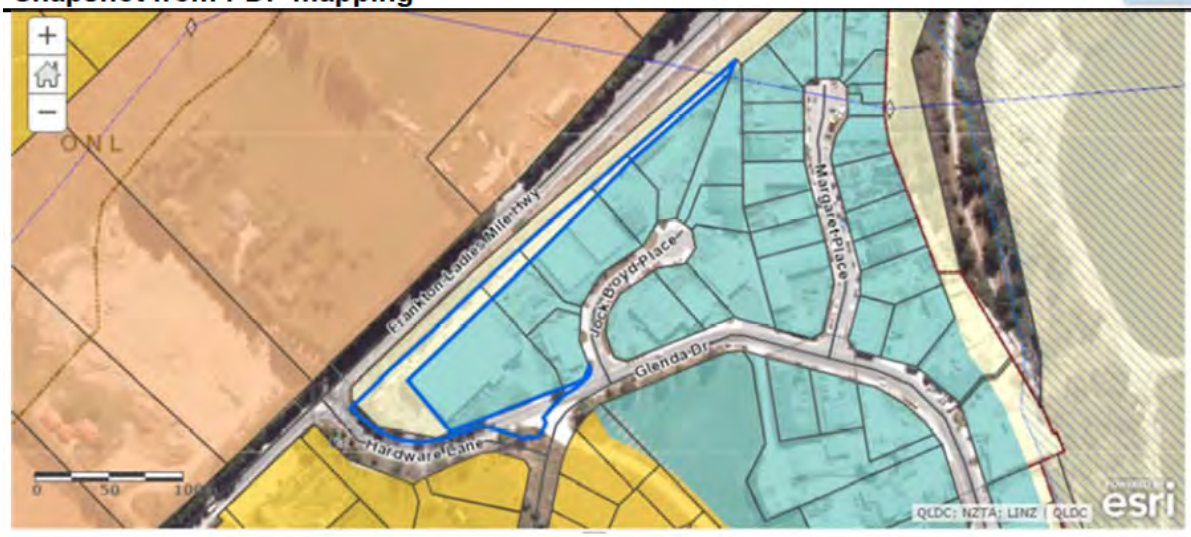


Figure 6-7 – Zoning of the land subject to Submission 344.12 outlined in blue

Snapshot from PDP mapping



Subject site shown in blue (approximated from submission).

Cream – Rural

Light blue – Industrial A (ODP zone)

Figure 6-8 Zoning of the land subject to Submission 720 outlined in blue

18.1. The Case for Rezoning

140. The basis of the submissions was that the subject sites were occupied by Placemakers (e.g., carpark) and other businesses therefore the area zoned Rural was not capable of being used for that purpose. Split zoning was an anomaly in the circumstances and should be tidied up to reflect long established uses. The adjoining area of stopped road should also be zoned Industrial. The submitters did not attend the hearing and did not provide evidence. Both submitters identified that scope is an issue because Industrial A zoning is not part of Stage 1 of the PDP.

141. BARNZ sought retention of the Rural Zone to the extent that any of the land falls within the Queenstown Airport OCB. Planning Map 31a shows that this land is not within the OCB therefore we do not need to consider this matter any further.

142. The Council's witnesses did not oppose the rezoning in principle. Dr Read outlined the background to Rural zoning in this area i.e., it predates Frankton Flats Special Zone. In her opinion, the visual effects of rezoning the subject land to Industrial A would be acceptable.[26]

143. Ms Evans considered that the current land use, location within an industrial area and general lack of rural attributes would not achieve consistency with the purpose of the Rural Zone. In her opinion, Industrial A zoning would be more appropriate or the areas identified in the submissions, however the industrial provisions had not been reviewed in Stage 1 of the PPD.[27]

144. The Stage 2 Variations propose to rezone a strip of closed road lying between these sites and SH6 as Informal Recreation.

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[26] Dr M Read, EIC, 24 May 2017, paragraphs 6.4 – 6.8

[27] R Evans, Section 42A Report, 24 May 2017, paragraphs 7.17 & 7.18

18.2. Discussion of Planning Framework

145. The Zone Purpose for the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

146. While it was open to the submitters to seek Industrial A zoning for this land[28], any such submission would need to be supported by evidence that the desired zoning fitted into the structure of the PDP and gave effect to the objectives and policies of the Strategic Direction and Urban Development chapters.

19. ISSUES

a. The most appropriate zone for the submitters' properties and the adjoining stopped road.

b. Inclusion of ODP zone into PDP.

20. DISCUSSION OF ISSUES AND CONCLUSIONS

147. We agree with the submitters and the Council that it is necessary to change the zoning of the submission sites (except for the strip of stopped road subject to the Stage 2 Variations) to an industrial zone because the Rural zone does not reflect the existing uses of the land nor set an appropriate planning framework for the future.

148. Industrial A zoning would be consistent with the existing zoning in Glenda Drive, however we had no evidence on whether the Industrial A Zone sought was compatible with the structure of the PDP, nor evidence of the actual text and provisions to be included. The ODP was drafted with an effects-based management regime, while the PDP uses a different activity-list approach. For these reasons, we do not consider it possible to simply transfer the Industrial A zone into the PDP without an appropriate analysis of the provisions to ensure compatibility, as noted in the Minute referred to above.

149. The Stage 2 Variations address the zoning of the strip of stopped road lying adjacent to SH6 however rezoning the stopped part of Glenda Drive must await a later stage of the Plan review.

21. RECOMMENDATION

150. For the reasons set out above, we recommend that:
a. Submissions 344 and 720 be rejected; and
b. FS1077 be accepted; and
c. Rural zoning be retained; and
d. The Council consider applying an industrial zone to the submission sites by way of variation or when it reviews the industrial zones in a later stage.

[28] Minute Concerning Submissions Seeking Rezoning to an ODP Zone, dated 29 May 2017, paragraphs 3-6

PART G: AVIEMORE CORPORATION LTD

Submitter **Aviemore Corporation Ltd (Submission 418)**
Further Submissions

FS1117.54 – Remarkables Park Ltd – support
FS1164.4 – Shotover Park Limited – support
FS1340.102 – Queenstown Airport Corporation - support

22. PRELIMINARY MATTERS

22.1. Subject of Submissions

151. These submissions related to three lots on the western side of Glenda Drive at its southern end on the corner of Hawthorne Drive, Frankton, as shown on Figure 6-9.

22.2. Outline of Relief Sought

152. The submission requested rezoning from Rural to Industrial A.

153. In fact, the properties were notified as being within the Airport Mixed Use Zone (subsequently renamed as the Airport Zone) on Planning Map 31a.[29]

22.3. Description of the Site and Environs

154. These properties are adjacent to the Glenda Drive industrial area and in close proximity to Frankton Flats Special Zone and Queenstown Airport.

Snapshot from PDP mapping

Subject site shown in blue (approximated from submission).

Airport Mixed use zone

Figure 6-9 – Zoning of land subject to the submission outlined in blue

22.4. The Case for Rezoning

155. The basis of the submission was that the properties are an isolated pocket of Rural zoning that has little to no Rural character left due to industrial development in Glenda Drive. We note this is not relevant given the AMUZ is applicable. The submitter did not attend the hearing and did not provide evidence.

[29] R Evans, Section 42A Report Group 1A, 24 May 2017, paragraph 7.29

156. The Council's evidence established that the correct zoning was Airport Mixed Use. Ms Evans considered that an industrial zoning was the most appropriate for these lots given their location at the end of Glenda Drive industrial area and the lack of rural character attributed to the site and surrounds. In her opinion, implementation of an Industrial A zoning needed to be by way of variation during a future stage of the review.[30]

22.5. Discussion of Planning Framework

157. This land was notified in the Airport Mixed Use Zone (recommended to be renamed as Airport Zone). A small area is within the ANB and the remainder is within the OCB for Queenstown Airport. This land is not included in Designation #2 relating to the Airport.[31]

158. The extent of the Airport Zone was considered by the Stream 8 Hearing Panel and a subsequent Joint Memorandum of Counsel[32] requested that the Panel make its recommendation based on the evidence received in December 2016 (by the Stream 8 Panel).

159. On the basis of the evidence heard on this matter in December 2016, the Stream 8 Hearing Panel has recommended to this Panel that the Airport Zone in Queenstown only apply to the land zoned Airport Mixed Use in the ODP and a small extension over a carpark on the western side of the airport. That Panel has considered the zoning of this land north of the airport and concluded that no alternative zone consistent with the adjacent development was available, and in the circumstances, reversion to the Rural Zone until the Council undertook a review of the industrial zones was the only logical solution. That Panel noted that if the Council were to withdraw this land from the PDP, it would remain zoned Rural General in the ODP. This recommended outcome therefore is that there be no substantive change from the operative zoning.

160. While it was open to the submitters to seek Industrial A zoning for this land[33], any such submission would need to be supported by evidence that the desired zoning fitted into the structure of the PDP and gave effect to the objectives and policies of the Strategic Directions chapters.

23. ISSUES

a. The most appropriate zone for the submitter's properties

b. Inclusion of ODP zone into PDP.

24. DISCUSSION OF ISSUES AND CONCLUSIONS

161. We heard no evidence that would lead us to come to a different conclusion to that reached by the Stream 8 Hearing Panel. While an industrial zoning would probably be the most appropriate zoning for this land given its location between the airport and industrial land, we had no evidence on whether the Industrial A Zone sought was compatible with the structure of the PDP, nor evidence of the actual text and provisions to be included. The ODP was drafted

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30 ibid, para 7.30

31 R Holden, Section 42A Report, 23 September 2016, paragraph 6.14

32 Memorandum of Counsel for Remarkables Park Limited, Queenstown Airport Corporation and the Queenstown Lakes District Council, dated 19 May 2017

33 Minute Concerning Submissions Seeking Rezoning to an ODP Zone, dated 29 May 2017, paragraphs 3-6

with an effects-based management regime, while the PDP uses a different activity-list approach. For these reasons, we do not consider it possible to simply transfer the Industrial A zone into the PDP without an appropriate analysis of the provisions to ensure compatibility, as noted in the Minute referred to above.

25. RECOMMENDATION

162. For those reasons we recommend that:
   a. Submission 418.1 and FS1117, FS1164 and FS1340 be rejected; and
   b. That Rural zoning be used as an interim zoning until the Council notifies industrial zone provisions which may be appropriate for this land. We also note that if the Council were to withdraw the PDP from this land (which is an option available to it), the land would remain zoned Rural General in the ODP.

PART H: IAN & DOROTHY WILLIAMSON

Submitter Ian and Dorothy Williamson (Submission 140)
Further Submissions
None

26. PRELIMINARY MATTERS

26.1. Subject of Submissions

163. These submitters live at 971 Frankton Road and were concerned about the Frankton area.

26.2. Outline of Relief Sought

164. The submission sought that the LDRZ be retained for an undefined area of Frankton. We have assumed that the residential area between McBride Street and the Frankton Marina is the area of concern given the grounds of the submission.

26.3. Description of the Site and Environs

165. Frankton in the vicinity of the submitters' property is a residential area located in close proximity to Terrace Junction shopping centre (see Figure 6-10).

Figure 6-10 - Aerial photograph showing the submitter's property at 971 Frankton Road outlined in turquoise

26.4. The Case for Rezoning

166. The submitters were concerned about the traffic effects of intensification. The submission described the difficulties of exiting the properties on this side of SH6A due to the high traffic

volumes and 70 km/hr speed limit. The driveways were also steep with stopping room for none or one car only which made them suitable for single dwellings not multiple dwellings.

167. The Council's witnesses supported the notified LDRZ. Ms Kim Banks said that this is the location which was proposed as MDRZ during the consultation phase of the PDP, and was subsequently not pursued by Council.[34]

27. ISSUES

a. The most appropriate zone for this part of Frankton

28. DISCUSSION OF ISSUES AND CONCLUSIONS

168. We agree with the submitters and the Council's witnesses that LDRZ as notified is the most appropriate zone for the area of Frankton located between McBride Street and Frankton Marina. In particular, we agree with the submitters that low density residential development is more suitable given the topography of this land and the difficulties of providing safe access and egress to and from properties on this busy road.

29. RECOMMENDATION

169. For those reasons we recommend that:
a. Submission 140 be accepted; and
b. LDR zoning be retained on the southern side of SH6A between McBride Street and Frankton Marina as notified.

[34] K Banks, Section 42A Report, 25 May 2017 paragraph 16.2

PART I: J D FAMILTON AND SONS TRUST AND HR & DA FAMILTON

Submitter **JD Familton and Sons Trust (Submission 586) and HR & DR Familton (Submission 775)**
Further Submissions
None

30. PRELIMINARY MATTERS

30.1. Subject of Submissions

170. These submissions related to 17 Stewart Street, Frankton.

30.2. Outline of Relief Sought

171. The submitters sought to retain medium density zoning over 17 Stewart St, Frankton (see Figure 6-11).

Figure 6-11 - Aerial photograph of the land subject to the submission outlined in turquoise

31. ISSUES

a. The most appropriate zone for this land

32. DISCUSSION OF ISSUES AND CONCLUSIONS

172. First, we confirm that this property was zoned LDR in the PDP as notified. The submitters' request to retain MDRZ was in error. The submitters did not appear at the hearing or provide evidence.

173. Ms Kim Banks for the Council said that

> *"…the area of Stewart Street was during the consultation phase of the PDP, considered for rezoning to MDRZ. However this was subsequently not pursued and therefore the*

notified zoning of 17 Stewart Street is LDRZ, and not MDRZ as the submitter has assumed."[35]

174. We observe that several submissions were based on misunderstandings of one kind or another arising from the consultation phase of PDP preparation.

175. Having said that, we consider LDRZ is the most appropriate zone for this site primarily because this area is within the OCB for Queenstown Airport and limiting development within the OCB accords with the Plan's strategic direction.

33. RECOMMENDATION

176. For the reasons set out above, we recommend that:
   a. Submissions 586 and 775 be rejected; and
   b. LDR zoning be retained over 17 Stewart Street, Frankton.

[35] S42A report, Ms Kim Banks, 25 May 2017, para 17.1

PART J: NZIA SOUTHERN AND ARCHITECTURE + WOMEN SOUTHERN

Submitter **NZIA Southern and Architecture + Women Southern (Submission 238)**

Other Relevant Submissions

KEITH HUBBER FAMILY TRUST NO. 2 (Submission 35) (relates to 102 McBride Street);
MALCOLM, ANNA MCKELLAR, STEVENSON (Submission 36) (relates to 64 McBride Street)
KE & HM HAMLIN, LIDDELL (Submission 43) (relates to 79 McBride Street)
JOANNE PHELAN AND BRENT HERDSON (Submission 85) (relates to 62 McBride Street)
HAYDEN TAPPER (Submission 24) (relates to 68 McBride Street)
SCOTT FREEMAN & BRAVO TRUSTEE COMPANY LIMITED (Submission 555)

Further Submissions in relation to Submission 238

FS1107.47 - Man Street Properties Ltd - oppose
FS1226.47 - Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited – oppose
FS1234.47 - Shotover Memorial Properties Limited & Horne Water Holdings Limited - oppose
FS1239.47 - Skyline Enterprises Limited & O'Connells Pavillion Limited - oppose
FS1241.47 - Skyline Enterprises Limited & Accommodation and Booking Agents - oppose
FS1242.70 - Antony & Ruth Stokes – oppose
FS1248.47 - Trojan Holdings Limited & Beach Street Holdings Limited – oppose
FS1249.47 - Tweed Development Limited - oppose
FS1340.68 - Queenstown Airport Corporation - oppose

34. PRELIMINARY MATTERS

34.1. Subject of Submissions

177. These submissions related to an area of residential and commercial land at Frankton.

34.2. Outline of Relief Sought

178. Submission 238 sought that a substantial area of land be rezoned from LDRZ as notified to MDRZ. By contrast, the remaining submitters supported LDR zoning for their properties which lie within the area identified by Submission 238.

34.3. Description of the Site and Environs

179. The submissions related to more or less all the land bounded by SH6A from Frankton Marina to Terrace Junction shopping centre and SH6 from Terrace Junction to Robertson Street and Lake Wakatipu within the notified LDRZ as shown on Figure 6-12.

