QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan Provisions

Report and Recommendations of Independent Commissioners

Report 20.8: Chapter 20

Settlement Zone, and Related Variations to Chapters 7, 25, 27, 29, 31 and 36

Commissioners

Trevor Robinson (Chair)

Sarah Dawson

Greg Hill

Calum Macleod

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1. PRELIMINARY

1.1 Subject Matter of this Report

1. This Report addresses the submissions and further submissions heard by the Stream 18 Hearing Panel in relation to Chapter 20 – Settlement Zone, together with the related variations to Chapters 7, 25, 27, 29, 31 and 36 and to the PDP maps.

2. The Council Reporting Officer, Ms Amy Bowbyes advised us that the Settlement Zone replaces the ODP Townships Zone which formerly applied to the settlements of Makarora, Luggate, Glenorchy, Kinloch and Kingston. In addition:
   a) Cardrona is proposed to be rezoned Settlement Zone. Under the ODP, it was zoned Rural Visitor;
   b) Albert Town and Hāwea areas formerly zoned Townships under the ODP are proposed to be zoned Lower Density Suburban Residential Zone (LDSRZ).

3. Some submissions sought amendments to the LDSRZ provisions applying to newly zoned areas of Hāwea, in particular, or extensions to the newly zoned residential areas in both Albert Town and Hāwea. Those submissions are addressed in this Report, as are proposals to extend the Settlement Zones at Luggate and Cardrona.

1.2 Relevant Background

4. This Report needs to be read in conjunction with Report 20.1 which provides a list of abbreviations that we will use in this Report, together with background detail on:
   a) The appointment of commissioners to this Hearing Panel;
   b) Procedural directions made as part of the hearing process;
   c) Site visits;
   d) The hearings;
   e) The statutory considerations bearing on our recommendations;
   f) General principles applied to rezoning requests;
   g) Our approach to issues of scope.

5. We do not therefore repeat those matters although, in the section following, we provide greater detail on aspects of the RPS and of the now resolved Chapter 4 of the PDP that are particularly relevant to our consideration of Chapter 20 and the resulting plan and mapping variations that we had to consider.

6. The structure of this Report is that after discussing relevant RPS provisions, we will review first submissions relating to the content of Chapter 20 followed by submissions relating to the related variations. To the extent that submissions seek relief consequential on zoning changes, we will consider those submissions in conjunction with the zone relief that they seek in the section 5 of our Report, arranged by geographical area.

7. We record that we have adopted the general approach outlined in Section 3.6 of Report 20.1 to the preparation of this Report.

2. STATUTORY CONSIDERATIONS

8. As above, Report 20.1 outlines both the required approach to consideration of submissions and further submissions, and the content of key documents bearing on our recommendations. The NPSUD is of particular relevance to our consideration of submissions in relation to settlements that form part of the Queenstown or Wānaka Urban Areas. We will not repeat

the extensive discussion of the NPSUD in Report 20.1 other than to emphasise its relevance to the discussion that follows.

9. The provisions of the RPS of relevance, which we discuss next, need to be read in the light of and subject to the NPSUD which post-dated it.

10. With that qualification, the key provision of the RPS relevant to Chapter 20 is Policy 4.5.1: Providing for Urban Growth and Development, which reads:

"Provide for urban growth and development in a strategic and co-ordinated way, including by:

- *a) Ensuring future urban growth areas are in accordance with any future development strategy for that district;*
- *b) Monitoring supply and demand of residential, commercial and industrial zoned land;*
- *c) Ensuring that there is sufficient housing and business land development capacity available in Otago;*
- *d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6* **[Schedule 6 does not currently have any entries];**
- *e) Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way;*
- *f) Having particular regard to:*
  - *i. Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production;*
  - *ii. Minimising competing demands for natural resources;*
  - *iii. Maintaining high and outstanding natural character of the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats and indigenous fauna;*
  - *iv. Maintaining important cultural historic heritage values;*
  - *v. Avoiding land with significant risk from natural hazards;*
- *g) Ensuring efficient use of land;*
- *h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;*
- *i) Requiring the use of low or no emission air heating systems where ambient air quality is*
  - *i. Below standards for human health; or*
  - *ii. Vulnerable to degradation given the local climatic and geographical context;*
- *j) Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth."*

11. That policy supports Objective 4.5:
"Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments."

12. The provisions of Chapter 4 relevant to urban development were finalised by Environment Court consent order dated 20 August 2020. Although not purporting to implement the NPSUD, those provisions are of particular relevance to this topic. We note the content of Policies 4.2.1.4 and 4.2.2.2 in particular. The former directs that urban growth boundaries encompass, at a minimum *"the anticipated medium term demand for housing and business land within the District assuming a mix of housing densities and form."* Other elements of the policy emphasise the ongoing availability of a competitive land supply, a compact and efficient urban form, and minimising the loss of the productive potential and soil resource of rural land.

13. Policy 4.2.2.2 addresses allocation of urban land into zones. Regard must be had, among other things to the topography of the land, its significance from an ecological, heritage, cultural or landscape perspective, natural hazard risk, integration with existing urban development, linkages to public transport, the need to provide a mix of housing densities within a compact and integrated urban environment, and the level of existing and future amenity that is sought.

3. CHAPTER 20 PROVISIONS

3.1 Chapter 20.1 - Purpose

14. Putting aside submissions seeking relief that was consequential on rezoning applications, there were five submissions seeking amendments to the initial section of Chapter 20 stating its purpose. The first three[1] sought a text amendment to refer to the "*density*" of residential living rather than "*intensity*".

15. Ms Bowbyes recommended acceptance of those submissions as they relate both to the purpose, and to subsequent reference to the intensity of development and character in the objectives and policies on the basis that the wording is a more accurate description of the outcome sought in the zone.

16. We agree with Ms Bowbyes' reasoning. We also note that Chapter 20.1 refers to low density residential activity in the third paragraph and thus the rewording sought can be supported on the basis of achieving greater consistency of language.

17. The second suggested change was in the submission of Kingston Lifestyle Properties Limited[2]. As part of a comprehensive submission seeking greater recognition, including by way of rezoning, for the Kingston Flyer and commercial activities associated with it, this submitter sought insertion of a new paragraph in Chapter 20.1 referring to its amenity and historic values and the comprehensive development of the Kingston Flyer Precinct. This was part of a package of relief seeking a new objective, new policies and bespoke rules to facilitate the operation of the Kingston Flyer and the associated commercial developments the submitter proposes.

18. We do not class this relief as entirely dependent on acceptance of the rezoning relief sought as the PDP already recognises the core of the proposed Kingston Flyer Precinct with a commercial precinct subzone.

19. Ms Bowbyes did not recommend acceptance of the suggested objectives and policies for reasons that we will discuss shortly. Although she did not discuss the suggested amendment to the purpose, we infer that she has the same reasons for rejecting that too.

20. Considering the latter relief on a standalone basis, the suggested new paragraph would read as follows:
"The Commercial Precinct at Kingston is centred on the Kingston Flyer land. The unique amenity and historic values of the Kingston Flyer, which is a significant historic heritage and tourist resource for Kingston and the region, will be maintained and enhanced through the comprehensive development of the precinct for a mix of small-scale retail, commercial, commercial recreation, community, visitor accommodation and more intensive residential (such as terraced housing or apartments) activities. This will sustain the viability of the Kingston Flyer operation into the future."

[1] Submissions #3221, #3222 and #3223
[2] Submitter #3297

21. We have a number of issues with the suggested addition to Chapter 20.1. The first is that it is not factually accurate. There are two areas of Commercial Precinct land within the Kingston settlement, one centred on the Kingston Flyer Station buildings, and one on the corner of Kent Street and State Highway 6.

22. The second concern we have is that the suggested text reads like a statement penned by an enthusiastic marketing consultant, rather than the contents of a District Plan.

23. Thirdly, while the evidence of the submitter clearly indicated that much work has been done to try and get the Kingston Flyer back into service[3], that evidence equally revealed a somewhat checkered history with lengthy periods of 'mothballing' since 2001. The Flyer is not currently operating and has not been operating for a number of years.

24. Accordingly, recognition of the Kingston Flyer at this point might, in our view, be regarded as somewhat aspirational.

25. Fourthly, the emphasis on more intensive residential development has been overtaken by revised policies the submitter's planning witness, Mr Grace, suggested that shift the focus of the development to its consistency with the surrounding landscape, and remove the previously suggested emphasis on higher density development. Mr Grace did not explain how he reconciled the two.

26. For all of these reasons, we do not recommend acceptance of the relief sought.

27. The fifth submission we need to address is that of Cardrona Village Limited[4]. Similar to Kingston Lifestyle Properties Limited, this submitter sought amendments to the stated purpose linked to its proposal for a new objective and policies providing in turn for a mixed use development centred on Soho Street and Rivergold Way. The relief sought has a second element seeking to qualify existing references to the Cardrona Village Character Guideline and suggesting the need for its review.

28. We do not think it is appropriate that the purpose of the zone refer explicitly to the nature and scale of the development the submitter proposes, effectively implying it already exists. Nor do we think expansion of the language is necessary. In our view, the Cardrona Commercial Precinct will still have the Cardrona Hotel and Cardrona Valley Road as focal points even if that development proceeds. In her reply evidence for Council, Ms Devlin concluded that the rezoning the submitter sought (including expansion of the Commercial Precinct) was not inconsistent with the Cardrona Village Character Guideline. For much the same reason, we do not find it inconsistent with the existing description and stated purpose.

29. As regards the suggested softening of references to the Guideline document, we will discuss this further in the context of submissions on Policy 20.2.2.4. In summary, its aspirational nature (also discussed by Ms Devlin in her reply evidence) combined with the approach the Stream 17 Hearing Panel has recommended in relation to the Residential and Business Mixed Use Design Guidelines in Report 20.5 suggests to us that the language of Chapter 20.1 is too directive when it states that the Guideline applies to all development within the Settlement Zone at Cardrona. That implies a requirement for consistency with the Guideline document that we do not think can be sustained. Accordingly, we recommend acceptance of this submission in part so that Chapter 20.1 be amended to state that the Cardrona Village

[3] See in particular the evidence in Chief of Mr Neville Simpson

[4] Submitter #31019

Character Guideline 2012 "*provides broad design guidance to development within the Zone at Cardrona".*

30. We do not recommend that Chapter 20.1 state that the Guideline needs to be reviewed. Presenting planning evidence for the submitter, Mr Grace suggested softening of the reference to a review of the Guideline document to state only that it may be reviewed and until such time as that occurs, it will continue to apply as a relevant document in terms of Section 104(c) of the RMA. We do not think the suggested amendment is required in the context of a broad statement of the zone purpose.

