

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

Chapter 15 Local Shopping Centre Zone – Hearing Stream 08

1. The Local Shopping Centre Zone (**LSCZ**) replaces the Corner Shopping Centre Zone of the Operative District Plan. The overarching purpose of the LSCZ is to provide for small scale commercial and business activities that are accessible to residential areas and people in transit.
2. I recommend that the framework, structure and majority of the provisions of the notified chapter are retained as notified. I also recommend a number of changes as shown in the recommended chapter.
3. The most significant changes I recommend are:
 - (a) the introduction of a limit on the gross floor area of permitted retail activities and the introduction of limits on identified types of non-convenience retailing;
 - (b) the introduction of a limit on the gross floor area of office activities;
 - (c) acknowledgement of the Queenstown Airport Outer Control Boundary and reverse sensitivity effects;
 - (d) additional acknowledgement of the effects on the State Highway in respect of the rules that specifically apply to the LSCZ at 1 Hansen Road; and
 - (e) provision for consideration of the effects of verandas on the safe movement of high-sided vehicles.
4. I have read and considered the pre-lodged evidence received from submitters and comment on each in turn below.
5. Mr Tony MacColl has provided evidence on behalf of the New Zealand Transport Agency (719) and states that he supports the recommended revised chapter insofar as it relates to his client's submission. No further relief is sought.
6. Mr John Kyle and Mr Chris Day have provided evidence on behalf of QAC (433). Mr Kyle considers that Rule 15.5.3 adequately addresses the potential reverse sensitivity effects arising as a result of airport noise. Mr Kyle suggests that the mechanical ventilation requirements proposed during the District-Wide hearing (relating to the Noise chapter) should be applied to the LSCZ located at Frankton.¹

¹ Mr Kyle's evidence at paragraph 8.7.

This view is supported by Mr Day² for QAC and Mr Chiles for the Council.³ I agree with this amendment and will consider it further after I hear Mr Day and Mr Kyle at the hearing, and in my reply evidence.

7. Mr Ian Greaves has provided evidence on behalf of Pinfold and Satomi Enterprises (622) in respect of the LSCZ at Cardrona Valley Road. Mr Greaves generally reiterates the views of the original submission, which seeks specific development controls in relation to the boundary of the submitters' properties that adjoin the southern boundary of the LSCZ located at Cardrona Valley Road.
8. I note that the relief sought in the Pinfold and Satomi Enterprises submission was limited in scope to applying only to the LSCZ that adjoins the submitters' land at Cardrona Valley Road (rather than being zone wide). Mr Greaves' evidence, however, extends to requesting relief that would apply across the entire zone. These amendments include changes to policies and rules that were not included in the original submission. Therefore in my view it is questionable as to whether the original submission provides sufficient scope to make the changes to notified Policies 15.2.2.4 and 15.2.2.6, and notified Rules 15.5.1, 15.6.2 and 15.6.3 that are recommended by Mr Greaves.
9. Insofar as Mr Greave's evidence seeks changes within the scope of his client's submission, I refer to my discussion and recommendations in the s42A Report.⁴ I remain of the view that these elements of relief should be rejected.
10. Insofar as the additional relief recommended by Mr Greaves that I understand to be outside the scope of his client's submission, I will consider this further after hearing Mr Greaves speak at the hearing.
11. Willowridge Developments Limited (**Willowridge**) (249.26) have sought the introduction of a number of controls into the LSCZ Willowridge (opposed by the Gordon Family Trust (FS1193.3)) have also lodged a submission seeking the reduction of the size of the LSCZ at Cardrona Valley Road. The latter submission point has been deferred to the Hearing on Mapping.
12. Mr John Polkinghorne has submitted economic evidence for the Gordon Family Trust (FS1193.3) that seeks provision for two larger tenancies in the LSCZ at Cardrona Valley Road. In regard to the economic evidence provided by Mr Polkinghorne, I accept and rely on the evidence submitted by Mr Tim Heath,

² Mr Day's evidence at paragraph 53.

³ Mr Chiles evidence at para 15.2.

⁴ Paragraphs 13.8 to 13.17.

including his evidence summary, which provides economic arguments against accepting the relief pursued. In my view the proposal for two larger retail tenancies of 1,500m² and 750m² within the LSCZ at Cardrona Valley Road would not be consistent with the zone purpose in 15.1, and would not assist with achieving Objective 15.2.1 and Policy 15.2.1.2 which seek that a range of activities are enabled that are of a limited scale. In my view the amendments in my recommended chapter are appropriate and would assist with the implementation of this policy framework.

13. In addition, it is my view that inserting the amendments recommended by Mr Polkinghorne would require a set of bespoke provisions which would significantly increase the complexity of the LSCZ chapter. This in itself indicates that the relief being pursued does not sit comfortably within the LSCZ purpose. As the larger sites being pursued would result in a significant departure from the zone purpose and policy framework, inclusion of these amendments would require a distinct purpose, policy and rule framework that would apply only to the Cardrona Valley Road LSCZ.
14. Finally, the economic modelling included in Mr Polkinghorne's evidence focusses on the Wanaka catchment,⁵ and his focus is primarily on the LSCZ at Cardrona Valley Road in Wanaka. It is unclear whether his recommended changes to the LSCZ provisions are intended to apply only to the Cardrona Valley Road LSCZ, or to the Wanaka catchment (which includes LSCZ sites in Albert Town and Hawea), or whether his intention is that they apply across the entire zone.
15. Upon further consideration, it may be beneficial to consider the Pinfold and Satomi Enterprises submission in conjunction with Willowridge Developments Limited's rezoning request, as both submissions are specific to the Cardrona Valley Road LSCZ, raise similar matters, and I consider it likely that any changes to the notified size of the zone will impact on the relief sought by Pinfold and Satomi Enterprises.

5 Mr Polkinghorne's evidence at paragraph 16 explains the extent of this catchment, and at paragraph 86 depicts the Wanaka and Queenstown catchments.