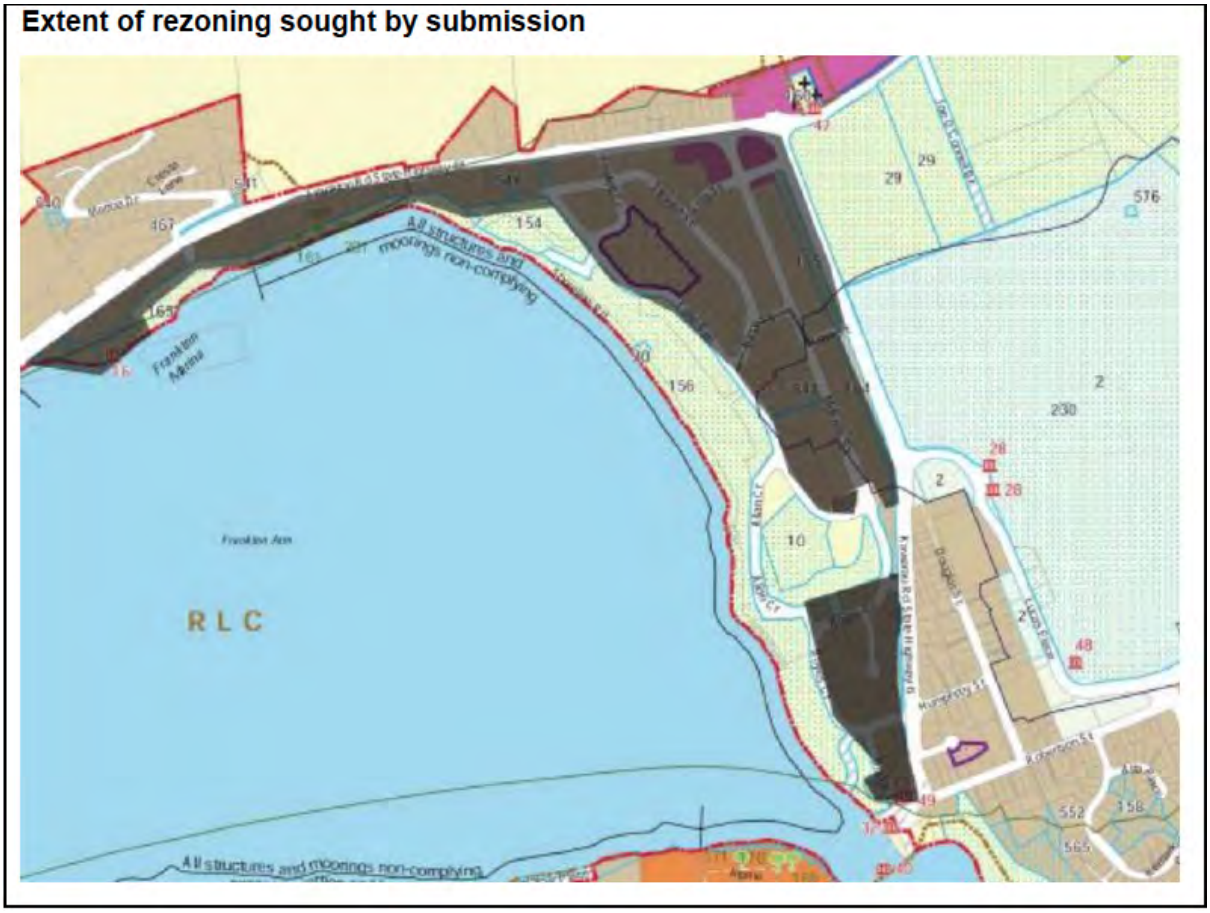

Figure 6-12 – Map of the land subject to the submission shaded in black

34.4. The Case for Rezoning

180. Submission 238 supported the purpose of the MDRZ which was to enable a greater supply of diverse housing options for the District (subject to additions). It also stated that the land between SH6 and Lake Wakatipu at Frankton met the criteria of the MDRZ. We note for completeness that the submission included the LSCZ at Terrace Junction within the area proposed for rezoning and that we have assumed this to be in error. The submitter did not attend the hearing and did not provide evidence.

181. For the Council, Ms Kim Banks addressed the proposed rezoning comprehensively in terms of the provision of infrastructure services, traffic effects, location within the OCB of Queenstown Airport (if applicable), existing non-residential uses in Sugar Lane (near the Frankton Marina) and the intensity of development enabled by the two zones. In her opinion, the LDRZ was the most appropriate zone overall and she noted in particular that there would be little practical benefit in applying the MDRZ at Frankton Marina versus the current LDRZ.[36] The Council's evidence was not challenged therefore we accept and rely on it.

34.5. Discussion of Planning Framework

182. The LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for '*a mix of compatible suburban densities and a high amenity low density residential environment for residents…*'. Policy 7.2.1.2 encourages development that '*maintains suburban*

[36] K Banks, Section 42A Report Group 1B, 25 May 2017, paragraphs 18.2 – 18.20

residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights.' Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.

183. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.

184. This land is located within the OCB for Queenstown Airport.

35. ISSUES

a. The most appropriate zone for this land

36. DISCUSSION OF ISSUES AND CONCLUSIONS

185. We agree with the Council's planner, Ms Banks, that LDR is the most appropriate zone for this land for the reasons set out in the Section 42A Report. In our view, there were three key matters supporting retention of the LDRZ in this area which we discuss in the following paragraphs.

186. With respect to traffic effects, we accept the opinion of Ms Wendy Banks that intensification of all the streets in Frankton to MDRZ would place significant pressure on the existing transport network. For the Frankton Marina, there are safety concerns associated with right turns to the state highway which were described in some detail during the hearing on the zoning of Sugar Lane.[37]

187. Much of the area proposed for rezoning is located within the OCB for Queenstown Airport affected by airport noise with the potential for reverse sensitivity effects on the airport. In our opinion, including this land within the MDRZ would be contrary to the Strategic Direction and Urban Development objectives and policies relating to infrastructure and urban development.[38]

188. Finally, we have recommended elsewhere that the Council consider undertaking a planning study of the Frankton Marina/Sugar Lane area, including the Z Energy site, to identify its optimal future development with a view to introducing a variation to a form of zoning (or other method) that achieves the community's desired outcomes.[39] Accordingly, we consider that the LDRZ as notified should remain until this study is complete because changing the zoning to MDRZ at this stage would be pre-emptive.

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37 Recommendation Report 17-6

38 Strategic Objectives 3.2.1.3, 3.2.1.9 and 3.2 and Policy 3.3.5; Urban Development Objective 4.2.2A and Policy 4.2.2.1

39 Submissions 16, 25 and 312

37. RECOMMENDATION

189. For the reasons set out above, we recommend that:

a. Submission 238 be rejected; and
b. FS1107.47, FS1226.47, FS1234.47, FS1239.47, FS1241.47, FS1242.70, FS1248.47, FS1249.47 and FS1340.68 be accepted; and
c. Submissions 35, 36, 43, 85, 24 and 55 be accepted; and
d. LDR and LSC zoning be retained in Frankton as notified.

PART K: RUSSELL MARSH

Submitter **Russell Marsh (Submission 128)**
Further Submissions
FS1077.8 - Board of Airline Representatives of New Zealand - oppose
FS1340.60 - Queenstown Airport Corporation - oppose

38. PRELIMINARY MATTERS

38.1. Subject of Submissions

190. These submissions related to the Frankton residential area.

38.2. Outline of Relief Sought

191. The submitter sought the following relief:

a. Amend the plan to reinstate the original Frankton – Proposed Medium Density Zoning – per the MACTODD report; or
b. Amend the plan to include Stewart Street, Lake Avenue, Birse Street, McBride Street into MDR zoning as opposed to LDR; or
c. Amend the plan to include Frankton district streets into MDR that are currently outside the Air Noise Boundary (ANB) – per the Queenstown Airport website

38.3. Description of the Site and Environs

192. The streets identified in (b) above are located between SH6 and Lake Wakatipu at Frankton as shown in Figure 6-13.

Figure 6-13 – Approximate extent of Lake Avenue/Stewart St/McBride St/Birse Street area subject to the submission

38.4. Discussion of Planning Framework

193. The LDRZ is the largest residential zone in the District. In Chapter 7, as recommended, it is renamed the Lower Density Suburban Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1

provides for '*a mix of compatible suburban densities and a high amenity low density residential environment for residents…*'. Policy 7.2.1.2 encourages development that '*maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights*.' Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values. Commercial activities are generally discouraged.

194. The purpose of the MDRZ is to enable a greater supply of diverse housing options for the District at a higher density than the LDRZ. Development controls are designed to ensure that the reasonable maintenance of amenity values is maintained. MDR zones should be easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.

195. The streets identified in the submission are located within the ANB or OCB for Queenstown Airport.

38.5. The Case for Rezoning

196. The submitter stated that the Frankton area appeared to fit the strategy of building residential accommodation that helps protect the QLD environment and is in an area well-supported by public transport and amenities. With the apparent population growth forecast for the QLD and the limited residential sites available, the Frankton area should be considered as an option for MDR rather than LDR. The submitter did not attend the hearing and no evidence was provided.

197. The QAC opposed the proposed rezoning of this land and submitted that it is counter to the land use management regime established under PC35. BARNZ said that Queenstown Airport is a piece of regionally significant infrastructure which requires strong protection in the District Plan from reverse sensitivity effects which would result from inappropriately located development.

198. For the Council, Ms Banks opposed the relief sought in a) and b) above for the same reasons that she opposed the relief sought in Submission 238. Two issues were particularly relevant. First, much of the land is located within the OCB and rezoning to MDR would be contrary to the Strategic Direction of the PDP. Second, she relied on the evidence of Ms Wendy Banks that intensification in Frankton would place significant pressure on the existing transport network including increases to onstreet parking to what are already severely constrained networks.[40]

199. Ms Kim Banks specifically considered the proposal to rezone a reduced scale of MDR zoning in and around Stewart Street. She held to her view that LDRZ was the most appropriate zone for the reasons given above, even for this limited area. Ms Banks noted that the LDRZ under the PDP provides greater opportunities for intensification and redevelopment of land within the LDR compared to the ODP. In her opinion, the current LDRZ provides sufficient opportunity for limited intensification of this defined area in Frankton.[41]

39. ISSUES

a. The most appropriate zone for the Frankton residential area

[40] K Banks, Section 42A Report group 1B, 25 May 2017, paragraphs 20.5 – 20.7

[41] Ibid, para 20.8

40. DISCUSSION OF ISSUES AND CONCLUSIONS

200. We acknowledge the submitter's point that this area suits MDR zoning because it meets the criteria of the Plan. It is easily accessible to local shopping centres, town centres or schools by public transport, cycling or walking.

201. However much of the area proposed for rezoning is located within the OCB for Queenstown Airport. We agree with BARNZ that Queenstown Airport is a significant piece of regional infrastructure requiring protection from reverse sensitivity effects. Further, airport noise reduces residential amenity values particularly the ability to use outdoor areas therefore low density zoning is to be preferred. In our opinion, including a large area of Frankton within the MDRZ would be contrary to the Strategic Direction and Urban Development objectives and policies relating to infrastructure and urban development.[42]

202. Given the strategic importance of the airport and the adverse traffic effects of intensification in this location, we consider that LDR is the most appropriate zone for this area for the reasons set out in the Section 42A Report.

41. RECOMMENDATION

203. For the reasons set out above, we recommend that:
   a. Submission 128 be rejected; and
   b. FS1077.8 and FS1340.60 be accepted; and
   c. LDR zoning be retained as notified in the Frankton area.

[42] Strategic Objectives 3.2.1.3, 3.2.1.9 and 3.2 and Policy 3.3.5; Urban Development Objective 4.2.2A and Policy 4.2.2.1

PART L: BARBARA WILLIAMS

Submitter **Barbara Williams (Submission 141)**
Further Submissions

FS1340.62 - Queenstown Airport Corporation – supported in part/opposed in part
The further submitter supported in part the rezoning of this site to a commercial type zoning provided it did not result in the intensification of ASAN in this area.

42. PRELIMINARY MATTERS

42.1. Subject of Submissions

204. This submission related to the zoning of land in McBride Street, Frankton.

42.2. Outline of Relief Sought

205. The submission sought that:

a. Planning Map 33 be supported as it related to the submitter's property at 59 McBride St/ 1 Ross Street;
b. As an alternative to the LDR zone, properties located at 58 – 106 McBride Street be rezoned to a form of commercial zoning

42.3. Description of the Site and Environs

206. The submission concerned an area of land zoned LDR located in close proximity to Frankton Junction, the bus station and SH6 as shown in Figure 6-14. Part of the block is located within the ANB and the rest is within the OCB. These are noise contours that define the area within which land use controls apply to avoid or mitigate the effects of aircraft noise from Queenstown Airport (see PC 35). This block includes the submitter's property at 58 McBride St / 1 Ross Street which has an area in excess of 900m^2.

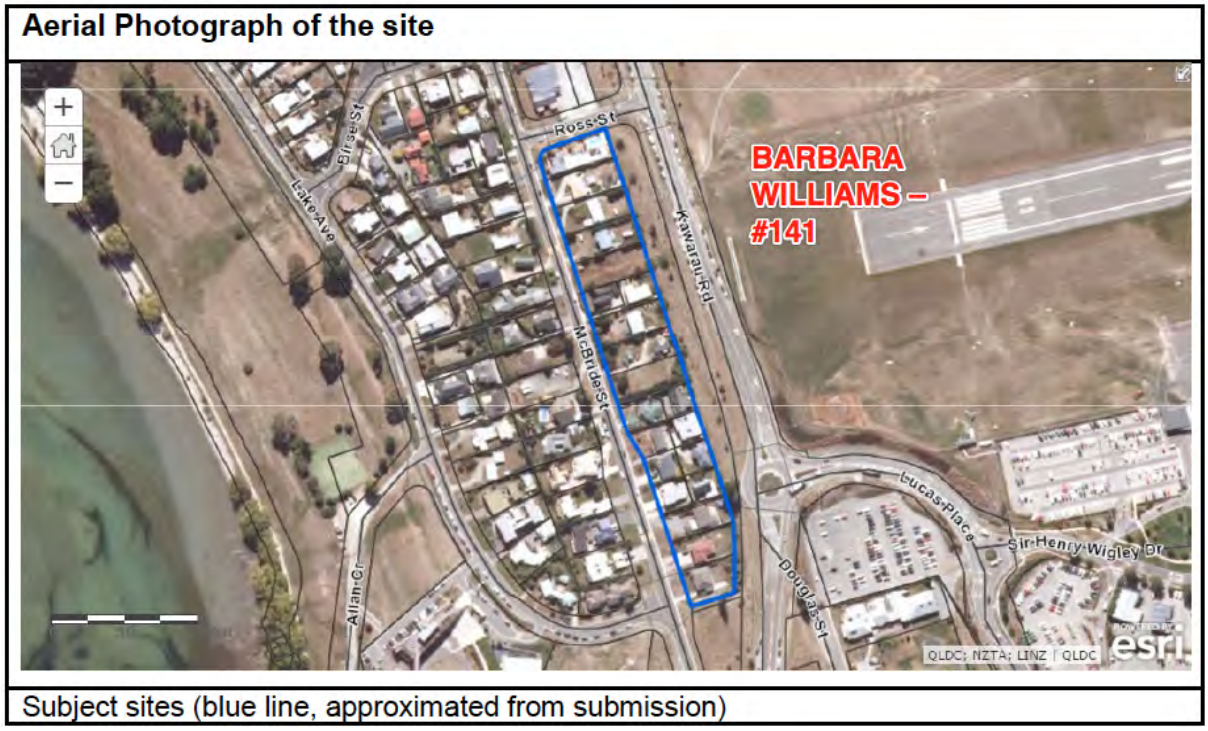

Figure 6-14 – The submitter's property at 59 McBride Street and the general area affected by the submission i.e., 58 – 106 McBride Street, Frankton, outlined in blue

42.4. The Case for Rezoning

207. The submission said that some form of light commercial zoning was justified on the basis that the existing residential amenity of the residents of these properties was adversely affected by noise generated from aircraft using Queenstown Airport. According to the submitter, this would only get worse as the airport expanded its operations. Despite acoustic insulation, residents want to use and enjoy their properties and that includes outside use. Commercial tenants 'would likely be less affected than residential tenants from aircraft noise'.

208. No evidence was presented by the submitter in support of rezoning.

42.5. Discussion of Planning Framework

209. The land is zoned LDR in the PDP and is within the ASAN or OCB.

210. The Zone Purpose for the LDR zone, the largest zone in the District, states that it provides for both traditional and modern suburban densities and housing. Promotion of a high amenity low density residential environment is an objective. A further objective limits development within the ANB/OCB to discourage creation of new sites or infill development and require sound insulation and mechanical ventilation as necessary.

211. The LSC and BMU zones are the most likely options for commercial zoning in this neighbourhood. The LSCZ enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.

212. The intention of the BMUZ is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved. There are two areas of BMUZ in the PDP; Anderson Heights, Wanaka, and Gorge Road, Queenstown.

213. This block of land is primarily located within the ANB for Queenstown Airport however a small area is within the OCB.

43. ISSUES

a. The most appropriate zone in this neighbourhood;

b. Avoiding intensification of ASAN in this area

c. Traffic

44. DISCUSSION OF ISSUES AND CONCLUSIONS

214. Before turning to consideration of the most appropriate zoning for this area, we note that the Council's traffic expert, Ms Wendy Banks, opposed rezoning from a traffic perspective. Her uncontested evidence was that taking into consideration the existing traffic and parking issues in and around Frankton Junction, rezoning to allow commercial activities would likely have a negative effect on the road network.[43]

215. With respect to locating additional ASAN in this area, we accept the uncontested evidence of Ms Ruth Evans for the Council, who stated that '*either LSCZ or BMUZ could result in intensification of ASAN, as both zones provide for residential and visitor accommodation*'.[44] This outcome would be contrary to recommended Urban Development Objective 4.2.2B and in particular, Policy 4.2.2.2 which sets out the matters to have regard to when allocating zones within the UGB, including '*the need to make provision for the location and efficient operation of regionally significant infrastructure*'. LDR zoning minimises the number of dwellings within the ANB and limits the creation of new sites and infill development thus limiting the total number of dwellings exposed to aircraft noise.

216. We acknowledge that the LDRZ is intended to promote a high amenity low density residential environment and that high amenity values may not be achievable in the Frankton area due to exposure to aircraft noise. Acoustic insulation and mechanical ventilation deals with noise experienced inside buildings however the adverse effects of aircraft noise on outdoor activities cannot be avoided or mitigated within the ANB therefore the best planning strategy is to avoid any increase in the number of dwellings.

217. Mr Heath's evidence on commercial land capacity was also uncontested. He considered that there was sufficient commercially zoned land to meet current and likely future demand within the area presently zoned commercial. Specifically, he did not support '*office activity in this location, as there is plenty of capacity for offices in the LSCZ at 1 Hansen Road and also within the recommended Frankton North BMUZ*'.[45] In addition, Ms Evans said that rezoning to LSCZ would result in a large area of LSCZ that would not meet the purpose of this zone, which is to enable small scale business activities in pockets of land that are near residential areas and people in transit.[46] We accept this evidence and accordingly find that commercial rezoning of these properties in McBride Street would not achieve the Strategic Direction and Urban Development objectives and policies of the PDP.