31. Lastly, in relation to this part of Chapter 20, we note that the advisory message regarding the effect of section 86B(3) may be deleted, since following the Council's decisions on submissions, all rules will have legal effect. We recommend that change pursuant to Clause 16(2) of the First Schedule.

3.2 Chapter 20.2.1

32. This section of Chapter 20 contains an objective and three policies.

33. As notified, the objective read:
"*Well designed low intensity residential development is enabled within settlements located amidst the wider Rural Zone."*

34. Aside from the submissions already noted focussing on the word "*intensity"*, the only other submissions on this objective sought its retention.

35. As above, we accept Ms Bowbyes recommendation regarding the change in terminology. Accordingly, that is the only change we recommend to the objective.

36. As with the objective, the only submissions on the three policies supporting the objective that suggested any amendment to them, related to use of the term "*intensity"*.

37. Wayfare Group Limited[5] sought a new policy be added, worded as follows:
"Provide for increased residential density and built development that supports use of a long-term rental and workers accommodation.

38. This submission, and the submission of Cardrona Alpine Resort Limited[6] to the same effect, were supported by planning evidence from Mr Ben Farrell. Mr Farrell sought to answer the concerns expressed in the Section 42A Report about potential difficulties in enforcing use of higher density accommodation established for workers, to ensure that it continued to be used for the original purpose, by analogous exemptions to residential density standards for visitor accommodation. Mr Farrell accepted that there could be infrastructure capacity issues raised by special provisions for high density workers accommodation but suggested that all of these issues could be addressed by a bespoke definition for workers accommodation, combined with a more explicit policy direction and a restricted discretionary rule framework.

39. This suggestion prompted us to inquire of Mr Farrell what his definition of "*workers accommodation"* would be.

[5] Submitter #3343
[6] Submitter #31018

40. As noted in Report 20.1, we were not able to hear Mr Farrell either in person or virtually, and accordingly, his answer to this question was provided in writing. He suggested the following definition for workers accommodation specific to the Settlement Zone:
"It means the use of land (including the construction or use of buildings) for accommodation designed and operated to provide long term or seasonal rental accommodation for staff/contractors (paid or unpaid) working for businesses located within or near a Settlement Zone."

41. In her evidence in reply, Ms Bowbyes maintained her opposition to the suggested relief. In part this was due to the monitoring and enforcement challenges which she regarded as substantial, but she also identified the risk that workers accommodation might become a 'trojan horse' to set up an enabling regime for new residential developments not meeting the minimum permitted residential density. She observed[7] that this outcome would not be consistent with the stated purpose of the Settlement Zone, which is to provide for low-density residential living, and nor would it achieve objective 20.2.1. Ms Bowbyes also regarded this approach as inconsistent with a number of policies focussing on low density outcomes.

42. In addition, Ms Bowbyes pointed out that breaches of the Settlement Zone density rule trigger would be considered under discretionary activity resource consent, providing, in her view, a consenting pathway for residential units not meeting the density standards.

43. We share a number of Ms Bowbyes' concerns.

44. We can understand why, from the submitters' perspective, they would want to provide for workers working "*near"* a Settlement Zone. In the Cardrona situation, it would obviously apply to ski-field workers for instance. The problem we have is what "*near"* could be construed to mean in the context of the wider district. Are Luggate and Cardrona near Wānaka, for instance? There would have to be an argument that they are in the context of this district.

45. More generally, the suggestion that there be special rules for "*worker accommodation"* has an obvious appeal given the publicity about the problems low paid hospitality and tourist workers have in finding reasonable accommodation in the district. However, Mr Farrell's definition is not limited to that situation and, indeed, it is difficult to know how one could revise the definition for it to be so. This is not some Marxist political treatise distinguishing between 'workers' and 'bosses'. The term encompasses everyone from the cleaners to the general manager. The reality is therefore that other than retirees and visitors/holiday-makers, virtually everyone else in the community is a "*worker"* for this purpose. There is therefore a very real risk that a policy and accompanying rules along the lines suggested by Mr Farrell, rather than representing an exception to the rule, could become the rule.

46. That possibility tends to emphasise Ms Bowbyes' point about the apparent inconsistency between the provision which Mr Farrell suggests and the entire direction of the Settlement Zone, which focuses on low density development.

47. For all of these reasons, we agree with Ms Bowbyes' recommendation that proposals for "*workers accommodation"* should be considered within the existing discretionary activity rule without a supporting policy.

[7] Bowbyes Reply at 4.3

48. Although not specifically directed at this section of the Plan Change, the submissions of Southern District Health Board[8] seeking to require three waters infrastructure be in place prior to further development within Settlement Zones could influence these provisions. However, Ms Bowbyes considered[9] these to be Annual Plan and LTCP issues. We agree at least as regards the notified provision for development. As discussed in Report 20.1, we consider infrastructure provision needs to be integrated with development when rezoning is proposed.

49. Otago Regional Council[10] made two general submissions on hazard issues – one seeking consideration of additional hazard layers and one seeking additional building controls – that fit best under this heading. Ms Bowbyes did not recommend acceptance of either submission, noting[11] that provision of additional hazard layers in this one zone would raise consistency issues. The Regional Council's representatives did not pursue these matters when they appeared, and we consider we have insufficient information to take them further. We would have needed to understand for instance why the Settlement Zone is any more hazard prone than any other zone, so as to justify special treatment in this regard.

3.3 Chapter 20.2.2

50. The second objective in Chapter 20.2 (20.2.2.) seeks to maintain "*high quality amenity values and residential character"* in the Settlement Zone. It is supported by five policies.

51. The Benjamin submission[12] sought that this objective be amended to provide for enhancing and enabling a compatible mix of activities. Ms Bowbyes appears to have treated the submission as linked to the submitter's rezoning request (which she did not recommend). The submitter did not appear to provide evidential support for the submission, and we do not think the relief sought, even if it is not consequential on rezoning relief, fits well into the structure of the chapter. Objectives 2.1.1 and 2.1.3 provide enabling outcomes (to a degree). Objective 2.1.2 seeks to ensure the compatibility the submitter refers to. We do not recommend it be reframed with a more enabling focus.

52. Aside from the same submissions focussing on references to "*intensity"*, which we have already recommended be accepted, there are two sets of submissions seeking substantive amendments to the policies (but not the objective) in this section of Chapter 20.

53. The first submission is that of Aurora[13] that seeks amendment to the avoidance focus of Chapter 20.2.2.6, in order to provide scope to remedy or mitigate adverse effects of regionally significant infrastructure on amenity values if avoidance is not practicable. Alternatively, Aurora has sought that the policy be deleted.

54. The second set of submissions were those of Cardrona Alpine Resort Limited[14] and Cardrona Village Limited[15]. Both focussed on notified Policy 20.2.2.4 insofar as it indicates an intention to include development controls that achieve consistency with the Cardrona Village Character Guideline 2012. Cardrona Alpine Resort Limited sought to ensure that long term rental or worker accommodation activities are not required to achieve consistency with the character

[8] Submission #3109
[9] Bowbyes S42A at 8.37
[10] Submission #3342
[11] Bowbyes s42A Report at 8.3
[12] Submission #3223
[13] Submitter #3153
[14] Submitter #31018
[15] Submitter #31019

guidelines and suggested that that might be achieved by amending the policy to promote such consistency. Cardrona Village Limited sought simply that that aspect of the policy be deleted.

55. Addressing Aurora's position first, in her Section 42A Report[16], Ms Bowbyes expressed some sympathy for the reasoning underlying Aurora's relief, but also expressed concern that by referencing regionally significant infrastructure, it would capture a broader range of infrastructure than that reasoning supported. Ms Bowbyes, however, indicated that if Aurora provided a more targeted amendment to Policy 20.2.2.6 then she would think again.

56. Responding to that invitation, Ms Dowd presented evidence for Aurora narrowing its relief sought so as just to refer to electricity sub-transmission infrastructure and significant electricity generation infrastructure.

57. Ms Bowbyes accepted that amended relief.

58. Underlying Aurora's case, Policy 4.3.2 of the RPS recognises electricity sub-transmission infrastructure as being of regional significance. Ms Bowbyes advised us also that in mediations of the Stage 1 PDP appeals, the parties had agreed to add reference to electricity sub-transmission infrastructure and significant electricity distribution infrastructure into the definition of "*regionally significant infrastructure".* As far as we are aware, the Court has not yet made orders confirming that position, but given it reflects the final form of the RPS in this regard, we think that we can have confidence that this is the direction in which the PDP is heading.

59. We note, further, Ms Dowd's evidence[17] that outlying settlements in the district are supplied with electricity by a single source made up of a combination of primarily overhead lines, but some underground cables. She emphasised the vulnerability of a single supply as contributing to its significance. We accept the point in principle. While we consider that existing overhead lines within the settlement form part of their existing character, it is foreseeable that those lines may have to be extended as the settlements grow in population, if not in areal extent, raising questions both as to the potential effect on settlement amenity values, and the practicability of avoiding such effects in every case.

60. Accordingly, we accept Ms Bowbyes' recommendation, save as to a minor rewording to express the revised Policy 20.2.2.6 more clearly.

61. We should also address the submission of the Southern District Health Board[18] at this point. The District Health Board sought that the character of Settlement Zones be preserved. The provisions of Chapter 20.2.2 focus on residential character and do not go as far as to seek 'preservation', which we take to mean no change. We think that would be contrary to the NPSUD provisions discussed in Report 20.1. Accordingly, we recommend the submission be rejected.

62. As regards the cross reference to the Cardrona Village Character Guidelines, the view Ms Bowbyes expressed in her Section 42A Report[19] was that the existing provisions of Chapter 20 in conjunction with the guidelines would effectively and efficiently recognise the range of activities that are existing within Cardrona, "*subject to compliance with standards that ensure*

[16] At Section 7
[17] Dowd Stream 17 and 18 EIC at 47
[18] Submission 3109
[19] Bowbyes s42A at 12.18

these activities are small-scale and fit with the character of **[sic]** *area".* She also referenced consistency of the proposed approach with that of the Residential and Business Mixed Use Design Guidelines.