45. RECOMMENDATION

218. For the reasons set out above, we recommend that:
   a. Submission 141.3 be rejected; and
   b. FS1340.62 be accepted in part; and
   c. LDR zoning be confirmed for the properties at 58 – 106 McBride Street, Frankton.

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43 W. Banks, EIC, 25 May 2017, paragraph

44 R. Evans, Section 42A Report, 24 May 2017, paragraph 5.15

45 R. Evans, Reply Evidence, paragraph 3.2 citing Mr Heath's advice relating to requests for provision of offices in McBride Street. Note that this Panel does not recommend additional BMUZ at Frankton North.

46 R. Evans, Section 42A Report, 24 May 2017, paragraph 5.10

PART M: BRETT GIDDENS AND C & S HANSEN

Submitter **Brett Giddens (Submission 828) and C & S Hansen (Submission 840)**

Further Submissions

FS 1077.2 - Board of Airline Representatives of New Zealand (BARNZ) – opposed Submission 828

FS1340.153 - Queenstown Airport Corporation – re Submission 828

Opposed in part/supported in part. QAC remained neutral with respect to the zoning of this area as LSCZ provided it did not result in the intensification of ASAN in this area.

FS 1340.59, FS 1340.69 - Queenstown Airport Corporation - re Submission 840

Opposed in part/supported in part. QAC remained neutral with respect to the zoning of this area as LSCZ provided it did not result in the intensification of ASAN in this area.

46. PRELIMINARY MATTERS

46.1. Subject of Submissions

219. These submissions related to the land bound by McBride Street, Burse Street, Grey Street and State Highway 6, Frankton.

46.2. Outline of Relief Sought

220. Brett Giddens originally sought rezoning from LDRZ to LSCZ or as a secondary option a more appropriate higher density zone such as HDRZ or MDRZ or another zone or amended zone that would achieve their desired outcomes.

221. C & S Hansen sought rezoning from LDRZ to LSCZ for the same block of land.

222. At the hearing, counsel for C & S Hansen and Brett Giddens advised that the relief had been amended. The extent of the rezoning from LDRZ to LSCZ sought would now be confined to land located at 16, 18, 18B and 20 McBride Street.[47] Accordingly, we have addressed the submissions in terms of this amended scope.[48]

46.3. Description of the Site and Environs

223. McBride Street intersects with SH6A at Frankton Junction, a local shopping centre located at a busy roundabout. It runs in a southerly direction parallel to SH6/Kawerau Road through an area of suburban housing until it meets the lakefront. Queenstown Airport is in close proximity.

224. The subject sites are bounded to the west or lakeside by McBride Street, to the east by the Frankton Bus Terminal, to the north by the QLDC unformed parking area (located within the LSCZ) and to the south by a residential property, 22 McBride Street.

225. Current land uses are:

a. 16 McBride Street Dental surgery and commercial activities, consented 2004
b. 18 McBride Street office activity, consented 2006 and varied 2009

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47 Legal Submissions for Christopher & Suzanne Hansen (840) and Brett Giddens (828), paragraph 1

48 K Banks assessed the submission request for HDRZ or MDRZ in her Section 42A Report Group 1B and recommended these zones be rejected. The submitters did not pursue this aspect of their relief at the hearing therefore we have not addressed this issue here.

c. 18 McBride Street current use is residential with consent granted for office activity in 2017[49]

d. 20 McBride Street current use is residential however we understand that an application for office activity was pending at the time of the hearing[50]

226. The area is shown on Figure 6-15 below.

Figure 6-15 - Aerial photograph of the land subject to the submissions outlined in blue

46.4. The Case for Rezoning

227. When considering the most appropriate zoning, C & S Hansen stated that the Council had failed to take into account:

the changing nature of landuse along the eastern side of McBride Street, the location near Queenstown's most active bus terminal and the State Highway, and the existing commercial uses which operate under approved resource consents. Given the change in landuse coupled with the presence of an expanding road network the level of residential amenity has been significantly diminished while the QLDC continue to approve resource consents authorising the commercial creep further compromising the integrity of the low density residential zone.[51]

228. Brett Giddens made the same points in support of his position that LDR zoning is inappropriate. His submission also stated that LSCZ would:

reflect some of the current land uses, provide the opportunity for commensurate growth, enable activities to be undertaken that would complement the surrounding residential area while not detracting from the town centres, introduce activities that are not directly sensitive to airport operations, while being an appropriate location for commercial activity such that effects to the wider area would be minimal.[52]

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49 Ibid, para 2; N. Geddes, EIC, 4 June 2017, paragraphs 3.5 – 3.7

50 Legal Submissions for Christopher & Suzanne Hansen (840) and Brett Giddens (828), paragraph 2

51 Submission 840, paragraph 3.1

52 Submission 828, paragraph 12

229. Mr Giddens and Mr Hansen described similar experiences as residents/landowners. They both observed that the residential amenity of McBride Street had deteriorated in recent years albeit they acknowledged that recent traffic improvements had been beneficial for the area.

230. Evidence for the submitters discussed traffic and planning matters. The submitters' traffic engineer, Mr Jason Bartlett, described congestion in McBride Street as a result of traffic diverting or shortcutting to avoid SH6/Kawerau Road which was severely congested due to the roundabout at the SH6/SH6A junction. There were road humps on McBride Street to restrict access, traffic speeds and efficiency.[53]

231. Mr Bartlett described several traffic improvements to relieve congestion in the general area including the new Kawerau Falls bridge, changes to the SH6/SH6a roundabout and provision of an alternative route to the airport via Hawthorne Drive. These changes are expected to relieve congestion on the state highway network and further reduce traffic flows in McBride Street.[54] He also said that proximity to the bus station, cycle paths and footpaths was an advantage for this location.

232. In his opinion, the proposed zone change would increase traffic generation and parking demand as a result of potential activities enabled by the zone change. However, compliance with the ODP's current planning provisions in Chapter 14 would result in acceptable traffic outcomes. He concluded:

With these improvements I do not regard existing traffic and parking issues within the local road network as being a reason to reject these Submissions on transport grounds.[55]

233. Mr Nicholas Geddes focused on three key matters namely the supply of commercial land and whether rezoning this discrete pocket of land as LSCZ was material in terms of the NPSUDC's requirement to provide sufficient urban capacity, loss of residential amenity and recognition of existing commercial uses. He supported rezoning the properties as LSCZ and proposed amendments to the standards in Chapter 15 designed to manage the zone interface specifically for the subject sites. These provisions would require a 4.5m setback where a site adjoined a Residential zone, a road boundary setback of 4.5m and a maximum building height of 8m.[56] No analysis of the potential for ASAN to be established on the properties was provided.

234. Mr Geddes considered the costs and benefits of the BMUZ but did not recommend that option. As his clients limited their relief to seeking LSCZ on the subject sites, we have not given this option further consideration.

235. Mr John Kyle, a planning expert for Queenstown Airport Corporation, maintained that rejecting the rezoning would assist to appropriately protect airport operations from potential reverse sensitivity effects. In his opinion, this is justified because the airport is regionally significant infrastructure. Alternatively, he would support the rezoning request if it included appropriately drafted conditions that prohibit intensification of ASAN in this area at a higher rate or intensity than currently provided for in the ODP.[57]

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53 J Bartlett, EIC, 9 June 2017, paragraph 12

54 Ibid, paragraph 15

55 Ibid, paragraph 31

56 N. Geddes, Summary Statement, 14 August 2017, Attachment A

57 J. Kyle, Rebuttal Evidence, 7 July 2017, paragraphs 2.5 – 2.7

236. The Council's planning witnesses supported retention of the LDRZ and opposed any change of zoning, including a change to LSCZ. Ms Evans considered that intensification of 'commercial' activities would have a negative impact on residential amenity (building height, traffic), that there was no need to increase the area of LSCZ because there was sufficient commercial land zoned to meet projected demand for the next twenty years, an extension of the LSCZ in this location would detract from the role of Frankton Junction as a local shopping centre and LSC zoning could increase the likelihood of ASAN being established in this area contrary to notified Policy 4.2.6.1 of Chapter 4, Urban Development. This policy sought to protect the airport from the reverse sensitivity effects of ASANs.

237. Ms Kim Banks also opposed rezoning because the level of intensification provided for under the LDRZ was appropriate particularly because the area was within the OCB. This evidence related to the original request to rezone an entire block nevertheless her opinion on the effects of intensification within the OCB was still relevant.[58]

238. Ms Evans also opposed the inclusion of bespoke provisions for offices in this location or in other residential zones for strategic reasons. She relied on Mr Heath's evidence that there was plenty of capacity for office activity in this location, at 1 Hansen Road and also within the BMUZ at Frankton North recommended by the officers. In Mr Heath's opinion, the McBride Street block did not have any unique attributes that warranted special provision for offices in the residential zone.[59]

239. Ms Wendy Banks, traffic engineer, considered that LSC zoning was not appropriate because there was not enough evidence such as a transport analysis to support any change, the recent upgrades could alleviate traffic pressures in the area but were unproven and McBride Street was still a residential street.[60]

46.5. Discussion of Planning Framework

240. As notified the land was zoned LDRZ in the PDP. In Chapter 7, as recommended, it is renamed the Lower Density Residential zone to more accurately capture the range of traditional and modern suburban densities and housing types enabled. Objective 7.2.1 provides for '*a mix of compatible suburban densities and a high amenity low density residential environment for residents*…'. Policy 7.2.1.2 encourages development that '*maintains suburban residential amenity values including predominantly detached building forms, and predominantly one or two storey building heights*.' Policy 7.2.1.3 seeks to maintain amenity values between sites, in particular privacy and access to sunlight. A clear theme is the maintenance of suburban character and high amenity values.

241. Commercial activities are generally not anticipated other than those that are residential-compatible and small-scale (100m^2 or less gross floor area is a restricted discretionary activity), however may be accommodated where necessary to address a demonstrated local need provided residential amenity is not compromised.[61] Objective 7.2.7 states that '*any commercial development in the zone is small scale and generates minimal amenity value impacts'*. Policy 7.2.7.1 requires that commercial activities directly serve the day to day needs of local residents provided these do not undermine residential amenity values or the viability of any nearby centre. Additional policies address traffic and parking effects, noise effects and compatibility of design, scale and appearance with the surrounding residential context. Home

58 K. Banks, Section 42A Report Group 1B, 25 May 2017, paragraphs 19.1 – 19.11

59 R. Evans, Reply Evidence, 6 October 2017, citing Mr Heath at paragraph 3.2

60 W. Banks, Rebuttal Evidence, 7 July 2017, paragraphs 3.11 – 3.17

61 Recommended Chapter 7, LDRZ, Zone Purpose, final paragraph

occupations are a permitted activity. Overall, there is a clear direction enabling small-scale commercial activities to serve the local community provided these are compatible with their residential context and maintain high amenity values.

242. The subject sites are located within the Queenstown Airport OCB. Recommended Objective 7.2.2 states that development within the ANB and OCB is limited in recognition of severe amenity (noise) constraints now and also likely in the foreseeable future as a result of increasing intensity of operation and use. Policy 7.2.2.1 discourages the creation of any new sites or infill development within the ANB and between the ANB and OCB on land around Queenstown Airport. There are policies and supporting rules requiring mitigation of noise effects in buildings containing ASANs (Policies 7.2.2.2 & 7.2.2.3; Rule 7.5.4). The zoning strategy provides for LDRZ in the Frankton area because it is the most restrictive zone in terms of density of residential development therefore minimises the likelihood of ASANs being established within the ANB/OCB.

243. The LSCZ as recommended in Chapter 15 enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The function of these local shopping centres is to meet the day to day needs of the community for convenient access to goods and services. These small scale centres should not undermine the role and function of town centres. One method for ensuring this outcome is to limit the gross floor area of individual retail and office activities (Policy 15.2.1.4 and Rule 15.5.10). Within the OCB, development is required to provide acoustic insulation (Rule 15.5.4).

244. We consider that LSC zoning at Frankton Junction commercial area is questionable given the purpose of that centre and its extent. Frankton Junction is more than a 'discrete pocket of land' providing for activities that meet local needs unlike the LSCZs at Fernhill and Sunshine Bay. Further, resource consent has been granted for offices on several Residentially-zoned sites adjoining the LSCZ indicating that this centre serves a different function to that anticipated by the zone. The available commercial zones are limited therefore LSCZ is the best of those options.

47. ISSUES

a. Commercial land requirements and commercial zoning strategy

b. Avoiding intensification of ASAN within the OCB

c. Traffic effects

d. Effects on residential amenity

e. The most appropriate zone for these properties

48. DISCUSSION OF ISSUES AND CONCLUSIONS

245. Mr Geddes's bulk and location images showed the difference in development capacity between the notified LDRZ and the proposed LSCZ as amended in Appendix 4 of his Summary Evidence. Mr Giddens estimated the additional gross floor area to be 700 – 1200m^2. We agree with Ms Evans that the diagrams are confusing to read[62] however they show in a general way

[62] R. Evans, Rebuttal Evidence, 7 July 2017, paragraph 6.2

that offices and other commercial activities are feasible on the subject sites while mitigating loss of privacy and sunlight to 22 McBride Street.

246. The fundamental issue is not feasibility but whether there is any need at all to increase the supply of commercial land in Queenstown generally and in this area particularly. The commercial land requirements of the District were addressed by Mr Heath and Mr Osborne in the course of this hearing. Based on their uncontested evidence, we have concluded that there is sufficient land zoned for commercial activities in the PDP to meet the estimated demand in Wakatipu until 2038.[63] Thus, any party seeking rezoning from Residential to Business purposes has a difficult hurdle to overcome. It is necessary to show that rezoning a particular area of land is justifiable for other reasons.

247. The appropriateness of LSCZ for the McBride Street block was also considered by Mr Heath in his Reply evidence.[64] Allowing for LSCZ at 1 Hansen Road and for the possibility of BMUZ at Frankton North, he considered that rezoning this block of land would saturate the market. In light of the submitters' revised relief, Mr Geddes responded that rezoning this handful of sites would not be material in terms of land supply. Mr Heath however maintained his opinion that there was no justification for additional LSCZ at Frankton. Ms Evans recognised that rezoning would better provide for existing commercial uses but noted that rezoning would provide additional capacity, albeit small scale.[65] While rezoning has some appeal given the small land area involved, we consider that ad hoc increases in LSCZ around existing centres does not give due weight to the evidence-based planning approach required by the NPSUDC 2016 and the overall commercial zoning strategy.

248. At the hearing, we asked Mr Heath whether it would be appropriate to enable office activities on the subject sites (not the whole block) while retaining the LDR zoning. In his opinion, this would undermine the zoned provision for office activities. We agree. In our view, the extent of the Business zones together with provision for home occupations in Residential zones provides sufficient capacity and locational opportunities for small offices throughout the urban area. Accordingly, we consider that extending LSC zoning to include 16, 18, 18B and 20 McBride Street is not appropriate.

249. With respect to the risk of intensification of ASANs within the OCB, we agree with My Kyle for QAC that rejecting the rezoning would achieve this purpose for the reasons set out in his evidence.

250. The two traffic engineers more or less agreed in their descriptions of the existing traffic conditions in McBride Street and the surrounding area. They confirmed that traffic calming measures on McBride Street were helpful and that major upgrades recently completed or in the pipeline should reduce congestion in the area. With respect to rezoning to LSCZ, Mr Bartlett did not regard existing traffic and parking issues within the local road network as being a reason to reject the submission whereas Ms Wendy Banks considered McBride Street to still be a residential street and was concerned that the effectiveness of recent improvements was unproven as yet. We agree with Ms Banks that McBride Street is a residential street in an area of LDRZ, the purpose of which is to promote a high amenity low density living environment. It would be ironic if traffic calming measures designed to mitigate the adverse effects of traffic and parking overspill associated with proximity to a shopping centre were used as justification for extending the LSCZ further into the residential area.

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63 Report 17-1, Section 3

64 T. Heath, Reply Evidence, 6 October 2017, paragraphs 4.1 – 4.3

65 R. Evans, Rebuttal Evidence, 7 July 2017, paragraph 6.7

251. Effects on residential amenity were addressed by Mr Geddes insofar as his suggested amendments to Chapter 15 proposed standards for setbacks adjoining Residential zones, front yard setbacks and a maximum height of 8m. However, his evidence did not address the loss of residential character and increased intensity of usage that would result from the establishment of offices or other commercial activities. We agree with Ms Evans that the need to include additional bulk and location standards for these four sites indicated that there are potential adverse effects on residential amenity from the rezoning. We also agree with Ms Evans that the proposed amendments would not mitigate the effect of potential increased intensity of activity on these sites on the wider residential environment.[66]

252. In our view, the most appropriate zone for these properties is LDR because this gives effect to the overall zoning strategy taking into account the lack of any need for additional commercial land supply and their location within the Queenstown Airport OCB. LDRZ also recognises the existing amenity values of this low density suburban environment with pleasant lake views.

49. RECOMMENDATION

253. For the reasons set out above, we recommend that:
   a. Submissions 828 and 840 be rejected; and
   b. FS1077.2, FS1340.153, FS 1340.59 and FS 1340.69 be accepted; and
   c. LDR zoning be retained for the submission sites as shown on Planning Map 31a.

[66] R. Evans, Rebuttal Evidence, 7 July 2017, paragraphs 6.4 and 6.7

PART N: SPENCE FARMS LIMITED AND NEW ZEALAND TRANSPORT AGENCY

Submitter **Spence Farms Limited (Submission 698)** [67] **and New Zealand Transport Agency (Submission 719)**

Further Submissions

None

50. PRELIMINARY MATTERS

50.1. Subject of Submissions

254. This submission related to a property at 1 Hansen Road[68] and the adjacent Frankton cemetery.

50.2. Outline of Relief Sought

255. The submission sought confirmation of all provisions as notified in Section 15 of the PDP unless otherwise submitted upon and all maps showing the extent of the LSCZ in Frankton. The matters that were 'otherwise submitted upon' were rules pertaining to Building Height, Residential and Visitor Accommodation activities and Acoustic Insulation). Panel Recommendation Report 11 addresses these rules in the context of various submissions on Chapter 15 Local Shopping Centre Zone and recommends their rejection.

256. The site-specific rules applicable to 1 Hansen Road were deferred for consideration by the Panel hearing submissions on Stream 13 Queenstown mapping.[69] The Panel had been advised that resource consents had been sought for the submission site that could result in a very different land use outcome therefore the notified site-specific LSCZ rules may well be inappropriate due to a change in the factual situation. In addition, the Panel considered that site specific submissions were best heard in parallel with submissions relating to the zoning of the land. For these reasons, the site-specific submission points were transferred to Stream 13.

257. In this report, we address the remaining rules specific to 1 Hansen Road that were transferred from Hearing Stream 8 to Hearing Stream 13:
   a. Policy 15.2.3.5;
   b. Rule 15.4.3.2;
   c. Rule 15.5.1 (in part);
   d. Reply Rule 15.5.4; and
   e. Rule 15.6.2.2 (in part)

258. In addition, the submission requested that the boundary of the Outstanding Natural Landscape as it applied to 1 Hansen Road and the Frankton Cemetery be moved so that it followed the toe of the slope and sat entirely within the proposed Rural Zone. We address this relief below.

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67 We were advised by Mr Edmonds that the new owner of this site was Staff Accommodation at Frankton Road Limited but have had no formal notification that this company is the successor to this submission under section 2A of the Act.

68 Lot 1 DP 26426 and Part Section 5 Block XX1 Shotover Survey District. These lots are separated by an unformed paper road.

69 Minute directing that certain submissions be transferred to mapping hearings dated 2 December 2016

259. A general submission point relevant to 'all provisions' sought '*alternative, amended or such* other *relief deemed more consistent with or better able to give effect to these submissions or the provisions referred to by these submissions.*'

260. The New Zealand Transport Agency[70] supported (with amendments in some instances) the provisions for 1 Hansen Road listed in paragraph 285 above except for Rule 15.6.2 re notification. Its key concern was ensuring that additional direct access points to the State Highway were not created and that development is coordinated with NZTA's plans for reconfiguration of the Hansen Road/SH6 intersection. With respect to Rule 15.6.2, the Agency (as road controlling authority) sought status as an affected party where any application exceeded permitted building coverage.

261. No submissions were received seeking deletion of the specific provisions relating to the development of 1 Hansen Road.

50.3. Description of the Site and Environs

262. The submitter's property and Frankton Cemetery have frontage to the northern side of SH6 between Terrace Junction shopping centre and Hansen Road. The City Impact Church complex lies to the north-east of the triangular lot that is separated from the main block by an unformed road (Section 5). Land to the east of Hansen Road is in the notified Rural Zone, including the two sites designated for electricity purposes. The Council's playing fields and sports facility are opposite the submission site, on the southern side of SH6. The area is shown in Figures 6-16 and 6.17.

Figure 6-16 – Aerial photo showing the land subject to this submission outlined in blue

[70] Submission 719

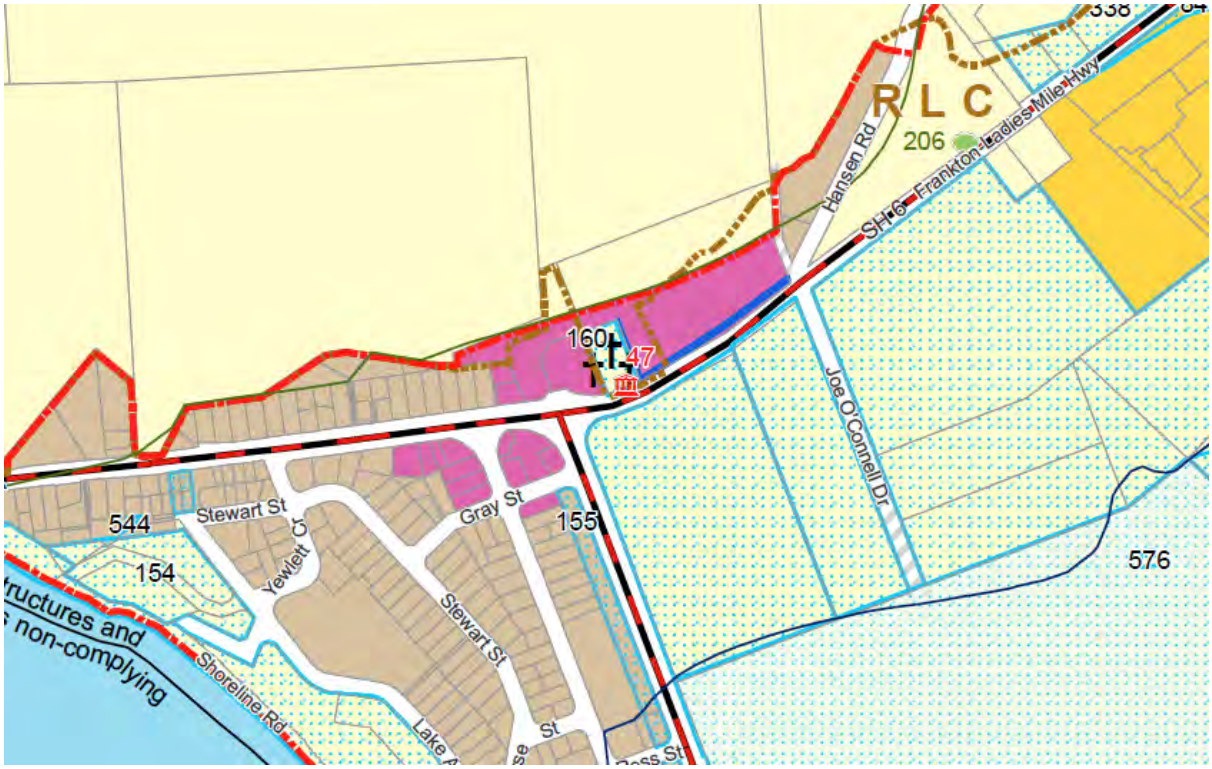

Figure 6-17 – Zoning map showing RZ, LSCZ and LDRZ applicable to 1 Hansen Road and Frankton Cemetery and the location of the notified ONL

50.4. The Case for Moving the ONL boundary

263. The submission stated that the proposed ONL transects 1 Hansen Road in an unusual and illogical manner. The areas identified for urban development under the Operative Plan and the Proposed Plan could not reasonably be considered ONL, nor could the Frankton Cemetery. Support for the provisions applicable to 1 Hansen Road was generally couched.

264. Mr John Edmonds appeared at the hearing to advise the Panel that the property had been purchased by Staff Accommodation at Frankton Road Limited. While he had no instructions from SAFRL and did not give evidence, he discussed zoning and ONL matters with reference to his tabled plans.[71] Mr Edmonds was quite clear that while he was available to assist us, he was not presenting evidence for SAFRL. No landscape, transport or other evidence was presented on behalf of this submitter.

265. We understood from Mr Edmonds that the new owner had obtained resource consent for a 20-lot residential subdivision thus establishing its rights under the ODP, and for a 10-lot subdivision preparatory to making a land use application for residential development.

50.5. The location of the ONL line

266. We deal first with the location of the ONL line. Mr Edmonds described the alignment of the Arrow irrigation water race which traverses the site from east to west, marking a dramatic change from flat to steeply sloping land particularly in the Rural zoned portion of the site. He commented that the ONL 'popped out' into the Rural Zone to the immediate west of the submitter's site without any clear rationale. Mr Edmonds considered the water race to be a logical line for the ONL.[72]

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71 Exhibit 13.7, 9 August 2017

72 J. Edmonds, Hearing recording, 9 August 2017, session 4 commencing after 1 hour 6 minutes

267. For the Council, Dr Read and Ms Evans initially supported the notified alignment of the ONL because it was appropriately located. However, in her Reply evidence, Dr Read acknowledged that the notified ONL boundary in the vicinity of the Spence farm (now SAFRL) was not correctly located because it included the cemetery and followed an incoherent route through the submitter's site.[73] Her amended alignment followed the toe of the slope because this was the location of a distinct change in geology, topography and vegetation. Dr Read's revised ONL line was located mainly within the Rural Zone but did include some land in the LSCZ to the north of the cemetery.

50.6. The case for text amendments in Chapter 15

268. With respect to the provisions of Chapter 15, Ms Evans accepted and relied on the evidence of Ms Bowbyes presented in Hearing Stream 8 in relation to Objective 15.2.3, Rule 15.5.1 and Reply Rule 15.5.5 in her Section 42A report.[74] Her evidence focused on the vires of Rule 15.4.3.2 (development at 1 Hansen Road) and Rule 15.6.2 (notification).

50.7. Rule 15.4.3.2

269. Ms Evans considered there were issues with Rule 15.4.3.2 as drafted because it was framed more like an information requirement. She proposed amendments requiring a comprehensive development plan to be provided with any consent application for a building that address the matters of discretion. Some minor wording changes were also proposed to carry forward what had previously been required by the spatial layout plan.[75]

270. NZTA supported the amended version of Rule 15.4.3.2 in the main but continued to seek an amendment clarifying the relationship with Rule 15.5.5 for the purpose of preventing vehicular access to SH6 from 1 Hansen Road. The Agency originally sought a rule restricting access to SH6 be included in Rule 15.4.3.2. This was rejected by Ms Bowbyes (Stream 8) and Ms Evans on the basis that access is already restricted pursuant to Reply Rule 15.5.5 (development of Hansen Road). For the Agency, Mr Anthony MacColl said that the relationship between these two rules was unclear[76] therefore he recommended the following addition to Rule 15.4.3.2:

Discretion is restricted to consideration of the following in addition to the matters in Rule 15.4.3.1 above and compliance with the Standards in Rule 15.5:

271. In her rebuttal evidence[77], Ms Evans said:

*I do not agree that reference to the standards is required within the activity rules. The Proposed District Plan (**PDP**) is made up of activities and standards, that work together to manage development. I note that in the case of Chapter 15, this is clarified by Advice Note 15.3.2.1, which states that "Where an activity does not comply with a Standard listed in the Standards table, the activity status identified in the 'Non-Compliance Status' column shall apply". In this case, an activity that breaches Rule (Standard) 15.5.5 is a discretionary activity. I do not consider that any further clarification, or reference to this standard within Rule 15.4.3.2 is required.*

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73 Dr M. Read, Reply Evidence, 6 October 2017, paragraph 9.1

74 R. Evans, Section 42A Report, 24 May 2017, paragraphs 4.7 and 4.10

75 R. Evans, Section 42A Report, 24 May 2017, paragraph 4.12

76 A. MacColl, EIC, 9 June 2017, paragraph 42 (see paragraphs 38 – 47 for whole discussion)

77 R. Evans, Rebuttal Evidence, 7 July 2017, paragraph 4.2

272. At the hearing, the Agency confirmed that it was satisfied with this position.[78] We agree with Ms Evans' explanation of the PDP's approach to managing the relationship between standards and activity rules and therefore no change to Rule 15.4.3.2 is required.

50.8. Rule 15.6.2

273. As notified, Rule 15.6.2 provided that building and building coverage matters that are RD activities shall not require the written consent of other persons and shall not be notified or limited notified. NZTA opposed this rule because it considered that it was appropriate for the road controlling authority to assess highway traffic effects when RD activity consent was sought. In the Stream 8 hearing, Ms Bowbyes agreed and proposed an amendment to Rule 15.6.2 excluding applications that exceed permitted building coverage between Hansen Road and Frankton Cemetery from this 'non-notification' clause (see Reply Rule 15.6.2). Ms Evans agreed with this approach in her evidence to hearing Stream 13. In her opinion, the only LSCZ that adjoins a State Highway is 1 Hansen Road, therefore the notification exception does not need to apply more broadly. Ms Evans also noted that the NZTA submission point was only on this particular LSCZ rule (i.e., Rule 15.6.2).[79]

274. Mr MacColl confirmed in his planning evidence for NZTA that the Agency accepted Ms Bowbyes revised version of Rule 15.6.2.2.[80] The effect of this amendment would be to exclude from non-notification applications that exceeded permitted building coverage between Hansen Road and Frankton Cemetery, with any notification limited to the road controlling authority. However, Mr MacColl did not address the revised version of Rule 15.6.2.1 which related to buildings although the Agency's submission opposed the entire rule.

275. Notwithstanding there was agreement among the planners, we considered that this rule retained a deeming element because it specified the road controlling authority as an affected party. We also considered that the road controlling authority would have an interest in the construction of buildings on this land as provided for in Rule 15.4.3.2. Therefore, in our view, Rule 15.6.2.1 also required amendment. We discuss these matters below.

50.9. Discussion of Planning Framework

276. The land owned by SAFRL was subject to three zonings in the PDP; Rural, LSCZ and LDR (small triangle parcel) whereas the unformed road was not zoned. The part of the frontage of the SAFRL site to Frankton Road to the west of the unformed road is subject to a 6m building line restriction whereas the common boundary with the cemetery is subject to a 4m building restriction. The Queenstown Airport OCB aligns with the boundary between the LSCZ and Rural zones and cuts across the unformed road to align with the northern boundary of the triangle parcel. Frankton Cemetery was zoned Rural, designated as a cemetery reserve (#160) and recognised as an historic heritage feature (#47).

277. The Stage 2 Variations, as notified, proposed zoning the Frankton Cemetery as Community Purpose-Cemetery. The unformed road continues to be identified as 'unformed road' on Planning Map 33.

278. The Strategic Direction identifies the issue of growth pressure impacting on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes. Another issue is that outstanding landscapes have intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic

78 Legal submissions, NZTA, 14 July 2017, paragraph 25

79 R. Evans, Section 42A Report, 24 May 2017, paragraphs 4.8 – 4.9

80 A. MacColl, EIC, 9 June 2017, paragraph 44

value to the District.[81] The objectives and policies address these issues by, among other methods, providing for ONLs to be located with the Rural Zone (with some exceptions) and by using the UGB to delineate the planned extent of urban growth. Accordingly, the UGB, ONL line and Rural Zone boundaries are aligned unless there is good reason to depart from this convention.

279. The LSCZ enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit. The zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, Zone standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan. One method for ensuring this outcome is to limit the gross floor area of individual retail and office activities (Policy 15.2.1.4 and Rule 15.5.10). Within the OCB, development is required to provide acoustic insulation (Rule 15.5.4).

280. The submission site is located within the OCB. The LSCZ provisions address the management of ASANs seeking to locate within the OCB. As no change to the zoning ois requested, the status quo prevails.

51. ISSUES

a. The most appropriate alignment of the ONL boundary.

b. The most appropriate textual provisions to ensure the desired outcomes are achieved when 1 Hansen Road is developed.

DISCUSSION OF ISSUES AND CONCLUSIONS

281. First, we note that no submitters sought rezoning of either the SAFRL site or Frankton Cemetery nor was there a request to change the location of the UGB. The changes requested related only to the provisions of Chapter 15 and the ONL boundary. No submitters sought the removal of the site-specific of Chapter 15 that apply to 1 Hansen Road.

51.1. The location of the ONL line

282. Dr Read recommends placing the ONL line at the toe of the slope as shown in Appendix 1 of her Reply Evidence. Her evidence was uncontested however we do not have scope to make the changes she is recommending because her revised ONL line would affect a landowner who is not party to this matter.

283. Ms Evans relied on Dr Read's recommended ONL line in forming her opinion that the submission point be accepted in part. Because there was still a portion of the ONL outside the Rural Zone (ie within the LSCZ), she did not recommend that the submission point be accepted in full.[82]

284. According to Ms Evans, the particular area of LSCZ to the north of the cemetery was included in the LSCZ to facilitate access between 1 Hansen Road and the LSCZ to the west thereby

[81] Chapter 3, Section 3.1 Issues 2 & 4

[82] R. Evans, Reply Evidence, 6 October 2017, paragraph 2.2

enabling integrated development of the shopping centre.[83] It appears to us that using this land for an internal road and/or commercial development is at odds with its protection as an ONL. However, in forming her opinion in reply, Ms Evans did not evaluate these competing outcomes in the context of the PDP's Strategic Direction (Chapter 3), Urban Development objectives and policies (Chapter 4) and Landscape objectives and policies (Chapter 6).

285. Notified policy 6.3.1.2 provided for classification of the Rural zoned landscapes in the District as ONL, ONF or RLC. With few exceptions, ONLs are not identified within urban zonings in the PDP. This strategic direction was not challenged by submissions on Stage 1 and is not subject to the variation proposed in Stage 2 which amends only the Values (Chapter 6.2) and Rules (Chapter 6.2) for landscapes. Accordingly, the PDP's approach of aligning ONLs/ONFs and Rural zoning was confirmed in Panel Recommendation Report 3 on Outstanding Natural Landscapes and Features.[84]

286. We consider that including an area of LSCZ within the ONL is both contrary to the strategic direction of the PDP and pointless because there are no assessment criteria relating to ONLs in that zone. Indeed, this is an example of the problem that arises when identification of the ONL is conflated with planning goals.

287. In this case, our hands are tied because the LSCZ and the location of the UGB were not challenged therefore planning goals will drive the location of the ONL in the western portion of Lot 1. Pragmatically, we conclude that the ONL, UGB and LSC/Rural zone boundary should be aligned from the western side of Lot 1 to the point where the ONL boundary heads north-east into the Rural Zone. In our view, the notified alignment of the ONL in the Rural zoned portion of Lot 1 section is satisfactory because it follows the Arrow water race, a clear line of demarcation.

51.2. Chapter 15 text

288. By the end of the Stage 1 hearings, the Council and NZTA were generally in agreement on the wording of the provisions in Chapter 15 as they related to 1 Hansen Road. The only issue outstanding was the Panel's concern with the scope of Rule 15.6.2 and the vires of Rule 15.4.3.2 and Rule 15.6.2.2 as revised.