63. The recommendations of the Stream 17 Hearing Panel in relation to the Residential and Business Mixed Use Design Guidelines is contained in Report 20.6. We note that the recommended approach, rather than seeking to require consistency with those guidelines as notified, focusses much more on their role as an information resource and seeks to require evidence only that they have been taken into account.

64. It seems to us therefore that the consistency with the approach taken in relation to the Residential and Business Mixed Use Design Guidelines Ms Bowbyes recommends requires some softening of the direction in Policy 20.2.2.4. We also did not have any evidence suggesting that the character of the Cardrona Guideline document is such a such as to warrant the degree of regulation a policy directing consistency with them would suggest. Rather the contrary in fact given Ms Devlin's qualified agreement (in reply) with Mr Grace's evidence for Cardrona Village Limited that the Guideline document has been overtaken by subsequent development.

65. We do not consider that a 'softer' policy approach in relation to the 2011 Guideline document will compromise retention of the small-scale low-density development pattern of Cardrona that concerned Ms Bowbyes, as this is addressed by a number of other objectives and policies.

66. We will discuss the guidelines in greater detail in the context of Cardrona Village Limited's rezoning application. Suffice it to say for present purposes that we do not support deletion of all reference to those guidelines. We consider that they still have a role to play as an expression of community aspirations. We therefore recommend something rather closer to the relief sought by Cardrona Alpine Resort Limited as follows:
"Include development controls that reflect key characteristics of development in settlements, including through… ensuring consideration of the Cardrona Village Character Guidelines 2012".

67. Cardrona Alpine Resort Ltd sought also that the guidelines not apply to permitted activities. It seems to us that if the role of the guidelines is softened in the manner we suggest, that issue is largely removed. If landowners undertaking permitted activities choose to have regard to the guidelines (which we would encourage) they are free to do so.

3.4 Chapter 20.2.3

68. The third objective in Chapter 20.2(20.2.3) focusses on provision of commercial, community and visitor accommodation activities, seeking that they predominantly be provided for within precincts or sub-zones, be limited in scale, provide for local and visitor convenience and support the local economy. This objective is supported by 11 policies.

69. These provisions were the subject of four sets of submissions seeking substantive amendments. The first from Kingston Lifestyle Properties Limited[20] sought amendments to the objective and Policy 20.2.3.1 to reference more intensive residential activities occurring in the Commercial Precinct at Kingston in conjunction with an additional objective and set of policies specific to Kingston.

70. The amendments sought are effectively consequential on the more specific relief and thus we will consider them shortly when we discuss the proposed new objective and policies.

[20] Submitter #3297

71. The second set of relevant submissions are from Pounamu Holdings 2014 Limited[21] and Dart River Safaris[22]. Both submitters opposed Policy 20.2.3.2 which proposes limitations on the gross floor area (GFA) of retail and office activities. The submissions explained that the opposition to it related to the way in which gross floor area was assessed. They did not oppose the policy in principle but contended that the limitations it expressed should only apply to the actual gross floor area directly associated with the activity, and not any associated office, storage, reception, waiting area, staffroom and bathroom facilities.

72. In addition, Pounamu Holdings 2014 Limited opposed Policy 20.2.3.6 (which directs that the establishment and scale of non-residential activities outside Commercial Precincts be limited) and conditionally opposed Policy 20.2.3.7 (which among other things, directs the restriction on the establishment of visitor accommodation activities outside the Visitor Accommodation Sub-Zones. The relief sought in the latter was linked to a separate submission seeking expansion of the Visitor Accommodation Sub-Zone at Glenorchy.

73. The submission on Policy 20.2.3.6 was similarly linked to the proposed expansion of Commercial Precinct to include the submitter's existing commercial operations (Mrs Woolly's).

74. Having considered the evidence pre-circulated by Pounamu Holdings 2014 Limited, Ms Bowbyes recommended acceptance of the modified GFA calculation method proposed.

75. The explanation of the rationale for the policy (and rule) limits on gross floor area for retail and office activities in Ms Bowbyes' Section 42A Report is focussed on potential adverse effects on the Queenstown and Wānaka town centres. In our view, the extent of gross floor area occupied by associated activities such as those listed above could have no effect on another town centre. Accordingly, we support Ms Bowbyes' recommendation that Chapter 20 clarify how gross floor area is to be calculated in accordance with the submission.

76. It follows that no amendment is required to the Policy. We will discuss the rezoning applications underlying the submitters position on Policies 20.3.6 and 20.3.7 in due course. For present purposes, it is sufficient to record that we accept the recommendation of the Council Reporting Officer (Ms Devlin) that the relief sought be granted. On that basis, the submissions opposing those policies fall away.

77. It also follows that subject to the position we adopted on the Kingston Lifestyle Properties Limited submission, which we will address next, we do not recommend any amendment to the objective and policies in Chapter 20.2.3.

78. Thirdly, the Ministry of Education[23] sought a new policy proposed to be inserted into this section of Chapter 20 that would read:

"Enable educational facilities to establish throughout the Settlement Zone, ensuring that the scale and effects of these activities do not adversely affect residential amenity."

79. This submission was in conjunction with a broader submission seeking that the National Planning Standards definitions of "*community facility"* and "*educational facility"* are adopted and included in Chapter 20.

[21] Submitter #3307
[22] Submitter #3308
[23] Submitter #3152

80. Addressing these submissions in her Section 42A Report, Ms Bowbyes noted that currently, community activities (a term defined to include schools) are full discretionary activities pursuant to Rule 20.4.13. Ms Bowbyes noted a problem adopting the National Planning Standards definitions at this point, by reason of the fact that they would then apply throughout the PDP, raising natural justice issues in relation to their consequential implications for zones/land the subject of Stage 1 or Stage 2 decisions.

81. She recommended utilising the time available for implementation of the National Planning Standards, in order that a comprehensive assessment could be undertaken of Plan provisions affected by changed definitions and appropriate variations proposed to accompany the new definitions.

82. We agree with that advice, essentially for the reasons Ms Bowbyes advances.

83. Turning to the suggested new policy the evidence of Mr Frentz for the Ministry emphasised the broad scope of the submission when referring to educational facilities. It is clearly intended to be far broader than just schools, although they are what most immediately comes to mind when considering educational facilities.

84. For her part, Ms Bowbyes expressed concern about the potential adverse effects of the high levels of residential amenity anticipated in settlements, particularly for activities on larger sites.

85. Mr Frentz's response was to suggest that a more specific reference to educational facilities would be more enabling for the Ministry and of significant benefit to the Council's planners when they are required to process applications for education facilities.

86. We struggle with Mr Frentz's reasoning. The suggested policy is premised on their being no adverse effect on residential amenity. In our view any enabling element of the policy is largely illusory as a result. Moreover, if an education facility has no adverse effects on residential amenity then, in our view, it would almost certainly gain consent under the existing objectives and policies of Chapter 20. Put simply, we do not think the suggested new policy would add anything to the implementation of the existing provisions and we do not recommend that it be inserted.

87. We should also note the submission of the Southern District Health Board[24], seeking provision for community amenities in growth plans. Although not specific to growth plans, this section of Chapter 20 relates to community activities. We are unclear what additional relief the District Health Board was seeking, other than what is already provided.

88. Lastly, we note the Benjamin submission[25] seeking deletion of Policy 20.2.3.7. Ms Bowbyes categorised this submission as consequential on rezoning relief that she did not recommend. We agree with that view. We do not recommend the rezoning relief sought and having heard no evidence from the submitter, we find no basis for the associated relief in this context.

3.5 Kingston – Specific Objectives and Policies

89. As above, Kingston Lifestyle Properties Limited proposed a comprehensive suite of Kingston-specific provisions as follows:

[24] Submission #3109
[25] #3223

"New Objective:
Comprehensive master planned mixed used development is provided for within the Commercial Precinct at Kingston to create a visitor accommodation and commercial recreation hub at Kingston that is centred on the existing resources provided by the historic Kingston Flyer railway structures, buildings and infrastructure, the Kingston wharf and the Lake Wakatipu foreshore reserve."

90. Supported by new policies:
    i) *"Provide for a mix of small-scale retail, commercial, commercial recreation, community, visitor accommodation and intensive residential (such as terraced housing or apartments) activities within the Commercial Precinct at Kingston at a scale and intensity that is commiserate [sic] with the surrounding landscape;*
    ii) *Ensure the height, bulk and location standards for mixed use development within the Commercial Precinct at Kingston provides for a greater intensity of development through the provision of three level buildings at appropriate locations;*
    iii) *Limit the use of the upper levels of existing and new buildings within the Commercial Precinct at Kingston to office, visitor accommodation and residential activities;*
    iv) *Provide for the ongoing operation of the historic Kingston Flyer Railway including the steam locomotives, shunting engines and rolling stock within the existing railway corridor without any constraint;*
    v) *Ensure that the development of the Kingston Flyer railway land, structures and buildings is managed through the provisions for the Commercial Precinct at Kingston;*
    vi) *Ensure that provision is made for subdivision around existing buildings or in accordance with approved land use consents within the Commercial Precinct at Kingston."*

91. Ms Bowbyes did not support the relief sought in her Section 42A Report[26].

92. Ms Bowbyes started by referring to, and agreeing with an observation in one of the Stage 1 hearing reports[27] that while there is jurisdiction to insert site-specific plan provisions, a proliferation of them raises questions in terms of Plan administration.

93. In summary, Ms Bowbyes was of the opinion that the additional objective and policies were unnecessary as Chapter 20 already provides a discretionary consenting pathway for the development with the exception of a proposed extension of the height limit (from 7 metres to 12 metres), which in her view would need to be considered in relation to potential impacts on residential amenity, particularly given the focus on amenity values in Objective 20.2.3 and Policy 20.2.3.4.

94. She also noted that once the site is developed, the provisions sought would become largely redundant.

95. She remained of that view in reply, having heard the presentation of the submitter's evidence and submissions.

96. The submitter's case was supported by evidence from Mr Neville Simpson and Mr Tim Grace. Mr Simpson provided historic background to the Kingston Flyer's operations and the current status of their endeavours to put it back in service. We note in particular Mr Simpson's observation that the proposed commercial activities have an essential role in making the

[26] Bowbyes s.42A at Section 11
[27] Report 16 at 62-65

Kingston Flyer viable. He compared it to the ongoing operation of the Earnslaw needing to operate in conjunction with commercial operations at Walter Peak.

97. Mr Grace provided planning evidence. Mr Grace recommended what he described as a refinement of the relief sought in the submission, as above, that deleted the second, third and sixth suggested policy above, deleted reference to intensive residential development in the first policy, and deleted the suggestion that the fourth policy should provide for the Kingston Flyer's operation "*without any constraint*". When we discussed the submitter's position with him, Mr Grace also accepted that it was difficult for him to sustain the requested relief in relation to an increased height limit in the absence of any expert evidence suggesting that that was consistent with the amenity values of the settlement.

98. Mr Grace responded to Ms Bowbyes' concern about potential proliferation of site specific plan provisions, noting that each of the settlements with a Settlement Zone have their own unique character, features and amenity and that the zone already recognises the differences between settlements with specific provisions. He referred, for instance, to specific features of different settlements noted in Chapter 20.1 and to policy recognition of some of those differences in Policy 20.2.2.4.

99. Consideration of the submitter's relief also needs to take account of the evidence we heard from the representatives of Greenvale Station Limited[28] opposing the Kingston Lifestyle Properties Limited submissions. We heard, in particular from Ms Justice who pointed to the lack of any detailed section 32 analysis to support the planning relief sought and Mr Wilkins who gave evidence as to the fire risk created by the Kingston Flyer's operation in adjacent rural areas.

100. While we accept the evidence for Kingston Lifestyle Properties Limited that there is considerable historic significance in the Kingston Flyer and the established buildings within the Kingston Settlement that provide historic context to the presence of the train, the operation of the Kingston Flyer is contentious. We did not hear sufficient evidence to satisfy us that we should recommend a positive endorsement of the Flyer recommencing commercial operations.

101. That is an issue that needs to be addressed in a resource consent setting (or alternatively, if the submitter obtains Requiring Authority status and pursues that course, by way of designation).

102. We therefore agree with Ms Justice's suggestion that it is premature to provide that endorsement by way of a suite of plan provisions.

103. The case for objectives and policies providing a framework for comprehensive commercial development around the Flyer's operation are intrinsically linked to that question. If the Flyer does not recommence operation, the rationale for the commercial developments the submitter envisages will largely, but not entirely, fall away.

104. We also consider that with the amendments proposed by Mr Grace, the rationale for having a stand-alone set of objectives and policies for commercial development around the Flyer in Kingston requires reconsideration. Having removed many of the elements of the original relief highlighting aspects where the proposed development would sit outside/be contrary to the

[28] Further Submitter #3435

existing objectives and policies of the Settlement Zone, the need to provide specifically for that development is in our view significantly reduced.

105. Thus, for instance, Mr Grace drew our attention to the emerging role of Kingston as providing affordable accommodation within easy reach of Queenstown, indicating in turn the need to consider the application of the NPSUD. While Mr Grace did not go as far as to suggest Kingston is in the same housing and employment market as Queenstown so as to make the NPSUD directly relevant, removal of reference to intensive residential development in the requested provision makes it unclear to us in any event how the NPSUD supports the relief sought, other than in a very general way.

106. We also consider that there is merit in Ms Bowbyes' observation that when and if the Flyer recommences operation and the surrounding commercial development occurs, the suggested objective and policies would be largely redundant.

107. In summary, for all of these reasons, we do not recommend acceptance of the relief sought by Kington Lifestyle Properties Limited. Accordingly, we do not recommend the consequential changes sought in its submission to Objective 20.2.3 and Policy 20.2.3.1.

3.6 Cardrona-Specific Objectives and Policies

108. Similar to the relief sought by Kingston Lifestyle Properties Limited, Cardrona Village Limited[29] sought an objective and two supporting policies to facilitate its proposed mixed use development at Cardrona. Reflecting the fact that Mr Tim Grace drafted both sets of relief, the wording of the objective and proposed policies is very similar, as follows:
New Objective:
"Comprehensive Master Plan Mixed Use Development is enabled within the Settlement Zone at Cardrona to provide for local and visitor convivence [sic] and to support the local economy and tourist attractions, in a way that will maintain the character and amenity of the existing village, and protect the Outstanding Natural Landscape within the wider Cardrona Valley from inappropriate development."

109. Supported by New Policies:
   i) *Provide for a mix of retail, commercial, commercial recreation, community, visitor accommodation at above ground floor level residential activities within the Commercial Precinct of the Cardrona Settlement Zone at a scale and intensity that is commiserate **[sic]** with the character and heritage values within the settlement and the natural and visual values within the surrounding rural landscape;*
   ii) *Provide for a mix of visitor accommodation and low to medium density residential (such as duplex and terrace housing and small-scale apartments) activities within the Visitor Accommodation Sub-zone of the Cardrona Settlement Zone at a scale and intensity that is commiserate **[sic]** with the character and heritage values within the settlement and the natural and visual values within the surrounding rural landscape."*

110. Mr Grace gave planning evidence for the submitter. He gave evidence that infrastructure constraints previously advanced as a reason for low density development have been overcome with development of a comprehensive wastewater treatment solution for Cardrona. Mr Grace suggested also that an 800m^2 density standard would result in inefficient use of a limited land resource and what was required was a broader focus on a well-functioning urban environment.

[29] Submitter #31019

111. The latter comment was obviously framed in terms of the language of the NPSUD. The submitter did not provide evidence that would support a conclusion that Cardrona and Wānaka are part of the same employment or housing market, so as to suggest that the NPSUD should direct the outcome in this situation, and Mr Grace accepted that the NPSUD was not intended to apply to the Settlement Zone at Cardrona.

112. What the submitter did do, however, was to provide expert landscape and visual evidence from Mr Stephen Brown who provided us with offshore examples of purpose-built villages with retail activity, hotels and visitor accommodation aligned both at ground floor and above. The end result is attractive, but is self-evidently very different from the current Cardrona character and the low density environment that the Settlement Zone seeks to achieve.

113. It seems to us, also, that the suggested objective and policy seek to prejudge issues that are properly the subject of the consent application that Mr Brown referred to as having already been made. Specifically, that the mixture of visitor accommodation, low and medium density residential development proposed would occur at a scale and intensity that is commensurate with the character and heritage values within the settlement.

114. More generally, the way in which the objectives and policies have been written suggests to us that the proposed development, if advanced consistently with the emphasis in those provisions in maintaining the character and amenity of the existing village and protecting the surrounding ONLs, are not actually required. The existing provisions would accommodate them, and provide a consent pathway for their consideration.

115. We have more minor concerns with the drafting of the suggested provisions: an objective of protecting the surrounding ONL "*from inappropriate development*" would not seem to be consistent with the direction the Environment Court has provided already about the amendments required to the Chapter 3 and 6 provisions governing ONLs.

116. That point at least could be addressed by revision of the drafting, but for all these reasons, we do not recommend the suggested objective and new policies to govern Cardrona Settlement.

117. We note at this point two other submissions[30] seeking greater provision for different aspects of infrastructure (variously cycle-ways and drinking and wastewater) in Cardrona. Neither submitter provided evidence and in our view these submissions should be rejected for the same reasons as set out above in relation to the more general submission of the District Health Board – these are matters for Council planning processes under the Local Government Act.

3.7 Chapter 20.3 – Other Provisions Rules

118. This is a standard section of each chapter in the PDP. There was only one substantive submission on it, that of Aurora[31], seeking insertion of a new advice note relating to the New Zealand Electricity Code of Practice for electrical safe distances. The suggested advice note seeks to draw to the reader's attention, the need to comply with this Code pursuant to the Electricity Act 1992 and to direct the reader to the electricity sub-transmission infrastructure and significant electricity transmission infrastructure shown on the planning maps.

119. In her Section 42A Report, Ms Bowbyes noted that the advice note wording had been thrashed out in mediation on the Stage 1 appeals, and that the parties to those appeals had agreed to

[30] Submissions #31007 and #31009

[31] Submitter #3153

insert the advice note into a number of the PDP chapters. Ms Bowbyes considered that the advice note was a useful addition to the Plan and recommended its insertion.

120. By her reply, Ms Bowbyes had revised the suggested advice note to include specific reference to Chapter 30 as providing relevant information regarding activities and obligations under the Electrical Code of Practice and deleting text that that reference made unnecessary.

121. We accept Ms Bowbyes' recommendation that this is a helpful addition to Chapter 20 and recommend inclusion of the advice note in the form contained in her reply evidence.

122. The only other amendments Ms Bowbyes recommended to Chapter 20.3 were minor numbering changes to reflect the inclusion of additional provisions specific to Cardrona resulting from the variation to Chapter 20 notified subsequently.

3.8 Chapter 20.4 – Rules - Activities

123. In conjunction with the suggested new policy that we have discussed above, the Ministry of Education[32] sought a new restricted discretionary activity rule providing for education facilities. Ms Bowbyes did not recommend acceptance of this submission. In her view, the existing discretionary activity status under Rule 20.4.13 was the more appropriate method to provide for community activities in the context of the Settlement Zone objectives. The evidence of Mr Frentz for the Ministry told us that the suggested relief would be more enabling than the status quo. That is obviously true. However, it does not tell us why it would be more appropriate having regard to the objectives sought to be achieved, much less the most appropriate way in which those objectives might be achieved.

124. For these reasons, we prefer Ms Bowbyes' reasoning and recommend the submission be rejected.

125. Fire and Emergency New Zealand[33] similarly sought more favourable rule status for emergency facilities. It sought that two rules be amended. First, Rule 20.4.6 currently provides that buildings within Commercial Precincts are restricted discretionary activities, it sought that the rule status be a controlled activity. The submission expressed the view that any relevant effects can be controlled by standards and that it is reasonable to expect buildings to be allowed within a Commercial Zone.

126. Similarly, outside the Commercial Precinct, where community activities are a discretionary activity pursuant to Rule 20.4.13, the submitter sought a new rule providing that emergency service facilities are a controlled activity

127. The submission reasoned that while discretionary activity status might be appropriate for other community activities, it is overly restrictive and inappropriate for fire stations. It suggests that the rule also fails to directly contemplate the location needs or benefits derived from emergency service facilities are activities.

128. Addressing the first, Ms Bowbyes noted a submission from Blackthorn Limited[34] to similar effect.

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[32] Submitter #3152
[33] Submitter #3288
[34] Submitter #3339

129. Ms Bowbyes emphasised in her Section 42A Report the value of Council being able to decline poor proposals with poor planning outcomes (including poor building design). She also observed the broad range of effects that may result on nearby low density residential land uses.

130. We consider that both are valid points. While the scope to impose conditions is broad, we have discussed its limitations in Section 3.3 of Report 20.1. Building design is one area where Council would struggle to impose effective conditions, particularly when faced with an obdurate applicant.