289. In the Stream 8 hearings, there was considerable attention given to the vires of a rule deeming that certain parties are exempt from 'non-notification rules' in the PDP (Rule 12.6). In the Council's legal submissions in reply, Ms Scott confirmed that section 77D of the Act does not allow a local authority to make a rule containing an exemption from non-notification for certain parties.[85] It is, however, open to a local authority to exempt certain activities. For example, Ms Vicki Jones recommended amending Rule 12.6.1.1 Queenstown Centre Zone so that the exemption would be framed in terms of vehicle access and egress on to a state highway rather than a party.

290. We concur with the Council's legal advice. Therefore, we consider that the revised wording of Rule 15.6.2.2 is problematic because it specifies a party not an activity. The root cause of the problem is the way in which the exceptions for 1 Hansen Road are provided for in Chapter 15. In Rule 15.4.3 Buildings as RD activities, there are two separate categories enabling a distinction to be made in Rule 15.6.2 in terms of notification. In comparison, Rule 15.5.1 Building Coverage makes no distinction between the general standard and the exception

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83 Ibid, para 2.3

84 Recommendation Report 3; Section 8.5

85 Reply Submissions for the Council, Business Zones, paragraphs 3.9 – 3.12

applicable to the land in the LSCZ between Hansen Road and Frankton Cemetery. In our view, Rule 15.5.1 should be divided into two sub-clauses in the same way as Rule 15.4.3. This would enable Rules 15.6.2.1 and 15.6.2.2 to provide for non-notification of applications relating to building and building coverage on all properties except 1 Hansen Road. The effect of these changes is that the Council would carry out a case by case assessment of the need to seek written approval and/or require notification of applications for Buildings and Building Coverage as RD activities at 1 Hansen Road.

291. Our recommended wording for Rule 15.5.1 Building Coverage is:

15.5.1.1 Maximum building coverage – 75%
Non-compliance status **RD**
Discretion is restricted to:
a. The effects on the quality of the overall streetscape; and
b. The ability to meet outdoor storage requirements.

15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery, the maximum building coverage shall be 50%
Non-compliance status **RD**
Discretion is restricted to:
a. The effects on the quality of the overall streetscape; and
b. The ability to meet outdoor storage requirements; and
c. The traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6.

292. Our recommended wording for Rule 15.6.2 is:

"15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (Rule 15.5.1.2)

293. Our concern with Rule 15.4.3.2 is that the provisions relating to Spatial Layout Plans may be *ultra vires*. Given the lack of submissions and evidence on the rule we are not prepared to delete it, rather we recommend the Council reconsider both the *vires* of this rule and its relevance to the actual use of the site.

52. RECOMMENDATION

294. For the reasons set out above, we recommend that:
a. Submission 698 be accepted in part to the extent that:
   i. The ONL line be amended by aligning it with the UBG and Rural Zone boundary in the western segment of the northern boundary of 1 Hansen Road as shown on Planning Maps 31, 31a and 33; and
   ii. LSC zoning be confirmed for the property known as 1 Hansen Road; and
   iii. Rules 15.5.1 and 15.6.2 be amended as set out above; and
b. Submission 719 be accepted in part to the extent that the wording of Rules 15.5.1 and 15.6.2 be amended as set out above.
c. The Council consider whether Rule 15.4.3.2 should remain in the PDP, and if it does, whether the requirements contained within it are lawful.

PART O: MIDDLETON FAMILY TRUST

Submitter **Middleton Family Trust (Submission 338)**

Further Submissions

Remarkables Park Limited (FS1117.45) support,
Hansen Family Partnership (FS1270.75) support,
Oasis In The Basin Association (FS1289.24) oppose,
Queenstown Airport Corporation (FS1340.79) oppose,
Queenstown Park Limited (FS1097.150) support.

53. PRELIMINARY MATTERS

53.1. Subject of Submissions

295. These submissions related to an area of approximately 94.5ha between Lake Johnston and Tucker Beach Rd.

53.2. Outline of Relief Sought

296. Middleton Family Trust (338.2) sought the rezoning of 94.5 ha of land. It sought a combination of 76 ha Low Density Residential and 18 ha Rural Residential. Based on approximate yield calculations, the area of LDRZ could enable 1,156 dwellings and the RR 31 dwellings, over and above the notified Rural Zone. A proposed road access was identified within the submission, extending from Ladies Mile over Ferry Hill passing above and to the east of Lake Johnson to the proposed LDR zone.

297. Associated with the rezoning Submission 338.5 also opposed the ONL location on the submitter's land and requested that it be amended to reflect that approved by Environment Court decision C169/2000; and sought that the UGB line be aligned with the boundaries of the proposed LDRZ.

53.3. Description of the Site and Environs

298. The original submission site is on the northern slopes of land between Ferry Hill and the unnamed hill to the west, and generally to the north of Lake Johnson. It crosses a ridgeline and the northern part of the submission site lies on the slopes and terraces facing Tuckers Beach and the Shotover River valley.

299. The original submission site is shown on Figure 6-18 below.

Figure 6-18 – Original Submission site in blue outline. The ONL is shown as a brown dashed line

300. The smaller polygon towards the top of the image is the proposed Rural Residential Zone. The larger polygon is the proposed Low Density Residential Zone.

301. A proposed road access was identified within the submission, extending from the Eastern Arterial (Hawthorne Drive) roundabout with SH6 and climbing steeply over Ferry Hill before descending and passing above and to the east of Lake Johnson to the proposed LDR zone. The location of this proposed road is shown on Figure 6-19.

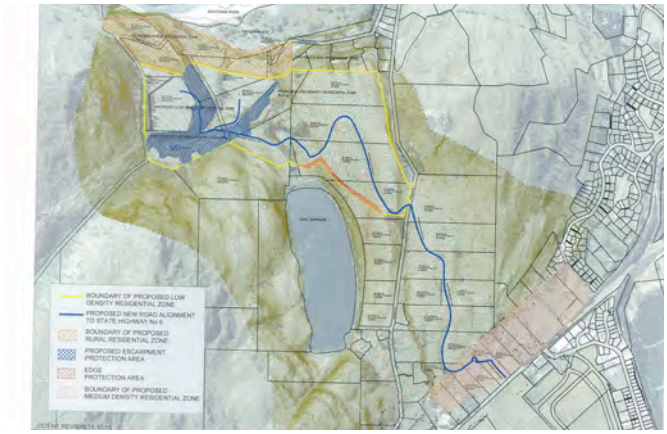

Figure 6-19 – Location of proposed road (blue line)

53.4. Effect of Stage 2 of the PDP.

302. Since the submission was lodged and heard in the Stream 13 hearings, the Wakatipu Basin variation has been notified as part of Stage 2 of the variation. Some of this submission site is within the variation. As a result, the submission in respect of that part of the site is deemed to be a submission on the variation[86] and cannot be heard and decided in Stage 1. The southern boundary of the Wakatipu Basin variation is the ONL line which can be seen on Figure 6-18 above. All of the requested Rural Residential zone and part of the requested LDR zone is

86 Pursuant to Clause 16B of the First Schedule to the Resource Management Act 1991

now included in the Wakatipu Basin variation and that part of the submission is deferred to the Stage 2 hearings. Only the part of the submission site outside of the Variation (within the ONL as notified) is considered in the balance of this recommendation.

303. The part of the submission site transferred to Stage 2 is shown in Figure 6-20.

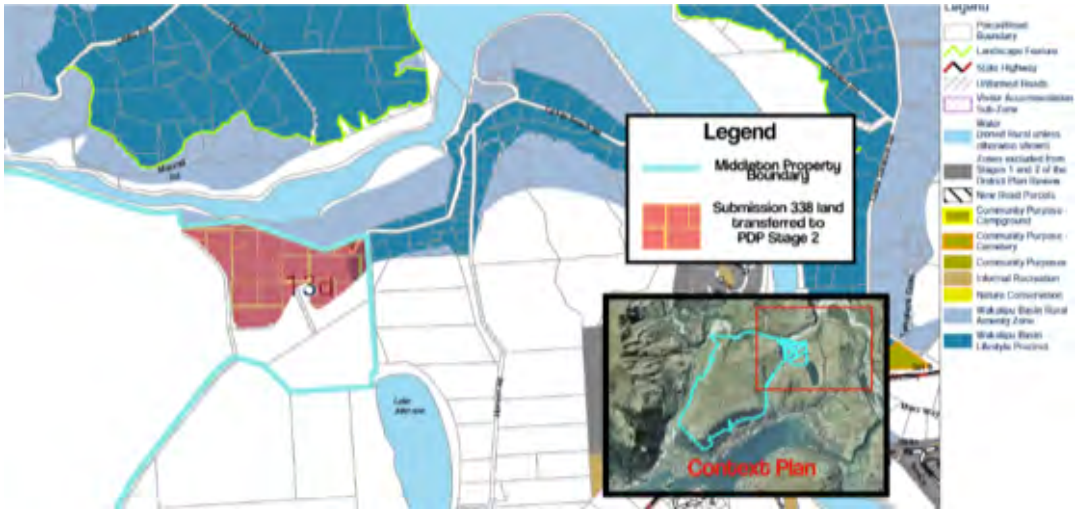

Figure 6-20 – Part of Submission 338 transferred to Stage 2.

54. THE CASE FOR REZONING

54.1. Submitter

304. The case for the submitter largely centred on the perceived importance of substantially increasing the supply of residential land available for development in Queenstown. Evidence for the submitter by Mr Nick Geddes was to the effect that there is a large demand for housing sites and that a great deal of zoned residential land is being withheld by owners. Mr Geddes relied heavily on the NPSUDC 2016 which requires the Council to make available an adequate supply of serviced and available land for urban growth.

305. Mr Geddes acknowledged that adverse environmental effects might occur, particularly to the landscape, but that this could be mitigated to an extent by setting aside sensitive areas such as escarpments, and by planting.

306. Mr Geddes also said that though some natural hazards exist on the site these would be capable of being assessed and managed through the subdivision and consenting process.

307. At paragraph 5.42 of his evidence he stated

I accept that it is important to manage activities towards the protection of the areas single biggest asset the environment. However, I consider primary importance must also be placed on the needs of the community and the higher order provisions in the Act which include the provision of the social and economic wellbeing of a community as well as the preservation of landscapes.

308. Essentially this is an overall judgement approach, relying on section 5 of the RMA to bolster the conclusions he had also reached under the NPSUDC 2016. Mr Geddes found support for his approach in objectives in Chapter 3 of the PDP, particularly Objectives 3.2.6.1 and 3.2.6.2

which directly correlate to the obligations, objectives and policies of the NPSUDC 2016 discussed earlier.

309. Other expert evidence for the submitter was given by Mr Jason Bartlett on transport, and Mr Chris Hansen on servicing and infrastructure. Mr Bartlett said that two access roads would potentially be available to the new residential area, one via the new road over Ferry Hill to the Hawthorne Rd roundabout, and the second via Tucker Beach Rd to SH6. He acknowledged that both would increase traffic through those intersections and that further study would be required to establish whether either of these intersections would have the capacity to handle the additional traffic. He recognised that other development proposals at North Frankton would also be relying on the Hawthorne Drive roundabout and there may not be capacity for both those developments and the current proposal. He described intersection improvements already under consideration by NZTA at the Tucker Beach Rd intersection with SH6.

310. Mr Hansen said that it would be feasible to construct urban services for wastewater, stormwater, water supply, electricity and communications on the site and that the Council's wastewater treatment plant would have capacity to service the site after already-planned upgrades which would provide greater capacity and safety there.

54.2. Oasis in the Basin

311. Oasis in the Basin (Oasis) is a small group of people who are recreational users of the Lake Johnson area and have concerns about the effects of any potential development on the natural values of the area. Evidence for the Association was given by Mr Warwick Goldsmith, a resident of the area, Mr Stephen Skelton, a landscape architect and Mr Andy Carr, a traffic engineer.

312. Mr Goldsmith said that Oasis was not opposing any development that would be outside the ONL. As we have noted earlier, this would be in the northern part of the submission site that has been overtaken by the Wakatipu Basin Variation, and that part of the submission is now deferred to the Stage 2 hearings.

313. Mr Goldsmith said that Lake Johnson is a hidden jewel in the middle of the Wakatipu Basin that is well used by the public for walking, photography, fishing and canoeing, and that it has potential for more use as Queenstown grows and with improvements to access, directions, promotion and management. He said that the enjoyment of the area is heavily dependent on the outstanding natural values of the surrounding area including the submission site. The proposed LDR development would be clearly visible from the vicinity of the site and would severely compromise the quiet enjoyment of its values.

314. Mr Skelton discussed the glacial origins of the lake and the surrounding mountains. He said the lake was virtually invisible except from above, and the openness of the surrounding hills added to the sense of quiet isolation at the lake. He said that although the submission site was in a pastoral farm, the open and relatively unmodified nature of this meant that the land and its glacial formation remained very legible. He described how the site provided a pleasant open foreground to views from the Shotover valley and Wakatipu Basin to the north which helped to frame the views through to the much appreciated Remarkable Mountains to the south. From the south the site is part of a pleasant open and rural edge to the Frankton Flats. He considered the ONL was correctly placed east of Hansen Road where the submitter seeks to have it relocated, as it generally follows the topographic transition between the glacier overridden schist landform and the alluvial fans and terraces bordering the Shotover River. He

considered that the proposed road up the side of Ferry Hill would be an unacceptable intrusion into the ONL there.

315. Overall, he considered that development of the scale proposed would have very high adverse effects on the character and quality of the ONL as it would enable built development to cloak and modify the legible landform, would result in a significant loss of the rural character of the landscape and would impinge on the natural, open character of Lake Johnson. The visual amenity as experienced from public and private places north and northeast of the site would be adversely affected to a moderate to high degree as the rural context and open, natural character of the slopes which hold the Basin would be greatly degraded and the type of development proposed would detract from the distant views of the dramatic mountains.

316. Mr Carr discussed the roading implications of the proposal. He said that the proposed road up Ferry Hill would be steep and high, rising at least 100 metres to the highest point and very expensive to construct. It was his opinion that if the development was to proceed then access should be confined to the Tucker Beach Road end of the site, provided that the proposed improvements to its intersection with SH6 take place. He considered that upgrade would enable the intersection to easily absorb the increased traffic. We note, however, that under the Wakatipu Basin Variation, most of the intervening land is proposed to be zoned Wakatipu Basin Rural Amenity, which is proposed to have a very low density of one household per 80 ha. This may make it uneconomic to build a road across that land to reach what remains of this submission site.

317. Mr Jeffrey Brown, a planning consultant, gave evidence for Oasis. He said that the LDR zoning is proposed on land that is reasonably close to Frankton Corner and to the Frankton Flats zones, and that it could provide for a large number of residential sites which would contribute to the housing needs of the District. This would be a positive effect of the proposal. He accepted that the land may be able to be efficiently accessed and serviced, although there was insufficient information to determine if the traffic and infrastructure effects would be adverse or not.

318. The land is within the ONL. He agreed with Mr Skelton and Dr Read for the Council that the LDR zoning in this location, and the access road to it, would have very high or significant adverse effects on the landscape values of the ONL, and on the rural amenity values of Lake Johnson and its environs. He agreed with Mr Goldsmith that the zoning would also urbanise an existing undeveloped area and would foreclose the opportunity for Lake Johnson, its margins and its wider naturalness to be an undeveloped and remote “getaway” close to the urban settlement areas of Queenstown and Frankton. Overall, the very high (or significantly) adverse effects of the LDR zoning on the landscape values of the area outweighed any positive effects of the zoning, in his view.

319. He analysed the higher order strategic objectives and policies in Chapter 3 of the PDP, particularly those relating to urban growth and landscape protection and concluded that that the LDR zone would not fulfil the PDP’s Strategic Direction goals of “strategic and integrated management of urban growth” or “distinctive landscapes are protected from inappropriate development”.

54.3. Council

320. The evidence for the Council was given by Dr Marion Read on landscape, Ms Wendy Banks on transport, Mr Ulrich Glasner on infrastructure, Mr Glen Davis on ecology and Ms Kimberley Banks on planning.

321. Mr Glasner was not able to support the zoning in the absence of detailed modelling to demonstrate the feasibility of providing services.

322. Mr Davis did not oppose the proposal in the absence of any significant indigenous vegetation communities on the site.

323. Ms Wendy Banks opposed the submission based on the size of the area sought for residential zoning. She identified that the anticipated vehicle trips generated by the proposed rezoning would account for 69% of the total existing trips on the Hawthorne Drive roundabout. We note that the reduced size of the site we are now dealing with would reduce that proportion, but it would obviously remain a very relevant issue especially given the likelihood of other developments at North Frankton also having to rely on that roundabout.

324. Dr Read opposed this submission in part. Dr Read opposed the proposed LDRZ, but was however not opposed to the areas of RR zoning. Given that we are considering only part of the proposed LDRZ and not the northern area which contains the balance of the LDRZ and all of the proposed RR, we take that to mean that Dr Read opposed the remaining part of the submission in full.

325. Dr Read identified the location as being within the backdrop to highly valued views within the Wakatipu Basin, including those seen from Littles and Domain Roads. It was her opinion that the LDRZ would have significant adverse effects on the character and quality of the landscape. Additionally, she considered the proposed access road crossing the upper terraces of Ferry Hill and around Lake Johnson to also have significant effects on the ONL as seen from both the Wakatipu Basin and from within Frankton.

326. In her planning report, Ms Kimberley Banks acknowledged that the proposal would on face value have some merit in terms of connectivity and proximity to services, amenities and existing residential areas. However, in her opinion the provision of housing capacity was not the sole consideration in the application of zoning, and in this instance she considered that Goal 3.2.5 of the PDP "*the protection of our distinctive landscapes from inappropriate development*" in combination with Goal 3.2.4 to be of greater comparative significance. She did not accept a pressing need to realise this scale of capacity, where realising this is likely to come only with significant costs to the landscape. She believed that such an intensity of development in this location to be inappropriate and therefore she recommended that we reject the areas of proposed LDRZ.