131. We also accept Ms Bowbyes' point that in relatively small Settlement Zones with Commercial Precincts and Visitor Accommodation Sub-zones in close proximity to low density residential housing, a degree of caution is required.

132. We did not hear from either submitter seeking to support their position or providing us with good grounds to disagree with Ms Bowbyes. We do not recommend that those submissions be accepted.

133. Turning to the narrower submission of Fire and Emergency New Zealand, as Ms Bowbyes noted, emergency services are not limited to fire stations, and could extend to search and rescue headquarters, ambulance depots, emergency hospital facilities etc.

134. Moreover, even if the relief were limited to fire stations, Ms Bowbyes was of the view that it could not be assumed that the actual effects of fire stations in residential areas are minor. She considered[35] that it was appropriate that they be considered on a case by case basis as a full discretionary activity.

135. Ms Bowbyes also noted that such an outcome would be consistent with the position in the PDP's main residential zones that provide for community activities in residential areas as discretionary activities.

136. We agree with Ms Bowbyes reasoning on all of these points. While, as she observes, finding a strategic location for fire stations can have significant value for communities within which they sit, this is in our view less important for relatively small settlements where distances are not large, irrespective of the location chosen.

137. In the absence of clear evidence from the submitter as to why we should not adopt Ms Bowbyes' reasoning, we recommend that the submission be rejected.

138. Aurora[36] sought two amendments to this set of rules. The first is a general request that "*electricity supply"* be added as a matter of discretion where buildings in the Settlement Zone require resource consent. The second is a new matter of discretion proposed to be added to Rule 20.4.6 (buildings within Commercial Precincts) that would apply where electricity sub-transmission infrastructure or significant electricity distribution infrastructure as shown on the plan maps is located within an adjacent road, and would enable any adverse effects on that infrastructure to be considered.

139. Ms Bowbyes did not recommend acceptance of these submissions.

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[35] Section 42A Report at 6.19

[36] Submitter #3153

140. As regards the first suggested relief, Ms Bowbyes noted that Rule 27.7.15.4 requires that electricity be supplied to all new allotments. In her view, the PDP therefore addresses the issue the subject of submission. She also noted that she was not aware of any other zone within which the PDP identifies electricity supply as a matter for discretion for land use consents. She raised it as an issue of consistency. To us, it raises obvious questions as to why, if it is not relevant in any other zone, it should be both relevant and required in the Settlement Zone.

141. The evidence and submissions for Aurora did not, so far as we could identify, address this issue. Accordingly, we accept Ms Bowbyes' recommendation and do not recommend ourselves addition of the new matter of discretion as sought.

142. Turning to the second point, Ms Bowbyes advised that there are instances of Settlement Zone land with electricity sub-transmission infrastructure or significant electricity distribution infrastructure shown within adjacent roads. However, Ms Bowbyes noted that Rule 20.5.7 already prescribes a minimum road boundary setback for each settlement. She considered that discretionary activity status for breaches to that standard would provide adequate opportunity to ensure the issues of concern to Aurora are considered. She was therefore of the view that the relief sought would be inefficient as it would result in additional and unnecessary complexity to the provisions.

143. The evidence of Ms Dowd for Aurora noted the issue the subject of submission, but Ms Dowd put her emphasis on the need for an advice note directing attention to the requirements of the New Zealand Electricity Code of Practice, which we have already addressed above. She did not explain to us why Ms Bowbyes' reasoning, summarised above, was unsound.

144. On that basis, we accept Ms Bowbyes' recommendation and we do not ourselves recommend acceptance of the relief sought by Aurora.

145. Pounamu Holdings (2014) Limited[37] opposed Rules 20.4.9 and 20.4.4.14-16 but on a similar conditional basis to that taken in relation to the policies of Chapter 20 described above. In other words, its opposition was expressed to be the result if its zoning relief was not accepted. We discuss the rezoning relief below. For present purposes, it is sufficient to say that we accept the submitter's request for rezoning and, accordingly, the submission on these rules falls away.

146. Kingston Lifestyle Properties Limited[38] sought two amendments to these rules. The first relates to Rule 20.4.7 and seeks provision for residential activities to be a restricted discretionary activity within the Commercial Precinct at Kingston.

147. The second requested amendment is to make specific provision of the use and operation of the Kingston Flyer and associated railway equipment and infrastructure as a permitted activity not required to comply with any standards, including district-wide rules or standards.

148. When he presented planning evidence for the submitter, Mr Grace indicated that the first submission was intended to be by way of clarification of the position that he understood would apply anyway.

[37] Submitter #3307
[38] Submitter #3297

149. We agree. The concept of a precinct is one where the underlying zone rules have additional overlay provisions that apply within the identified Precinct areas. The existing zone provisions continue to apply unless inconsistent with the overlay provisions.

150. Accordingly, we do not believe that the requested change is necessary. More to the point, by making the proposed 'clarification' Kingston-specific, that implies (incorrectly) that in other settlements, that is not the position. We do not therefore recommend the requested relief.

151. As regards the second submission, Mr Grace explained that he believed that non-commercial operation of the Kingston Flyer (e.g. to test out its readiness to operate) is a permitted activity at present. We understand that the submitter has sought a certificate of compliance to confirm that view. Accordingly, the suggested relief sought to reinforce that existing position.

152. Consideration of this submission also needs to bear in mind that the submitter was seeking (separately), extension of the Commercial Precinct/Settlement Zone to the rail corridor south to the District boundary,

153. We understood Mr Grace to accept that commercial operation of the Kingston Flyer would require a resource consent with the status of the activity altering depending on whether the submitter's separate request that the rail corridor be zoned Settlement Zone/Commercial Precinct is accepted.

154. In her reply evidence, Ms Bowbyes agreed with the view of Ms Justice (for Greenvale Station Limited) that the Kingston Flyer is a commercial recreation activity which would be a restricted discretionary activity outside the Commercial Precinct, and a controlled activity within the Precinct. Ms Bowbyes did not express a view on whether non-commercial operation of the Kingston Flyer is permitted as Mr Grace contended.

155. In the absence of clear evidence from the Council as to its view on the latter point, we prefer to express no view on that, given that the submitter is pursuing a separate certificate of confirmation process. Rather, we look at it in the alternative. If Mr Grace is right and non-commercial use of the Kingston Flyer is permitted at present, then no specific rule is required. If he is incorrect, then we do not think that we have sufficient evidence to determine that permitted activity status is appropriate ourselves. We have already noted the concerns expressed for Greenvale Station Limited regarding potential fire risk. As far as we understand, the fire risk does not depend on whether the Flyer is being operated for commercial purposes of not. That issue may become moot depending on the stance we take on the submitter's rezoning application (discussed below), but even if the issue were limited to the Flyer's operation within the bounds of the Kingston township, we have some concerns about a rule that would permit the Flyer's operation without any standards whatsoever. We would have thought that, at the very least, it should be subject to specified maximum hours of operation.

156. In summary, we do not recommend specific provision for the Kingston Flyer. We accept the recommendation of Ms Bowbyes that there is a consent pathway available for the Flyer. Alternatively, the submitter could take steps to get itself appointed a requiring authority and utilise that status to designate the rail corridor.

157. Lastly, we note that Settlement specific relief of Cardrona Village Limited[39] seeking amendments to the rules governing development in the Cardrona Settlement Zone as follows:

[39] Submitter #31019

i. Making commercial activities, commercial recreation activities, community activities, visitor accommodation activities and above ground floor level residential activities a permitted activity;
ii. Within the Visitor Accommodation Sub-zone at Cardrona, making visitor accommodation activities and residential activities a permitted activity;
iii. Within the Commercial Precinct and Visitor Accommodation Sub-zone at Cardrona, making buildings a restricted discretionary activity;
iv. Deleting reference to the Cardrona Village Character Guideline 2012 from Rule 20.4.6.

158. The submission emphasises the fact that the development it proposes is currently provided for as a controlled activity in the ODP Rural Visitor Zone. It suggests that the activities the Commercial Precinct is intended to accommodate should be provided for as permitted activities to provide certainty to landowners. The submission expresses the view that the control over the consenting of buildings provides an adequate safeguard.

159. The reasons for the submission in relation to guideline document have already been summarised in the context of the relevant policy.

160. Mr Grace reinforced these various points when he gave evidence.

161. In her Section 42A report, Ms Bowbyes noted the key tensions between the submitter's development aspirations and the notified zone provisions as being centred on the submitters desire for increased residential density and permissive standards for activities[40]. Her view was that the submitter's site was not sufficiently unique to warrant a suite of site-specific provisions and that the zone already provided a consenting pathway for the proposed development.

162. Nor do we consider the rule status under the ODP RVZ to be a reliable guide to the appropriate position under the PDP. We note the view of the section 32 evaluation of the RVZ[41] that the ODP RVZ failed to appropriately manage landscape values, or even to provide visitor-related activities at Arthurs Point North.

163. We therefore largely agree with Ms Bowbyes' reasoning. As with the site-specific objectives and policies the submitter seeks, it is unclear to us why the existing consenting pathway does not provide appropriately for what the submitter has in mind. We have an additional concern with permitted activity rules for activities that would enable the submitter, once it has obtained consent for buildings, to alter the activities occurring within those buildings in ways that were not canvassed in its consent applications, and which may have given rise to additional effects issues had that possibility been canvassed in the consent process.

164. In summary, we consider that the consent process should take its course, rather than rewriting Chapter 20 around what the submitter has in mind for the Cardrona Settlement.

165. As regards the specific issue of the relevance of the Cardrona Village Character Guideline 2012, we have noted already in the context of Policy 20.2.2.4 that we do not consider a regulatory requirement that development be consistent with the Guideline can be sustained. Rather, consistent with the Stream 17 Hearing Panel's recommendation in relation to the Residential and Business Mixed Use Design Guidelines, the Guideline document should be an information resource that applicants are required to demonstrate has been taken into account.

[40] Section 42A Report at 12.11
[41] At 8.25

166. It follows that we do not accept the submitter's request that all reference to the Guideline be deleted. We do, however, consider that amendment is required to the rules to insert a new standard (20.5.20) relating to its consideration), rather than adding consistency with it as a matter of discretion. Our revised Chapter 20 in Appendix 1 reflects that suggested change.

167. As far as we can identify, the only other submission which requested amendments to these rules was the Benjamin submission[42] and is consequential on the requested rezoning of land at Glenorchy as a marina/tourism sub-zone. We address that submission below.

168. In addition to amendments she recommended to respond to submissions, Ms Bowbyes also identified a number of rules that require amendment in order to comply with the directions of the NPSUD[43]. These were Rules that referred to minimum parking requirements in Chapter 29 and/or retention of a discretion in relation to provision of parking. Implementation Section 3.38 of the NPSUD provides jurisdiction to remove rules that have the effect of requiring a minimum number of carparks without using the First Schedule process. Accordingly, there is clearly jurisdiction for Ms Bowbyes' recommendation, and on the face of the matter, it complies with implementation provision 3.38.

169. The problem we have with Ms Bowbyes recommendation is that Implementation Method 3.38 of the NPSUD specifically exempts provision for accessible parking (termed mobility parking in the PDP) from the instruction it provides.

170. In each case therefore, rather than deleting the reference in the matters to which discretion is referred to the provision of parking, we recommend that it be qualified to refer to provision for mobility parking.

171. We also do not consider that we should recommend deletion of Rule 20.5.16.3 at this time.

172. As regards Rule 20.5.17, this relates to homestays. Here, we think that Rule 20.5.17.1 cross referring standard 29.8.9 can be deleted because the mobility parking space requirement in Chapter 29 applies to visitor accommodation with 6 guests or more and a separate standard in Rule 20.5.17 restricts homestays to a maximum of 5 paying guests. We recommend, however, that the revised matter of discretion still refer to provision of mobility parking spaces (for homestays that exceed the maximum paying guest standard).

3.9 Chapter 20.5 – Rules - Standards

173. In her Section 42A Report, Ms Bowbyes noted a large number of submissions (we counted 62 submissions) seeking a reduction in the setback of buildings from waterways from 7 metres, as notified, to 1 metre. The Bryce submission[44] separately sought a reduced setback to 4.5 metres. None of these submissions were supported by evidence and, as Ms Bowbyes notes, the setback is not an absolute requirement. It just means that buildings within the 7 metre setback require a resource consent (as a restricted discretionary activity), in order that any issues the proximity to the waterway creates are properly addressed.

174. We accept Ms Bowbyes' recommendation that all of these submissions should be rejected, essentially for the reasons she provides[45].

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[42] Submitter #3223

[43] Rules 20.4.5, 20.4.7, 20.4.9, 20.4.10, 20.5.16 and 20.5.17

[44] Submitter #3315

[45] See Section 42A Report at 8.24-8.28

175. Ms Bowbyes noted in her Section 42A Report[46] a number of other requested amendments to the Chapter 20.5 standards Section 42A Report that were either not the subject of evidence or not pursued by the submitter when they appeared at the hearing.

176. Ms Bowbyes recommended acceptance of two sets of submissions:
   i. The submissions of Pounamu Holdings 2014 Limited[47] and Dart River Safaris[48] seeking that associated office, storage, staffroom and bathroom facilities are not included in the calculation of gross floor area for the purposes of Rule 20.5.3;
   ii. Dart River Safaris and Christine and David Benjamin[49] seeking an exception to the standard relating to heavy vehicle storage on site in Rule 20.5.10, so that that standard does not apply within Commercial Precincts and Visitor Accommodation Sub-Zones.

177. We have already discussed the reasons for our accepting the clarification of the calculation of GFA sought by the submitters in section 3.4 above.

178. As regards parking up of heavy vehicles, Ms Bowbyes noted that the exclusion sought by the submitters carries over a provision already in the ODP and reflects the need to store multiple heavy vehicles on site where they are used to transport tourists.

179. We accept the rationale for carving out Commercial Precincts and Visitor Accommodation Sub-Zones as above. The submitters sought and Ms Bowbyes recommended a second sentence stating that the standard applies to residential and non-residential activities cumulatively. We do not understand what that adds given that the standard focusses on sites rather than activities and we do not recommend that it be included.

180. In all other cases, we recommend that the submissions be rejected, for the reasons set out in the Section 42A Report.

181. Aurora[50] sought a new rule be included in this section of the chapter related to the setback from electricity sub-transmission infrastructure or significant electricity distribution infrastructure, with non-compliance with the standard being a non-complying activity. Ms Bowbyes did not recommend acceptance of this submission: in her view, the existing setbacks from roads in Rule 20.5.7, including a discretionary activity default for non-compliance would enable the effects of concern to Aurora to be appropriately addressed[51].

182. As noted above, when Aurora appeared, Ms Dowd referred to this issue, but did not specifically address the relief sought.

183. We agree with Ms Bowbyes' reasoning. We also consider that there are a number of issues with the suggested relief. The draft standard does not actually say what the required setback is. It is also unclear whether it just relates to electricity infrastructure shown on the Plan maps or to other elements of Aurora's network plan. In relation to the latter, the draft standard reads more like a policy, which in our view is inappropriate in this context.

184. For all of these reasons, we do not recommend an additional standard as sought by Aurora.

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[46] At Sections 4, 5 and 8
[47] Submitter #3307
[48] Submitter #3308
[49] Submitter #3223
[50] Submitter #3153
[51] Section 42A Report at 7.19-7.20

185. Fire and Emergency New Zealand[52] sought that Rule 20.5.12, which prescribes maximum permitted building heights in the zone, is amended to enable buildings for emergency services to be 7 metres high as a permitted activity in Glenorchy and Makarora. Ms Bowbyes noted in her Section 42A Report that the following Rule (20.5.13) enables buildings located within Commercial Precincts to extend 1.5 metres above the building height specified in Rule 20.5.12. In other words, a fire station could be built in the Commercial Precinct up to seven metres at present, and if the relief sought was granted, that would extend to 8.5 metres.

186. Ms Bowbyes noted that while the focus of the submission was on fire stations, the relief sought is broader than that and would capture a range of activities.

187. Ms Bowbyes did not recommend acceptance of this submission. In her view, it would be inefficient and the sensitivity of Makarora and Glenorchy, being surrounded by ONLs, needed to be taken into account.

188. She expressed the view also that while fire stations needed to be located strategically, this did not translate to an enabling regime for fire stations at any location in the Settlement Zone.

189. We likewise accept both the need for emergency services to establish in the settlements and their need for a strategic location. However, like Ms Bowbyes, we do not think that this means that they should be able to establish at any location they choose, irrespective of the resulting effects: particularly if those effects are on the values of the adjacent ONLs, that the PDP requires be protected (or will do when Chapter 3 is finalised following resolution of appeals).

190. The submitter did not appear to provide reasons for its position and accordingly, we recommend the submission be rejected, essentially for the reasons set out in the Section 42A Report.

191. Cardrona Alpine Resort Limited[53] and Wayfare Group Ltd[54] sought a relaxation of development standards as they relate to long term rental or worker accommodation activities. We have already addressed the basis of this submission as it relates to the objectives and policies of Chapter 20: see section 3.2 of our report above. The same reasoning prompts us to recommend the associated rule submissions be rejected.

192. Height limits were the subject of a separate submission from the Telcos seeking provision for a 15 metre height limit for telecommunication poles in the Cardrona Settlement Zone where there is a single operator, and 18 metres in the case where there are multiple operators using the same pole. The submissions sought amendment to Rule 30.5.6.6, but for convenience, we will deal with it here.

193. The Telcos sought the same relief in relation to the renamed GISZ and Three Parks Commercial Zones. The reports of the Stream 17 Hearing Panel on this relief as it would apply to the latter two zones[55] set out in some detail the case that was presented for the Telcos. We refer to and adopt the description of that case and note the recommendations of the Stream 17 Panel that in each case, the relief sought be accepted.

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[52] Submitter #3288
[53] Submitter #31018
[54] Submission #3343
[55] Reports 20.3 and 20.4

194. We therefore focus here on the differences between the GISZ, the Three Parks Commercial Zone and the Cardrona Settlement Zone. As discussed in Reports 20.3 and 20.4, the Telco case in those other zones focussed on the comparatively lower value of commercial and industrial areas compared to other urban and rural areas. That logic does not apply to the Cardrona Settlement Zone, and to be fair, the Telcos did not suggest that it did. Rather, their reasoning in relation to Cardrona was in essence that:

a) Provision had to be made for mobile telecommunication services somewhere in the vicinity of Cardrona;
b) It was clearly preferable that that provision be within the Settlement rather than in the adjacent ONL;
c) Constraints on the height of the telecommunication poles would only result in a need for a greater number of poles, exacerbating the potential adverse effects on the amenity values of the Settlement.

195. Having initially (in her Section 42A Report) recommended rejection of the Telco submissions, Ms Bowbyes reflected on that position in her rebuttal evidence and recommended amendment to the relevant rule of Chapter 30 (30.5.6.6) to provide for telecommunication poles up to 15 metres high in the Commercial Precinct at Cardrona as a permitted activity subject to compliance with rules Mr Horne had suggested in his pre-circulated planning evidence for the Telcos for height recession planes, setbacks, maximum headframe and antenna dimension, and maximum light reflection value.

196. Accordingly, by the hearing, the only issue in contention was whether there ought to be provision for multiple operators using the same telecommunication pole (with an additional 3 metre height provision in that case). In summary, we accept the reasoning and evidence of the Telcos, essentially for the reasons above. While in a perfect world, we might wish to limit the number of telecommunication poles in a small settlement like Cardrona, telecommunications are an essential utility in a modern world. It is preferable in our view that rather than multiple 15 metre poles, one for each telecommunication provider, a fewer number of higher poles servicing multiple operators are installed, provided their effects, particularly at the margins of the settlement, are minimised.

197. The only other submissions that we need to address at this point are the settlement-specific submissions of Kingston Lifestyle Properties Limited and Cardrona Village Limited.

198. Addressing Kingston first, in association with the broader relief discussed above, Kingston Lifestyle Properties Limited[56] sought a number of amendments to the standards in Chapter 20.5. By the time the submitter appeared, Mr Grace had refined the relief sought and so many of the amendments sought were not pursued. What he did seek, however, were two amendments as follows:

a) Amend 20.5.1 to exempt residential activities within the Commercial Precinct at Kingston from the minimum density requirements;
b) Amend Rule 20.5.7 to allow buildings to be built up to the road boundary in the Kingston Commercial Precinct.

199. In his evidence, Mr Grace explained the intent of the former amendment to provide for residential development in conjunction with commercial development (e.g. with residences above the ground floor) but that the existing minimum density requirements should apply to vacant lot subdivisions.