327. Ms Rosie Hill, legal counsel for Oasis also discussed the latter point extensively in legal submissions. She said that the NPSUDC 2016 has to be read in conjunction with Part 2 of the RMA. The NPSUDC 2016 does not address the values in section 6 of the RMA at all. In this case the relevant subsection is s6(b), the protection of outstanding natural landscapes from inappropriate development. The Council is required to give effect to the NPSUDC 2016 but also to Part 2. In her view, the submitter had not provided sufficient evidence of a compelling need to rezone this land despite the existence of the ONL. She referred to the evidence of Mr Phil Osborne for the Council on dwelling capacity, which was to the effect that there was sufficient zoned and available residential land to satisfy the requirements of the NPSUDC 2016. She submitted we should prefer Mr Osborne's evidence to that of Mr Geddes, because of its greater rigour and Mr Osborne's better qualifications to carry out such research. She pointed out that the Council is completing a detailed assessment of development capacity as required by the NPSUDC 20016 and is due to report on this by December 2018. Consequently she said

that the submitter had not made out a case that in this instance the needs for further residential land in Queenstown should overcome the requirements of Part 2 of the RMA and the relevant landscape identification and protection objectives in Chapter 3 of the PDP.

54.4. Discussion of Planning Framework

328. Recommended Objective 3.2.2 is that *Urban growth is managed in a strategic and integrated manner.* Under this, Objective 3.2.2.1 requires that *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 development; and*
- *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 future, infrastructure.*

329. Objective 3.2.5 is: *The retention of the District's distinctive landscapes.* Objective 3.2.5.1 is: *The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.*

54.5. The Operative and Proposed Otago Regional Policy Statements

330. The Operative Otago Regional Policy Statement must be given effect to[87]. This states

> *5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.*

331. The related policies identify the characteristics of ONFs and landscapes, but do not identify what is inappropriate. Effectively this restates s6(b) of the RMA, but it remains necessary to determine what is inappropriate, and there is no mandatory guidance here as to what the outcome of the case should be.

332. The Proposed Regional Policy Statement takes a very similar approach. Objective 2.2 and its related policies are;

> *Objective 2.2*
> *Otago's significant and highly-valued natural resources are identified, and protected or enhanced*
>
> *Policy 2.2.4*
> *Managing outstanding natural features, landscapes, and seascapes Protect, enhance and restore the values of outstanding natural features, landscapes and seascapes, by:*

[87] Section 75(3)(c) of the RMA

a. Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and
b. Avoiding, remedying or mitigating other adverse effects on other values; and
c. Assessing the significance of adverse effects on values, as detailed in Schedule 3; and
d. …
e. …
f. Encouraging enhancement of those areas and values.

333. Schedule 3 contains a set of criteria for assessing the significance of adverse effects.

334. As the proposed RPS is not yet operative, and is subject to appeal, we do not consider it should be given significant weight. In any case, it contains no specific direction that would determine this case. It will still be necessary to consider whether the proposed development would be appropriate in the ONL. At most, the Schedule 3 criteria might assist in that consideration.

55. ISSUES

a. Landscape
b. Transport
c. Dwelling Capacity

56. DISCUSSION OF ISSUES AND CONCLUSIONS

335. As we have already noted the NPSUDC 2016 requires the Council to monitor the availability of land for development and ensure a sufficient amount of land is zoned, serviced and available. We have discussed the NPSUDC 2016 extensively in our introduction to this report.[88] We concluded in that report that Queenstown has sufficient land available for development for the present. The Council is still carrying out its investigation and reporting required under the NPSUDC 2016. Even if the outcome of the Council's investigation is a conclusion that more land needs to be found, the Council would still need to consider where the most appropriate sites would be, which might or might not include this one. Therefore we do not think it necessary to take any precipitate action on this submission simply to satisfy the perceived shortfall.

336. With regard to landscape, the submitter did not provide any expert evidence on this. The evidence of both Dr Read for the Council and Mr Skelton for Oasis was clear and convincing. Both concluded that there would be significant adverse effects on the ONL from this proposal. We accept and adopt their conclusions.

337. With regard to roading capacity, even Mr Bartlett for the submitter considered that further investigation would be required into the capacity effect at the Hawthorne Drive roundabout before this proposal could go ahead. Ms Wendy Banks for the Council agreed with that. Mr Carr for Oasis in the Basin was more concerned about the difficult alignment of this road, and considered that alternative access to the site should be restricted to via Tucker Beach Rd. Because of the situation with the Wakatipu Basin variation we cannot rely on that alternative at this stage. Therefore the proposal is premature on the roading issue alone.

338. In these circumstances we do not need to discuss servicing or any other issues.

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88 Report 17-1, Section 3

57. RECOMMENDATION

339. For the reasons set out above, we recommend that:

a. Submissions 338.2 and 338.5 be rejected; and
b. FS1117.45, FS1270.75 and FS1097.150 be rejected; and
c. FS1289.24 and FS1340.79 be accepted

PART P: KEITH HINDLE AND DAYLE WRIGHT

Submitter **Keith Hindle and Dayle Wright (Submission 476)**
Further Submission
None

58. PRELIMINARY MATTERS

58.1. Subject of Submissions

340. These submissions originally related to an area of approximately 3.03 ha being part of 111 Tucker Beach Rd. The majority of the site has been included in the Wakatipu basin Variation and that part of the current submission is deemed to be a submission on that variation. A small residue of the site containing 0.56ha is outside the Wakatipu Variation and remains to be dealt with in Stage 1.

58.2. Outline of Relief Sought

341. The submitter requested that this land be re-zoned to Rural Residential Zone with a minimum lot size of 3000m^2; and that proposed Planning Map 31 – Lower Shotover be amended to identify the specific area identified within Attachment 1: Proposed Rural Residential Zone Location Map.

58.3. Description of the Site and Environs

342. The site is in Tucker Beach Rd to the north of the ODP Quail Rise Zone, as shown on Figure 6-21.

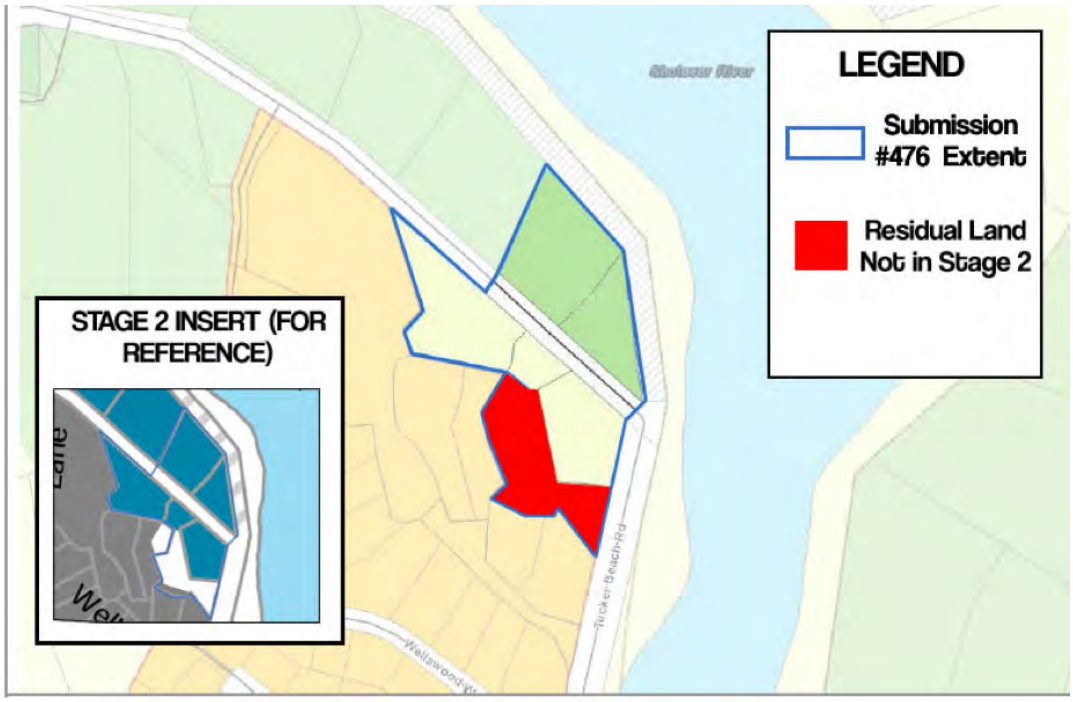


Figure 6-21 – Submission site remaining in Stage 1

58.4. The Case for Rezoning

343. The submission stated that the land would make an appropriate and logical transition between the Quail Rise Zone and the Rural Zone in terms of a gradual reduction in density, that the site

could be developed to a density of one site per 3000m^2 with no more than minor adverse effects and that there was no need for discretionary activity assessment. No further information or evidence was received from the submitter.

344. For the Council, there was no evidence in opposition in respect of landscape, ecology, traffic or infrastructure.

345. In his planning report, Mr Buxton considered retention of the Rural Zoning would be preferable because it would enable more robust analysis of the landscape implications of any subdivision applications.

58.5. Discussion of Planning Framework

346. The site is in the Rural Character Landscape. Strategic Objectives and Policies in Chapters 3 and 6 seek to maintain or enhance the rural character and visual amenity values by directing new development into areas that can absorb it without material detraction and to identify those areas that cannot absorb change.[89]

347. If the site remains zoned Rural then applications for further subdivision and development would be discretionary and subject to landscape assessment criteria. Under the Rural Residential zoning, subdivision would be restricted discretionary and subject to a range of objectives, policies and rules designed to maintain and enhance landscape character and amenity and manage visual prominence including by controlling colour, scale, location and height[90]. Similar provisions exist in Chapter 27 to manage effects at the time subdivisions are approved.

59. ISSUES

348. Landscape
349. Appropriate zoning for the site

60. DISCUSSION OF ISSUES AND CONCLUSIONS

350. With regard to landscape we note that this is area has not been identified as an area that is not able to absorb change, and that Dr Read considered the area would be able to absorb change under Rural Residential Zone provisions without more than minor adverse effects.

351. Since the time of writing the Section 42A Reports, the zoning of land in the immediate vicinity to the north has been proposed to be changed from Rural Lifestyle, with an average density of one lot per 2ha, to Wakatipu Basin Lifestyle Precinct[91] with an average density of one lot per 1 hectare. We cannot assume that this variation will be approved. However we do note that land in that part of the zone is already subdivided to a density greater than provided for by the Variation. The sites range in size from 3794m^2 to 7491m^2 according to Mr Buxton's report.[92] Rural Residential development on the remaining portion of the submission land to a similar density might result in a very small number of additional allotments. Given the landscape evidence supports this we consider it would be appropriate. However, we have no evidence at all to support the requested change in minimum lot size from 4000m^2 to 3000m^2, or the

89 Objective 3.2.5.2 and Policies 3.3.23, 6.3.18 and 6.3.19
90 Objective 22.2.1, policies 22.2.1.1, 22.2.1.5, Rules 22.5.1-22.5.11
91 Stage 2 Variations
92 R Buxton, Section 42A report, paragraph 15.11

requested change in status to controlled activity. Proposals to subdivide to a smaller lot size can be made and considered through the resource consent process.

61. RECOMMENDATION

352. For the reasons set out above, we recommend that Submission 476 be accepted in part by rezoning the land not affected by Stage 2 as Rural Residential.

PART Q: SUMMARY OF RECOMMENDATIONS

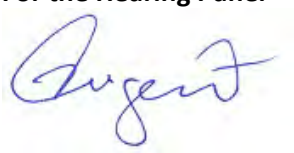
354. For the reasons set out above, we recommend that:
   a. Submission 455 and Further Submissions 1270 and 1340 be accepted, and Further Submission 1092 be rejected in part (refer Part B);
   b. Submission 8 be rejected, and Submissions 140, 177, 391, 399, 408, 717, 751 and 847 and Further Submissions 1270, 1029, 1061, 1062, 1195, 1271, 1340, 1092, 1077 and 1189 be accepted in part (refer Part C);
   c. Submission 501 and Further Submissions 1102, 1189, 1195, 1270 and 1289 be accepted in part (refer Part D);
   d. Submission 488 be rejected and Further Submission 1340 be accepted (refer Part E);
   e. Submissions 344 and 720 be rejected, and Further Submission 1077 be accepted (refer Part F);
   f. Submission 418 and Further Submissions 1117 and 1340 be rejected (refer Part G);
   g. Submission 140 be accepted (refer Part H);
   h. Submissions 586 and 775 be rejected (refer Part I);
   i. Submission 238 be rejected, and Submissions 24, 35, 36, 43, 55 and 85 and Further Submissions 1107, 1226, 1234, 1241, 1242, 1248, 1249 and 1340 be accepted (refer Part J);
   j. Submission 128 be rejected and Further Submissions 1077 and 1340 be accepted (refer Part K);
   k. Submission 141 be rejected and Submission 1340 be accepted in part (refer Part L):
   l. Submissions 828 and 840 be rejected, and Further Submissions 1077 and 1340 be accepted (refer Part M);
   m. Submissions 698 and 719 be accepted in part (refer Part N);
   n. Submission 338 and Further Submissions 1117, 1270 and 1097 be rejected, and Further Submissions 1289 and 1340 be accepted (refer Part O);
   o. Submission 476 be accepted in part (refer Part P).

355. As a consequence of those recommendations, we recommend that:
   a. the Frankton North area be zoned as shown on the map in Appendix 2, and the Landscape Classification line follow the UGB as shown in Appendix 2; and
   b. The portion of 111 Tucker Beach Road not subject to Stage 2 be zoned Rural Residential.

356. We recommend that the amendments to Chapters 8, 15, 16 and 27 as shown in Appendix 1 be adopted to give effect to the above recommendations.

357. We further recommend that:
   a. The Council consider whether Rule 15.4.3.2 should remain in the PDP, and if it should, whether the requirements contained in the rule are lawful; and
   b. The Council reconsider the zoning of properties in and around Glenda Drive zoned Rural in the PDP when it reviews the industrial zones.

For the Hearing Panel



Denis Nugent (Chair)
Dated:4 April 2018

Appendix 1
Recommended Amendments to Chapters 8, 15, 16 and 27

Provisions to be confirmed or inserted in Chapter 8:

8.2.8 **Objective -** The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality residential environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

Policies

8.2.8.1 Encourage a low impact stormwater design that utilises on-site treatment and storage/dispersal approaches.

8.2.8.2 Avoid the impacts of stormwater discharges on the State Highway network.

8.2.8.3 Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.

8.2.8.4 Provide for a safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.

8.2.8.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

8.2.8.6 Require the provision of a safe and legible walking and cycle environment links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.

8.2.8.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.

8.2.8.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:

a. A 'fourth leg' off the Hawthorne Drive/State Highway 6 roundabout;

b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/State Highway 6 roundabout; and

c. New and safe pedestrian connections between Hansen Rd and the southern side of SH6, and the Hawthorne Drive/State Highway 6 roundabout, Ferry Hill Drive and the southern side of State Highway 6.

8.2.8.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

8.5.3	**Development on land north of State Highway 6 between Hansen Road and** Ferry Hill Drive shall provide the following: 8.5.3.1 Transport, parking and access design that: a. Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/State Highway 6 Roundabout, and/or Ferry Hill Drive b. There is no new vehicular access to the State Highway Network. 8.5.3.2 Where a site adjoins State Highway 6, landscaping planting buffer fronting State Highway 6 as follows: A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species: i. Ribbonwood (Plagianthus regius) ii. Corokia cotoneaster iii. Pittosporum tenuifolium iv. Grisilinea v. Coprosma propinqua vi. Olearia dartonii Once planted these plants are to be maintained in perpetuity.	NC

Provisions to be included in Chapter 15:

15.5.1.1 Maximum building coverage – 75%
Non-compliance status **RD**
Discretion is restricted to:
a. The effects on the quality of the overall streetscape; and
b. The ability to meet outdoor storage requirements.

15.5.1.2 Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery, the maximum building coverage shall be 50%
Non-compliance status **RD**
Discretion is restricted to:

d. The effects on the quality of the overall streetscape; and
e. The ability to meet outdoor storage requirements; and
f. The traffic effects of additional building coverage, including the effects on the State Highway, with particular regard to the intersection between Hansen Road and State Highway 6.

Rule 15.6.2 is:

"15.6.2.2 Building coverage, except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery.

Provisions to be included in Chapter 16:

16.2.3 **Objective -** The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

Policies

16.2.3.1 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.

16.2.3.2 Avoid the impacts of stormwater discharges on the State Highway network.

16.2.3.3 Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.

16.2.3.4 Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.

16.2.3.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between

Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

16.2.3.6 Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.

16.2.3.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.

16.2.3.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:

a. A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;

b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and

c. New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.

16.2.3.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive

16.4.7	**Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.18** Discretion is restricted to: a. The impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; b. The provision, location and screening of access, parking and traffic generation; and c. Landscaping.	RD
16.4.17	**Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary**	PR
16.4.18	**Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North**	PR

16.5.11	**Development on land north of State Highway 6 between Hansen Road and** Ferry Hill Drive shall provide the following: 16.5.13.1 Transport, parking and access design that: a. Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive b. There is no new vehicular access to the State Highway Network. 16.5.13.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows: A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species: i. Ribbonwood (Plagianthus regius) ii. Corokia cotoneaster iii. Pittosporum tenuifolium iv. Grisilinea v. Coprosma propinqua vi. Olearia dartonii Once planted these plants are to be maintained in perpetuity.	NC

Provisions to be included in Chapter 27:

Frankton North

27.3.12 Objective - Subdivision of the of the Medium Density Residential and Business Mixed Use Zones on the north side of State Highway 6 between Hansen Road and Quail Rise enables development integrated into the adjacent urban areas while minimising traffic impacts on the State Highway.