[56] Submitter #3297

200. Mr Grace noted that the exemption he was recommending would only apply to residential development progressed as a restricted discretionary activity in the Commercial Precinct, giving scope to decline any applications resulting in adverse effects on the surrounding environment.

201. Mr Grace explained the second point of relief as being intended to ensure that a pedestrian focussed and active street environment can be achieved within the Precinct.

202. Ms Bowbyes did not recommend acceptance of these submissions, essentially for the reasons already discussed above in relation to requested amendments to the objectives, policies and activity rules.

203. We note at the outset that the requested amendment to Rule 20.5.1 does not appear to align with Mr Grace's description of a provision that would not apply to subdivisions of vacant lots and/or would only apply to residential developments being progressed as a restricted discretionary activity. It specifically notes that subdivision will be provided, inter alia, around existing buildings or development.

204. Assuming that the relief were limited in the manner that Mr Grace describes, this would seem to us to support Ms Bowbyes' point, that there is already a consenting pathway for what is proposed, and that the additional provisions are adding unnecessary complexity to the relevant rules.

205. The same point arises with respect to setbacks from roads. If a comprehensive development is proposed that requires all relevant issues and effects to be considered, then the pros and cons of the required road setback, or absence of any setback, can form part of that integrated assessment.

206. In summary, we agree with Ms Bowbyes' recommendations, essentially for the reasons set out in her Section 42A Report. We do not recommend the changes to the standards requested.

207. The relief sought by Cardrona Village Limited in relation to the Cardrona Settlement Zone was the subject of Mr Grace's planning evidence for that submitter also. In summary, by the hearing, he was recommending:

a) Amendment to Rule 20.5.1, essentially in the same terms as for Kingston;
b) Amendment to Rule 20.5.7 to provide that the minimum setback from roads should be 3 metres in the Visitor Accommodation Sub-Zone, but with provision for buildings to be built up to the road boundary within the Commercial Precinct ;
c) Rule 20.5.9 should be amended to state:
"All buildings within the Visitor Accommodation Sub-Zone at Cardrona should be designed with a gable roof form. The minimum pitch from the horizontal shall generally be 25 degrees but other roof pitches may be considered acceptable and will be assessed through the restricted discretionary resource consent process required for buildings".

208. Building setback relief was supported by the expert landscape and urban design evidence of Mr Stephen Brown. Mr Brown noted that the Cardrona Village Character Guideline provide for a reduced (two metre) setback for retail/commercial, tourist related developments, but a three metre setback for Visitor Accommodation. Mr Brown also noted the prevalence of mixed use developments combining commercial development and visitor accommodation, and an urban environment that integrates one the other in a seamless manner. He described

that as being beneficial in the context of most village environments and supported a reduction in the building set-back requirement for the proposed Commercial Precinct at Cardrona (which we understood to be a reference to the enlarged Commercial Precinct the submitter was proposing that we discuss later in this report.

209. Addressing the proposed relief in relation to Rule 20.5.1, our reasoning in relation to this submission is effectively the same as for the parallel submission made by Kingston Lifestyle Properties Limited. We regard this is as an unnecessary complexity when both subdivision, density and building design issues need to be examined in an integrated manner to arrive at an optimum resolution.

210. As regards the building setback, Mr Brown presents a valid argument for a consistent approach, notwithstanding the endorsement in the Village Character Guideline of a difference. Mr Brown did not, however, explicitly support having no setback from the road (just a reduction) and it appears to us, as in Kingston, these issues are best addressed in the context of a comprehensive resource consent application where the design merits of a 'reduced' setback can be addressed.

211. We also do not support the revised Rule 20.5.9. It seems to us that as amended, the Rule ceases to state any standard and could legitimately be argued to be invalid for uncertainty.

212. Put another way, the purpose of having a numerical standard (in this case a 25 degree minimum pitch) is to put a line in the sand so that if landowners seek to do something different, their applications are considered in a resource consent process. There might have been an argument for exceedances of the standard to be considered as a Restricted Discretionary activity rather than Full Discretionary, but that would have depended on what matters of discretion are specified in the rule. Mr Grace did not tell us what he was suggesting in that regard (neither did the submission he supported) and did not analyse the suggested relief from that perspective.

213. In addition, the utility of that kind of rule relaxation depends on whether it is a stand-alone issue or whether the building design is merely part of a much broader proposal such as that which the submitter is advancing. At least so far as the submitter's own position is concerned, we do not see any significant merit in looking closely at the default rule status just for Cardrona given the nature and scale of the development the submitter is advancing.

214. In summary, we agree with Ms Bowbyes' recommendation that the relief sought by the submitter should not be accepted.

3.10 Chapter 20.6 – Non-notification

215. This section of Chapter 20 was the subject of a small number of submissions[57] were consequential on relief sought in relation to objectives, policies and rules that we have not recommended be accepted. Accordingly, the consequential submissions fall away.

216. In her Section 42A Report, Ms Bowbyes identified conflicting relief sought on the one hand by Sustainable Glenorchy[58] seeking that provision for non-notification in relation to Restricted Discretionary activities be deleted, and from Blackthorn Limited[59] seeking that that provision be extended to Full Discretionary activities.

[57] e.g. Submissions #3153, #3297, #3223 and #31019
[58] Submitter #3142
[59] Submitter #3339

217. Ms Bowbyes did not recommend that either submission be granted.

218. We heard from Mr Farmer for Sustainable Glenorchy, and it appeared that that submitter's concern was specific to a proposed hotel development in central Glenorchy. Mr Farmer's reasoning was that the community had been through a community plan process to produce standards that, in his submission, were important to the community. It followed that the community should continue to be involved if those standards were breached.

219. We did not hear from Blackthorn Limited in relation to its submission.

220. While we understand Mr Farmer's concern, there are a variety of standards in Chapter 20.5, some of which default to Restricted Discretionary activity status, and some of which default to Full Discretionary status (or non-complying status). The non-notification rule in Chapter 20.6 draws a distinction between the two, reflecting presumably, a judgment as to the relative significance/importance of exceedances of the different standards.

221. We also note that Ms Bowbyes referred to the non-notification of Restricted Discretionary activities as a reason to support that status for buildings in Commercial Precincts, when discussing submissions seeking that such buildings should be controlled activities[60].

222. In summary, we agree with Ms Bowbyes recommendation, essentially for the same reasons as she sets out in her Section 42A Report.

4. RELATED VARIATIONS

4.1 Introduction

223. Along with Chapter 20 variations were notified to Chapters 7, 25, 27, 29, 31 and 36. A number of submissions on these parts of the PDP were associated with rezoning applications that we address in Section 5 of this Report. Those include submissions by Streat Developments Limited[61], Sally and Aaron Ford[62], Christine and David Benjamin[63] and Airey Consultants[64]. We have not recommended the rezoning relief sought and, accordingly, the associated amendments to the text fall away.

4.2 Chapter 7

224. Associated with the notified zoning of former ODP townships land as LDSRZ, variations were notified for two rules in Chapter 7, one providing that the Hāwea LDSRZ would have the same building height standard as for Wānaka (7 metres) and the second providing for flood prone land at Hāwea.

225. There appear to have been no submissions on these specific provisions, but a number of amendments have been sought to Chapter 7 associated with zoning of land in Albert Town and Hāwea as LDSRZ. The first series of submissions relates to minimum lot sizes. Chapter 7 provides that residential units not exceeding 450m^2 net area are a Permitted Activity (Rule 7.4.3), residential units between 300m^2 and 450m^2 are Restricted Discretionary activities (Rule 7.4.8) and residential units with a density exceeding 300m^2 are Non-Complying under the

[60] Refer Section 42A Report at 4.10
[61] Submissions #3221 and #3222
[62] Submission #3261
[63] Submission #3223
[64] Submission #31027

default rule (Rule 7.4.12). Ben Mitchell[65] sought that the minimum net area for any LDSRZ site in Albert Town and Hāwea be 400m^2. Hāwea Community Association[66] sought that Rule 7.4.8 should not apply at Hāwea, stating that it would result in the loss of any sense of community and seeking to retain a good mix of 800m^2 lots.

226. Ms Bowbyes addressed these issues in Section 9 of her Section 42A Report. In summary, Ms Bowbyes considered that the concerns expressed by the Association, in particular, could adequately be addressed through implementation of the discretion provided in Rule 7.4.8 for residential units with a density of less than 450m^2. Although the Association appeared before us, its representatives did not address this particular issue. Mr Mitchell, similarly, did not appear.

227. We accept Ms Bowbyes' reasoning. Particularly given the emphasis in the NPSUD on providing for greater density where appropriate, we think it is important to retain a discretion to allow higher density development, even in the LDSRZ. That same discretion, however, enables potential adverse effects to be addressed. In summary, therefore, we recommend that these submissions be rejected.

228. Hāwea Community Association also sought that a number of ODP Township Zone provisions be incorporated into the LDSRZ in order to retain Hāwea's sense of identity and community. The particular provisions related to introductory text, well-defined and consolidated township boundaries, planting of specific exotic species, boundary planting height limits, heavy vehicle storage, boarding and keeping of animals, and noise.

229. Ms Bowbyes' response was that the LDSRZ is a zone that will result in retention of existing high levels of residential amenity, and that the existing ODP rules sought to be retained will not achieve the Association's goal. She noted that a number of the township rules have been overtaken by the different structure of the PDP. Invasive exotic tree species, for instance are addressed in Chapter 34. Noise is addressed separately in Chapter 36. In her view, the other rules sought to be retained are neither effective nor efficient or have little relevance to maintaining Hāwea's character.

230. When the Association appeared, the only point it sought to specifically pursue was that related to boundary planting, suggesting that with a move to smaller section sizes, boundary planting will become more of an issue. It also emphasised that the community had expressed a clear wish for this particular rule to be carried over.

231. As we discuss later in this report, the rezoning of much of Hāwea to LDSRZ is an explicit recognition that the character of what was the township of Hāwea is already changing. It is becoming much more of an urban community rather than a small township. The corollary of that change is the need to apply rules that more properly reflect that character.

232. As regards to the specific issue of boundary planting, Ms Bowbyes' point was that there is no constraint on the height of trees and other plants located more than two metres from a boundary, and therefore having a strict height limit within the last two metres serves little purpose.