Policies

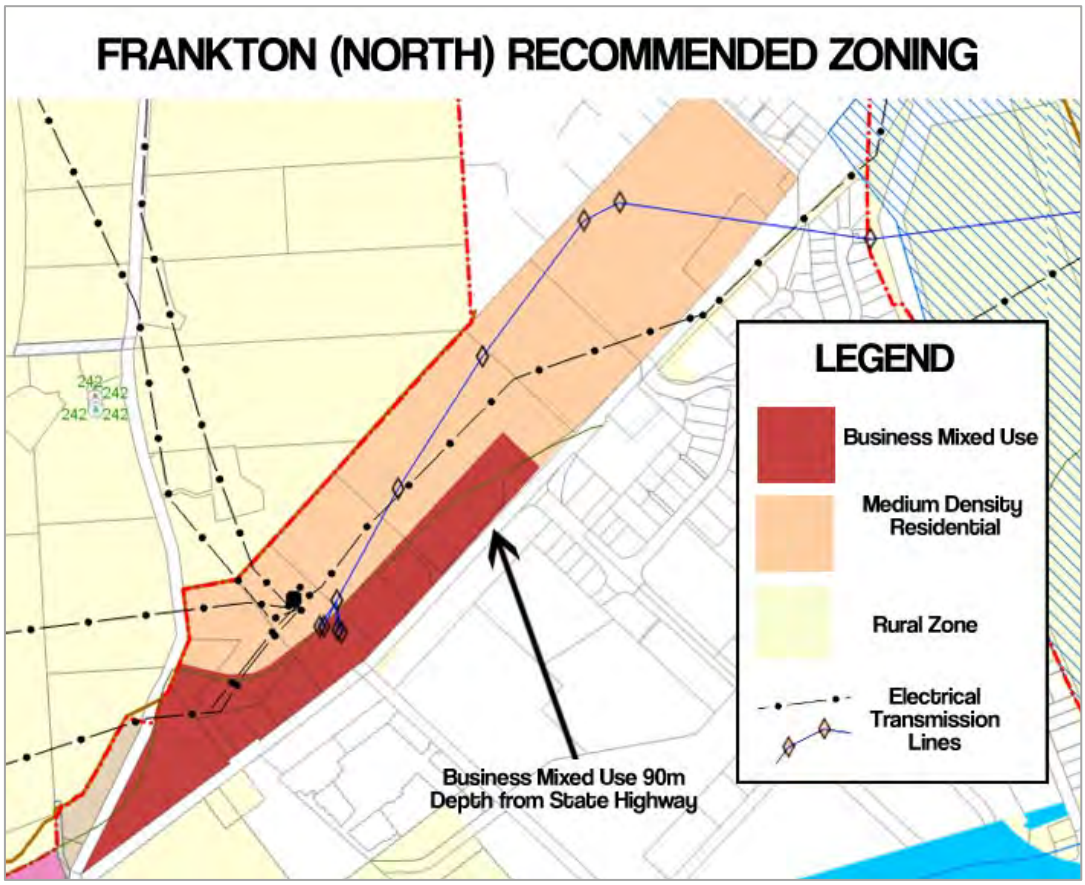
27.3.12.1 Limit the roading access to Frankton North to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/SH6 roundabout.

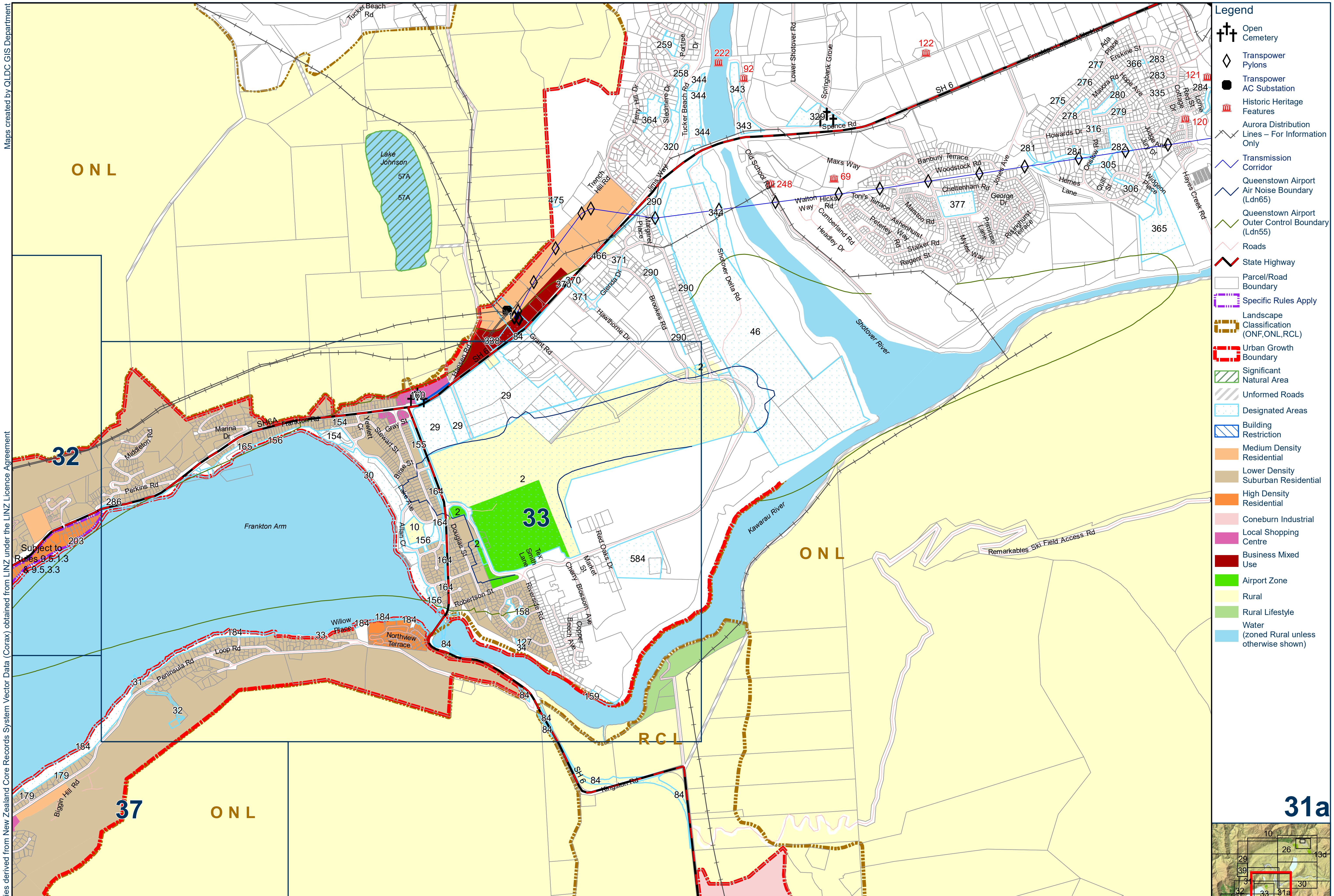
27.3.12.2 Ensure subdivision and development enables access to the roading network from all sites in the Frankton North Medium Density Residential and Business Mixed Use Zones and is of a form that accounts for long-term traffic demands without the need for subsequent retrofitting or upgrade.

27.3.12.3 Ensure subdivision and development in the Frankton North Medium Density Residential and Business Mixed Use Zones provides, or has access to, a safe and legible walking and cycling environment adjacent to and across the State Highway linking to other pedestrian and cycling networks.

27.7.9	**Frankton North**	
27.7.9.1	All subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that complies with the following standards in addition to the requirements of Rule 27.5.7: a. Access to the wider roading network shall only be via one or more of: i. Hansen Road; ii. Ferry Hill Drive; and/or iii. Hawthorne Drive/State Highway 6 roundabout. b. No subdivision shall be designed so as to preclude an adjacent site complying with clause a. Discretion is restricted to: a. Safe and effective functioning of the State Highway network; b. Integration with other access points through the zones to link up to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/State Highway 6 roundabout; c. Integration with pedestrian and cycling networks, including those across the State Highway.	RD
27.7.9.2	Any subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that does not comply with Rule 27.7.9.1.	NC

Appendix 2
Recommended Zoning – Frankton North





Maps created by QLDC GIS Department

Parcel boundaries derived from New Zealand Core Records System Vector Data (Corax) obtained from LINZ under the LINZ Licence Agreement

QUEENSTOWN LAKES DISTRICT COUNCIL

PDP Decisions Version Map 31a - Queenstown Airport

Date Published: 18-Apr-18

16 BUSINESS MIXED USE

QUEENSTOWN LAKES DISTRICT COUNCIL

16.1 Purpose

The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved.

16.2 Objectives and Policies

16.2.1 Objective – An area comprising a high intensity mix of compatible residential and non-residential activities is enabled.

Policies

16.2.1.1 Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.

16.2.1.2 Enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in.

16.2.1.3 Avoid activities that have noxious, offensive, or undesirable qualities from locating within the Business Mixed Use Zone to ensure that a high quality urban environment is maintained.

16.2.1.4 For sites adjoining Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.

16.2.1.5 Provide appropriate noise limits to minimise adverse noise effects received within the Business Mixed Use Zone and by nearby properties.

16.2.1.6 Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to limit the potential for reverse sensitivity effects.

16.2.1.7 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on views of the night sky and provide a safe and well-lit environment for pedestrians.

16.2.1.8 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects on public places and adjoining residential zones.

16.2.1.9 Minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration and the street network, carparking areas, public and semi-public spaces, accessways/pedestrian links/lanes, and landscaping.

16.2.2 Objective – New development achieves high quality building and urban design outcomes that minimises adverse effects on adjoining residential areas and public spaces.

Policies

16.2.2.1 Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.

16.2.2.2 Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbours.

16.2.2.3 Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout, landscaping and design measures.

16.2.2.4 Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.

16.2.2.5 Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.

16.2.2.6 Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.

16.2.2.7 Allow buildings between 12m and 20m heights in the Queenstown Business Mixed Use Zone in situations when:

a. the outcome is of high quality design;

b. the additional height would not result in shading that would adversely impact on adjoining Residential zoned land and/or public space; and

c. the increase in height would facilitate the provision of residential activity.

16.2.2.8 Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.

16.2.2.9 Encourage the layout and design of new buildings and landscaping to integrate with Horne Creek where feasible.

16.2.3 Objective – The development of land north of State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

Policies

16.2.3.1 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.

16.2.3.2 Avoid the impacts of stormwater discharges on the State Highway network.

16.2.3.3 Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.

16.2.3.4 Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.

16.2.3.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

16.2.3.6 Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) to determine compliance with this policy.

16.2.3.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.

16.2.3.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:

a. A 'fourth leg' off the Hawthorne Drive/SH6 roundabout;

b. All sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/SH6 roundabout; and

c. New and safe pedestrian connections between the Hawthorne Drive/SH6 roundabout, Ferry Hill Drive and the southern side of SH6.

16.2.3.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

16.3 Other Provisions and Rules

16.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

16.3.2 Interpreting and Applying the Rules

16.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables.

16.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply unless otherwise specified.

16.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

16.3.2.4 The following abbreviations are used within this Chapter.

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

16.4 Rules - Activities

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.1	Activities which are not listed in this table and comply with all standards	P
16.4.2		
16.4.3	Visitor Accommodation Control is reserved to: a. the location, provision, and screening of access and parking and traffic generation; b. landscaping; c. the location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; d. the location and screening of bus and car parking from public places; and e. where the site adjoins a residential zone: i. noise generation and methods of mitigation; and ii. hours of operation, in respect of ancillary activities.	C

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.4	Buildings Discretion is restricted to: a. building materials; b. glazing treatment; c. symmetry; d. vertical and horizontal emphasis; e. location of storage; f. signage platforms; g. landscaping; h. where residential units are proposed as part of a development, provision made for open space on site whether private or communal; i. where applicable, integration of the development with Horne Creek, including site layout and landscaping; and j. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. Assessment matters relating to buildings: a. the impact of the building on the streetscape including whether it contributes positively to the visual quality, vitality, safety and interest of streets and public places by providing active and articulated street frontages and avoids large expanses of blank walls fronting public spaces; b. whether the design of the building blends well with and contributes to an integrated built form and is sympathetic to the surrounding natural environment.	RD
16.4.5	Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor: This rule shall not apply to the sale and supply of alcohol: a. to any person who is residing (permanently or temporarily) on the premises; and/or b. to any person who is present on the premises for the purpose of dining up until 12am. Discretion is restricted to consideration of the following: a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity (including that of adjoining residential zones and public reserves); d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); e. noise issues; and f. hours of operation.	RD

	Activities located in the Business Mixed Use Zone	Activity Status
16.4.6	Daycare Facilities Discretion is restricted to: a. the compatibility of the development with respect to existing land uses on the subject site and nearby properties; b. potential reverse sensitivity issues; c. traffic, parking and access limitations; and d. noise.	RD
16.4.7	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers except as provided for by Rule 16.4.18 Discretion is restricted to: a. the impact of buildings on the streetscape and neighbouring properties in terms of dominance impacts from large, utilitarian buildings; b. the provision, location and screening of access, parking and traffic generation; and c. landscaping.	RD
16.4.8	Industrial Activities not otherwise provided for in this Table	NC
16.4.9	Service Stations	NC
16.4.10	Panelbeating, spray painting, motor vehicle repair or dismantling.	NC
16.4.11	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking.	PR
16.4.12	Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).	
16.4.13	Factory Farming	PR
16.4.14	Mining Activities	PR
16.4.15	Forestry Activities	PR
16.4.16	Airport	PR
16.4.17	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary	PR
16.4.18	Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers in the zone at Frankton North	PR

16.5 Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status
16.5.1	Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone 16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site from points 3m above the Residential zone boundary. a. 45º applied on the northern boundary; and b. 35º applied on all other boundaries 16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.	RD Discretion is restricted to: a. the visual effects of the height, scale, location and appearance of the building, in terms of visual dominance and loss of residential privacy on adjoining properties and any resultant shading effects.
16.5.2	Storage Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining Residential zones.	RD Discretion is restricted to: a. the effects on visual amenity; b. the location relative to the public realm and adjoining residential properties; c. consistency with the character of the locality; and d. whether pedestrian and vehicle access is compromised.
16.5.3	Residential and visitor accommodation activities All residential activities and visitor accommodation activities on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.	RD Discretion is restricted to: a. the effects of residential and visitor accommodation activities at ground floor level on surrounding buildings and activities; b. the location of residential and visitor accommodation activities at ground floor level relative to the public realm; c. the maintenance of active and articulated street frontages.
16.5.4	Building Coverage Maximum building coverage of 75%.	D

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status
16.5.5	Acoustic insulation For all residential development and visitor accommodation the following shall apply: 16.5.5.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 5 in Chapter 36; and 16.5.5.2 All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.	D
16.5.6	Fencing A solid fence of 1.8m shall be erected on the boundary of any Residential Zone.	D
16.5.7	Discretionary Building Height (Queenstown Only) In Queenstown the discretionary maximum building height shall be 12m.	RD Discretion is restricted to: a. the design and quality of the building, including the use of articulated facades, active street frontages and the treatment of corner sites; b. modulated roof forms, including screening of plant and services; c. material use and quality; d. the avoidance of large monolithic buildings; e. the impact on the street scene; f. privacy and outlook for residential uses; g. sunlight access to adjoining Residential zoned land and/or public space; h. Crime Prevention Through Environmental Design (CPTED) considerations; i. where appropriate, the integration of Horne Creek into the development and landscaping; and j. facilitation of the provision of residential activities.
16.5.8	Maximum building height 16.5.8.1 The absolute maximum building height shall be: a. Queenstown - 20m b. Wanaka - 12m 16.5.8.2 Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.	NC

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status
16.5.9	Noise 16.5.9.1 Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone: a. Daytime (0800 to 2200hrs) 60 dB $L_{Aeq(15\ min)}$ b. Night-time (2200 to 0800hrs) 50 dB $L_{Aeq(15\ min)}$ c. Night-time (2200 to 0800hrs) 75 dB L_{AFmax} *measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 Exemptions: a. the noise limits in rule 16.5.8.1 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. Note: Sound from activities in this zone which is received in another zone shall comply with the noise limits set out in Chapter 36 standards for that zone.	NC
16.5.10	Glare 16.5.10.1 All exterior lighting installed on sites or buildings shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting and directed downward so as to limit the effects on views of the night sky. 16.5.10.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Business Mixed Use Zone, measured at any point inside the boundary of any adjoining property. 16.5.10.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone measured at any point more than 2m inside the boundary of the adjoining property. 16.5.10.4 External building materials shall either: a. be coated in colours which have a reflectance value of between 0 and 36%; or b. consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper. Except that: a. architectural features, including doors and window frames, may be any colour; and roof colours shall have a reflectance value of between 0 and 20%.	NC

	Standards for activities located in the Business Mixed Use Zone	Non- compliance Status
16.5.11	Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following: 16.5.11.1 Transport, parking and access design that: Ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/SH6 Roundabout, and/or Ferry Hill Drive. There is no new vehicular access to the State Highway Network. 16.5.11.2 Where a site adjoins State Highway 6, landscaping provides a planting buffer fronting State Highway 6 as follows: a. a density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species: i. Ribbonwood (Plagianthus regius) ii. Corokia cotoneaster iii. Pittosporum tenuifolium iv. Grisilinea v. Coprosma propinqua vi. Olearia dartonii b. once planted these plants are to be maintained in perpetuity.	NC

16.6 Rules - Non -Notification of Applications

16.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

16.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

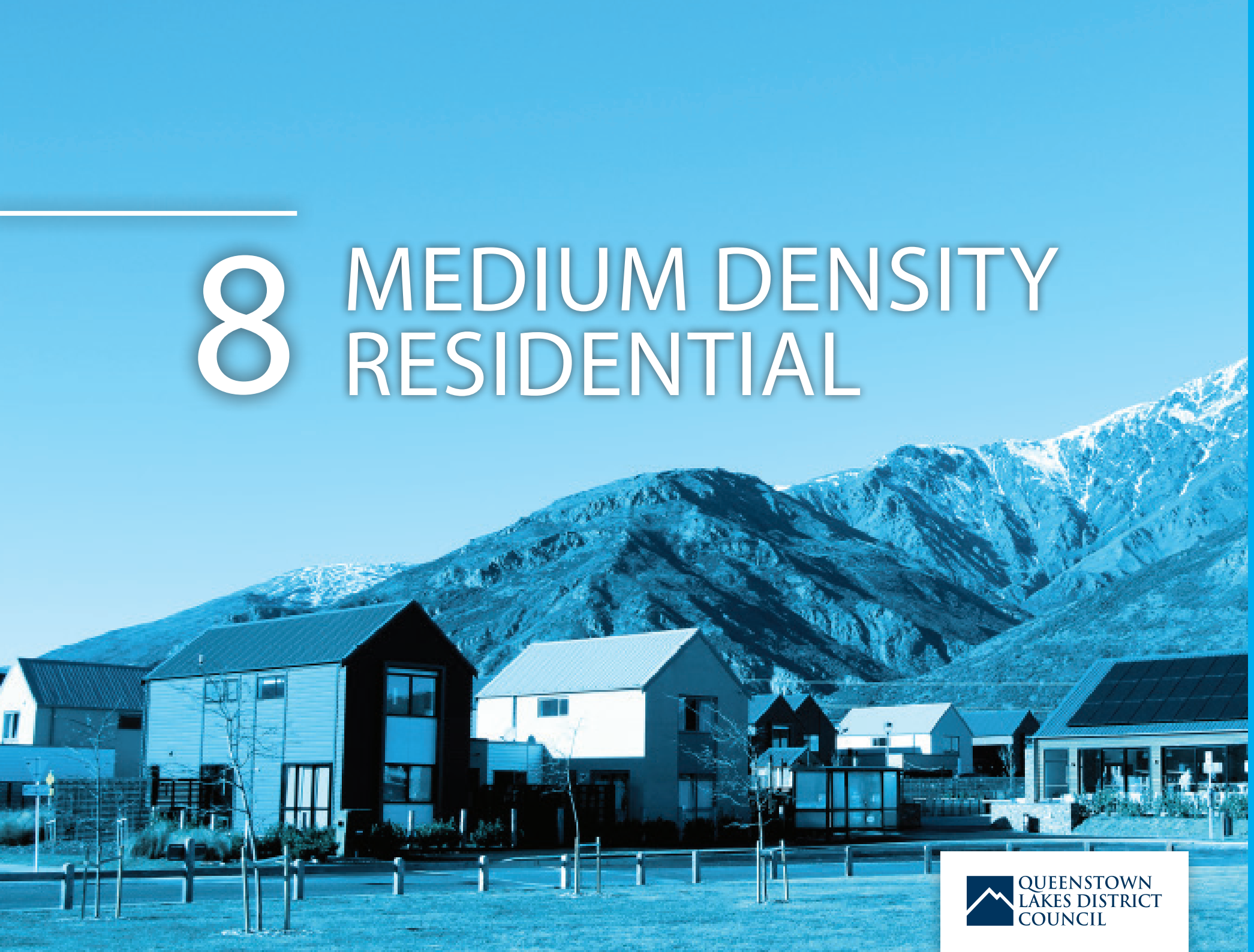
16.6.2.1 Buildings.

16.6.2.2 Building Heights between 12m and 20m in the Business Mixed Use Zone in Queenstown.

16.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

16.6.3.1 Setbacks and sunlight access – sites adjoining, or separated by a road from a Residential zone.

8 MEDIUM DENSITY RESIDENTIAL



QUEENSTOWN LAKES DISTRICT COUNCIL

8.1 Zone Purpose

The Medium Density Residential Zone has the purpose of providing land for residential development at greater density than the Lower Density Suburban Residential Zone. In conjunction with the High Density Residential Zone and Lower Density Suburban Residential Zone, this zone will play a key role in minimising urban sprawl and increasing housing supply. The zone will primarily accommodate residential land uses, but may also support limited non-residential activities where these enhance residential amenity or support an adjoining Town Centre, and do not impact on the primary role of the zone to provide housing supply.

The zone is situated in locations in Queenstown, Frankton, Arrowtown and Wanaka that are within identified urban growth boundaries, and easily accessible to local shopping zones, town centres or schools by public transport, cycling or walking. The Medium Density Residential Zone provides for an increased density of housing in locations that are supported by adequate existing or planned infrastructure.

The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on small sites of 250m^2 or greater. The zone will undergo changes to existing densities and built from characteristics over time to provide for the social, economic, cultural and environmental wellbeing of the District's community. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

While providing for a higher density of development than is anticipated in the Lower Density Suburban Residential Zone, the zone incorporates development controls to ensure that the reasonable maintenance of amenity values is maintained. Building height will be generally two storeys.

Development will be required to achieve high standards of urban design, providing site responsive built forms and utilising opportunities to create vibrant public spaces and active transport connections (walking and cycling). In Arrowtown, where a resource consent is required, consideration will need to be given to the town's special character, and the design criteria identified by the Arrowtown Design Guidelines 2016.

Community activities are anticipated given the need for such activities within residential areas and the high degree of accessibility of the zone for residents.

8.2 Objectives and Policies

8.2.1 Objective - Medium density development occurs close to employment centres which encourage travel via non-vehicular modes of transport or via public transport.

Policies

8.2.1.1 Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.

8.2.1.2 Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.

8.2.1.3 Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.

8.2.1.4 Enable medium density development through a variety of different housing forms including terrace, semi-detached, duplex, townhouse, or small lot detached housing.

8.2.2 Objective - Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

Policies

8.2.2.1 Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).

8.2.2.2 Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.

8.2.2.3 Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.

8.2.2.4 Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.

8.2.2.5 Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).

8.2.3 Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.

Policies

8.2.3.1 Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.

8.2.3.2 Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.

8.2.3.3 Ensure development along the western side of Designation 270[1] has the least possible impact on views from the formed walkway to the west toward Lake Wanaka and beyond, and generally limit development on land immediately adjoining the western side of Designation 270[1] to the permitted building height, recession plane, site coverage and setback limits (including between units) to achieve this.

[1] Running south from Aubrey Road, Wanaka

8.2.4 Objective - In Arrowtown medium density development occurs in a manner compatible with the town's character.

Policies

8.2.4.1 Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown guided by the Arrowtown Design Guidelines 2016 with particular regard given to:

a. building design and form;

b. scale, layout and relationship of buildings to the street frontage(s);

c. materials and landscape response(s) including how landscaping softens the building mass relative to any street frontage(s).

8.2.4.2 Avoid flat roofed dwellings in Arrowtown.

8.2.5 Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies

8.2.5.1 Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.

8.2.5.2 Ensure development is designed consistent with the capacity of existing infrastructure networks and where practicable incorporates low impact approaches to stormwater management and efficient use of potable water.

8.2.5.3 Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

8.2.6 Objective - Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.

Policies

8.2.6.1 Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.

8.2.6.2 Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.

8.2.6.3 Ensure any community activities are of a design, scale and appearance compatible with a residential context.

8.2.7 Objective - Commercial development is small scale and generates minimal adverse effects on residential amenity values.

Policies

8.2.7.1 Provide for commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby Town Centre.

8.2.7.2 Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.

8.2.7.3 Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.

8.2.7.4 Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.

8.2.8 Objective - The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality residential environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.

Policies

8.2.8.1 Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.

8.2.8.2 Avoid the impacts of stormwater discharges on the State Highway network.

8.2.8.3 Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.

8.2.8.4 Provide for a safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.

Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.

8.2.8.5 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

8.2.8.6 Require the provision of a safe and legible walking and cycle environment with links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.

8.2.8.7 Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.

8.2.8.8 Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:

a. a 'fourth leg' off the Hawthorne Drive/State Highway 6 roundabout;

b. all sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/State Highway 6 roundabout; and

c. new and safe pedestrian connections between Hansen Rd and the southern side of SH6, and the Hawthorne Drive/State Highway 6 roundabout, Ferry Hill Drive and the southern side of State Highway 6.

8.2.8.9 Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

8.2.9 Objective – Non-residential developments which support the role of the Town Centre and are compatible with the transition to residential activities are located within the Wanaka Town Centre Transition Overlay.

Policies

8.2.9.1 Enable non-residential activities to establish in a discrete area of residential-zoned land adjoining the Wanaka Town Centre, where these activities suitably integrate with and support the role of the Town Centre.

8.2.9.2 Require non-residential and mixed use activities to provide a quality built form which activates the street, minimises the visual dominance of parking and adds visual interest to the urban environment.

8.2.9.3 Ensure the amenity values of adjoining residential properties outside of the Wanaka Town Centre Transition Overlay are maintained through design and the application of setbacks.

8.2.10 Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

8.2.10.1 Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.

8.2.10.2 Require all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design sound level of 40 dB Ldn.

8.3 Other Provisions and Rules

8.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

8.3.2 Interpreting and Applying the Rules

8.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.

8.3.2.2 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.

8.3.2.3 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

8.3.2.4 Additional activities are provided for in the Wanaka Town Centre Transition Overlay and apply in addition to the other activities provided for throughout the zone. In the event of any inconsistency arising, the more specific Wanaka Town Centre Transitional Overlay rules shall prevail.

8.3.2.5 Proposals for development resulting in more than one (1) residential unit per site shall demonstrate that each residential unit is fully contained within the identified net area for each unit.

8.3.2.6 Each residential unit may include a single residential flat and any other accessory buildings.

8.3.2.7 The following abbreviations are used within this Chapter.

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

8.4 Rules - Activities

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.1	Commercial activities in the Wanaka Town Centre Transition Overlay	P
8.4.2	Community activities in the Wanaka Town Centre Transition Overlay	P
8.4.3	Home occupations	P
8.4.4	Informal airports for emergency landings, rescues and fire fighting	P
8.4.5	In the Wanaka Town Centre Transition Overlay, Licenced Premises for the consumption of alcohol on the premises between the hours of 8am and 11pm, and also to: a. any person who is residing (permanently or temporarily) on the premises; b. any person who is present on the premises for the purpose of dining up until 12am.	P
8.4.6	Residential Unit 8.4.6.1 One (1) per site in Arrowtown (see Rule 8.4.10.1). 8.4.6.2 For all locations outside of Arrowtown, three (3) or less per site. Note: Additional rates and development contributions may apply for multiple units located on one site.	P
8.4.7		
8.4.8	Buildings in the Wanaka Town Centre Transition Overlay Discretion is restricted to: a. external design and appearance including the achievement of a development that is compatible with the town centre transitional context, integrating any relevant views or view shafts; b. the external appearance of buildings, including that the use of stone, schist, plaster or natural timber be encouraged; c. privacy for occupants of the subject site and neighbouring sites; d. street activation; e. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated.	P

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.9	Commercial Activities in Queenstown, Frankton or Wanaka:100m^2 or less gross floor area Discretion is restricted to all of the following: a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise; e. design, scale and appearance; f. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area; i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated.	RD

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.10	Residential Unit 8.4.10.1 One (1) or more per site within the Arrowtown Historic Management Transition Overlay Area. 8.4.10.2 Two (2) or more per site in Arrowtown. 8.4.10.3 For all locations outside of Arrowtown, four (4) or more per site. Discretion is restricted to: a. location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area; b. building dominance relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. privacy for occupants of the subject site and neighbouring sites; e. in Arrowtown, consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2016 as a guide; f. street activation; g. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; h. design and integration of landscaping; i. for land fronting State Highway 6 between Hansen Road and the Shotover River: i. safe and effective functioning of the State Highway network; ii. integration with other access points through the zone to link up to Hansen Road, the Hawthorne Drive/State Highway 6 roundabout and/or Ferry Hill Drive; and iii. integration with pedestrian and cycling networks, including to those across the State Highway. j. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated.	RD
8.4.11		
8.4.12	Commercial recreation	D
8.4.13	Commercial activities	D
8.4.14	Retirement villages	D
8.4.15	Activities which are not listed in this table	NC
8.4.16	Commercial Activities greater than 100m^2 gross floor area	NC
8.4.17		

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.18	Airports not otherwise defined	PR
8.4.19	Bulk material storage	PR
8.4.20	Factory farming	PR
8.4.21	Fish or meat processing	PR
8.4.22	Forestry	PR
8.4.23	Manufacturing and/or product assembling activities	PR
8.4.24	Mining	PR
8.4.25	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR
8.4.26	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

8.5 Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.1	Building Height (for flat and sloping sites) 8.5.1.1 Wanaka and Arrowtown: A maximum of 7 metres. 8.5.1.2 All other locations: A maximum of 8 metres.	NC
8.5.2	Sound insulation and mechanical ventilation Any residential buildings, or buildings containing an activity sensitive to road noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40Db LAeq24h. Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level.	NC
8.5.3	Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following: 8.5.3.1 Transport, parking and access design that: a. ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/State Highway 6 Roundabout, and/or Ferry Hill Drive; b. there is no new vehicular access to the State Highway Network. 8.5.3.2 Where a site adjoins State Highway 6, landscaping planting buffer fronting State Highway 6 as follows: a. Ribbonwood (Plagianthus regius); b. Corokia cotoneaster; c. Pittosporum tenuifolium; d. Grisilinea; e. Coprosma propinqua; f. Olearia dartonii. Once planted these plants are to be maintained in perpetuity.	NC

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.4	Building Coverage A maximum of 45%.	RD Discretion is restricted to the following: a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. external amenity values for future occupants of buildings on the site; c. effects on views, sunlight and shading on adjacent properties; d. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; e. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
8.5.5	Density The maximum site density shall be one residential unit per 250m^2 net site area.	RD Discretion is restricted to: a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. internal and external amenity values for future occupants of buildings on the site; c. privacy for occupants of the subject site and neighbouring sites, including cumulative privacy effects resulting from several household units enabling overlooking of another unit or units; d. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; e. noise; f. servicing including waste storage and collection; g. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.6	Recession planes: a. On flat sites applicable to all buildings; b. On sloping sites only applicable to accessory buildings. 8.5.6.1 Northern boundary: 2.5m and 55 degrees. 8.5.6.2 Western and eastern boundaries: 2.5m and 45 degrees. 8.5.6.3 Southern boundaries: 2.5m and 35 degrees. 8.5.6.4 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height. 8.5.6.5 Recession planes do not apply to site boundaries adjoining a Town Centre Zone, fronting the road, or a park or reserve.	RD Discretion is restricted to: a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); c. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; d. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
8.5.7	Landscaped permeable surface At least 25% of site area shall comprise landscaped permeable surface.	RD Discretion is restricted to: a. stormwater related effects including flooding and water nuisance; b. visual amenity and the mitigation of the visual effects of buildings and any vehicle parking areas, particularly in relation to any streets or public spaces; c. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.8	Minimum Boundary Setback a. road boundary setback: 3m minimum, except for: i. State Highway boundaries, where the setback shall be 4.5m minimum; ii. garages, where the setback shall be 4.5m minimum; b. all other boundaries: 1.5m. Exceptions to setback requirements other than any road boundary setback. Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane.	RD Discretion is restricted to: a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. streetscape character and amenity; c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); e. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; f. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
8.5.9	Building Length The length of any building facade above the ground floor level shall not exceed 24m.	RD Discretion is restricted to: a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
8.5.10	Waste and Recycling Storage Space 8.5.10.1 Residential activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit. 8.5.10.2 All developments shall suitably screen waste and recycling storage space from neighbours, a road or public space, in keeping with the building development or provide space within the development that can be easily accessed by waste and recycling collections.	NC

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.11	Glare 8.5.11.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads. 8.5.11.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	NC
8.5.12	Setback of buildings from water bodies The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.	RD Discretion is restricted to: a. indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space and the interaction of the development with the water body; e. environmental protection measures (including landscaping and stormwater management); f. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
8.5.13	Setbacks from electricity transmission infrastructure National Grid Sensitive Activities are located outside of the National Grid Yard.	NC
8.5.14	Garages Garage doors and their supporting structures (measured parallel to the road) shall not exceed 50% of the width of the front elevation of the building which is visible from the street.	D
8.5.15	Home Occupation 8.5.15.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity. 8.5.15.2 The maximum number of two-way vehicle trips shall be: a. heavy vehicles: none permitted; b. other vehicles: 10 per day. 8.5.15.3 Maximum net floor area of 60m^2. 8.5.15.4 Activities and storage of materials shall be indoors.	D

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.16	Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.	NC
8.5.17		
8.5.18		

8.6 Rules - Non-Notification of Applications

8.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought.

8.6.1.1 Residential units which comply with Rule 8.4.10 and all of the standards in Rule 8.5.

Attachment 3 – Names and Addresses of Parties to be Served

1. Queenstown Lakes District Council
   dpappeals@qldc.govt.nz

2. Board of Airline Representatives of NZ
   John@barnz.org.nz

3. Hansen Family Partnership
   Chris.Ferguson@boffamiskell.co.nz

4. Queenstown Airport Corporation
   kirsty.OSullivan@mitchelldaysh.co.nz

5. Otago Foundation Trust Board
   amyw@brownandcompany.co.nz

6. Jandel Trust
   brett@townplanning.co.nz

7. Universal Developments Limited
   maree.baker-galloway@al.nz, rosie.hill@al.nz, warwickgoldsmith@gmail.com

8. Ross Copland
   rosscopland@hotmail.com

9. NZ Transport Agency
   tony.maccoll@nzta.govt.nz

10. FII Holdings Limited
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