233. We are sympathetic to the Association's position, but it would have been helpful if the Association could have given us concrete examples which supported its position. In the

[65] Submission #3039
[66] Submission #3287

absence of same, we accept Ms Bowbyes' reasoning and recommend that the Association's submissions be rejected along with the related submission of Maravoid Trust[67] seeking recognition of the cultural heritage in the former Hāwea Township Zone without providing any evidence of relevant aspects of cultural heritage.

234. Quartz Commercial Group Limited[68] sought a series of changes to Chapter 7 rules. We address that submission below at Section 5.6.

4.3 Earthworks

235. The variation in this regard inserts reference to Settlement Zone in Rule 25.5.3. That rule lists a number of other zones, all with a maximum total volume earthwork standard of 300m^2.

236. The only submissions on it were in the Benjamin and Streat Developments submissions, seeking to clarify that the maximum total volume applies to a site, and not to the zone as a whole.

237. Ms Bowbyes' response[69] was that this is already clear and that the requested amendment is unnecessary.

238. We agree with that assessment. While literally, the rule refers to a maximum earthworks volume for the zone, this needs to be read in the light of Rule 25.3.2.20 which directs that earthworks be calculated on a per-site basis. Accordingly, we recommend that these submissions be rejected.

4.4 Subdivision and Development

239. The variations to Chapter 27 merely insert reference to the Settlement Zone in various relevant rules governing subdivision and development. The only submissions under this heading do not relate to the notified variations. Kingston Lifestyle Properties Limited[70] and Cardrona Village Limited[71] sought identical relief – that Chapter 27 provide for subdivision around existing buildings and development and/or in accordance with an approved land use consent as a controlled activity in Kingston and Cardrona respectively.

240. Mr Grace addressed both submissions in separate evidence briefs, one for each submitter. In summary, his opinion was that the density and intensity of residential development within the Commercial Precinct at Kingston and Cardrona will be managed through the land use consent process, with subdivision merely a mechanism to provide for separate legal ownership of the consented commercial units, visitor accommodation units or residential units. As such, his evidence did not add materially to the reasons stated in the submissions.

241. This particular relief formed part of a suite of provisions sought by each submitter. Ms Bowbyes' view[72] was that the Settlement Zone provided a consenting pathway for what was proposed, and that the suite of provisions were not necessary.

242. Mr Grace's evidence did not address that point and we struggle to understand why, if the submitters envisage an integrated development incorporating both land use and subdivision,

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[67] Submission #3233
[68] Submission #3328
[69] Bowbyes s42A Report at 8.30
[70] Submission #3297
[71] Submission #31019
[72] Section 42A Report at 11.7

they could not and would not apply for all consents required at one time. Certainly, in our view, that would be good RMA practice.

243. Accordingly, we agree with Ms Bowbyes and recommend that these submissions be rejected.

4.5 Transport

244. The proposed variation to Chapter 29, like Chapter 27, is merely to introduce reference to the Settlement Zone in the appropriate rules of the Transport Chapter. There appears to be one submission seeking an amendment to the notified variation, from Blackthorn Limited[73], seeking to roll over the ODP provisions except so as to specify one coach park only be required.

245. The submitter did not appear and thus we have no basis on which to recommend the relief sought. In addition, the prohibition in the NPSUD on provisions specifying minimum parking spaces (except for mobility/accessible parking) discussed in Section 2.2 of Report 20.1 provides an additional reason why the specific exception sought should not be granted.

246. In summary, we recommend the submission be rejected.

4.6 Signs

247. Ms Bowbyes recommended reference be inserted in Policy 31.2.3.3c and Assessment Matter 31.19.3.7 to the Cardrona Village Character Guidelines 2012. While we agree with the need for some reference to the guidelines, consistent with our recommendation about the role of those guidelines, the nature of the reference needs to change a little from that which Ms Bowbyes recommended.

4.7 Cardrona Village Character Guidelines 2012

248. We have already addressed the manner in which these Guidelines are treated in the policies and rules of Chapter 20. We think that addresses the submission of Cardrona Alpine Resort Ltd[74] seeking to remove aspects that duplicate provisions in the text of the PDP. Ms Bowbyes noted two other submissions[75] related to the content of the Guidelines, specifically the reference to a Village Green. The land the Guidelines identify as Village Green is owned by Cardrona Hotel and operated in conjunction with the historic hotel as a carpark. Ms Roberts sought that the Guidelines be rejected until the lack of open space at Cardrona is addressed.

249. Ms Bowbyes addressed this issue at 12.22-12.27 of her Section 42A Report. In summary, Ms Bowbyes regarded the Guidelines as an aspirational statement developed by the community which, in this regard, would represent a good urban design outcome if it should come to pass. She advised the Council has no present plans to purchase the Village Green land. However, this might be considered in future as a means of offsetting reserve fund contributions and development contributions through the resource consent process.

250. We also note the Sanderson submission[76] seeking that the Guidelines specify a two-storey limit for buildings in Cardrona.

251. In our view, these submissions need to be seen in the context of our recommendations that the relevance of the Guidelines to resource consent decisions is significantly softened from the

[73] Submission #3391
[74] Submission #31018
[75] Submissions #31047 (Roberts) and #31027 (Lee)
[76] Submission #31003

notified position. This supports Ms Bowbyes' recommendation that they should be treated as an aspirational community statement.

252. As regards to the specific issue of height limits, that also reinforces the point that the appropriate place for height limits is in the standards of Chapter 20, not in the Guidelines.

253. In summary, for these reasons, we recommend that the submissions on the Guideline content be rejected.

4.8 Variations to Chapters 2, 12-16, 26 and 30

254. We have already addressed the Telco submissions on Chapter 30 at Section 3.9 above. There do not appear to be any other submissions on the balance of the variations that we need to consider. Accordingly, with the exception of our recommended amendment to Chapter 30 as above, we confirm the provisions as notified.

5. MAPPING CHANGES

255. Mapping changes associated with Chapter 20 and the provisions notified with it were the subject of separate Section 42A Report authored by Ms Roz Devlin. Ms Devlin addressed some 22 separate submissions in that Section 42A Report. Due to a personal conflict, she did not address the submission of Lake Mackay Partnership Limited, seeking an extension to the Settlement Zone at Luggate. Ms Bowbyes addressed that as a discrete section of her Section 42A Report on the notified text.

256. In addition, as a result of a personal conflict emerging during the course of the evidence exchange process, Mr Craig Barr filed rebuttal evidence on the rezoning submission of Universal Developments Hāwea Limited, adopting the relevant section of Ms Devlin's Section 42A Report.

257. Ms Devlin grouped the rezoning/mapping submissions by location and we will do the same. Accordingly, we commence with a group of submissions focussing on mapping issues at Glenorchy.

5.1 Glenorchy Mapping Issues

258. Ms Devlin noted six submissions seeking relief in relation to Glenorchy mapping issues, many of which overlapped.

259. Those submissions were from:

a) John and Toni Glover[77];
b) Blackthorn Limited[78];
c) Christine and David Benjamin[79];
d) Pounamu Holdings 2014 Limited[80];
e) Dart River Safaris Limited[81];
f) Glenorchy Trustee Limited[82].

[77] Submitter #3006
[78] Submitter #3339
[79] Submitter #3223
[80] Submitter #3307
[81] Submitter #3308
[82] Submitter #3310

260. We will address first the areas of overlap, and then pick up any discrete issues raised by individual submissions.

261. The first two submissions, those of John and Toni Glover and Blackthorn Limited related to an overlapping area on the lake end of Mull Street in Glenorchy[83]. On the north side of Mull Street, three allotments totalling 2648m^2 were notified with a Visitor Accommodation Sub-zone overlay. The balance of the north side of Mull Street was notified with a Commercial Precinct. On the south side of Mull Street, a currently vacant site of 8,079m^2, formerly the site of the Mount Earnslaw Hotel, has also been notified with a Visitor Accommodation Sub-zone. As on the north side, the balance of Mull Street to the east is zoned Commercial Precinct.

262. The Glover submission sought that both properties be zoned Commercial Precinct.

263. The Blackthorn submission sought that all of the properties to the north side of Mull Street be zoned Commercial Precinct, together with a proportion of the block to the south. Figure 2 from Ms Devlin's Section 42A Report shows the area the subject of the Blackthorn submission superimposed on the two sections the Glover submission seeks be rezoned.

Plan showing area of re-zoning request from submission (Relief 3339.2)

Green outline – land where Commercial Precinct extension is sought.

Red diagonal lines – notified Commercial Precinct along Mull Street, purple outline and dashed line – notified VASZ, blue line – flood zone.

264. Initially (in her Section 42A Report) Ms Devlin recommended that these submissions be declined, noting that the existing Commercial Precinct is under used with less than 50% of the area currently developed for commercial purposes. Her view was that ideally, that land should be developed first. She also identified the desirability of restricting the size of the commercial hub of Glenorchy, so that it did not impinge into the balance of the Settlement Zone intended for low intensity residential living.

265. Ms Devlin also recorded her understanding of the current uses of the properties on the north side of Mull Street, noting that the legal status of one of those operations was unclear,

[83] The Glover submission also supported the notified Settlement Zone with Visitor Accommodation Sub-zone overlay at Kinloch. There were no changes requested to the Kinloch Zone.

suggesting in turn that only one of the three allotments has a legally established permanent commercial use.

266. In his evidence, Mr Glover provided evidence that the bulk of the property on the northern side was occupied by a consented bed and breakfast operation, with a separately consented commercial activity adjacent used for visitor reception and meal preparation for the visitors. The third site is occupied by an existing food retail operation. Mr Glover also gave evidence that that the apparent under-use of the existing Commercial Precinct was largely the result of that Precinct having previously been expanded to include 13 lots fronting Islay Street when there is no demand for commercial activities in that area. By contrast, Mr Glover gave evidence that the Community wishes Mull Street to be the main centre and heart of the town, and with visitors gravitating to the waterfront end. Mr Glover also observed that the lake end of Mull Street is not a residential neighbourhood and so there could be no question of residential activities being pushed out.

267. Lastly, Mr Glover restricted the extent of rezoning sought on the south side of Mull Street to align his submission with that of Blackthorn Limited.

268. Having reflected on Mr Glover's evidence, Ms Devlin advised, in rebuttal, that she had changed her view. Ms Devlin provided useful information regarding the Glenorchy Community Plan. In her view, while not indicating a clear community wish to rezone lower Mull Street, it does not preclude the rezoning request either.

269. Discussing the south side of Mull Street, Ms Devlin noted that the site is the subject of an application for a proposed hotel, with the proposal identifying the potential for commercial developments on the part of the site fronting Mull Street.

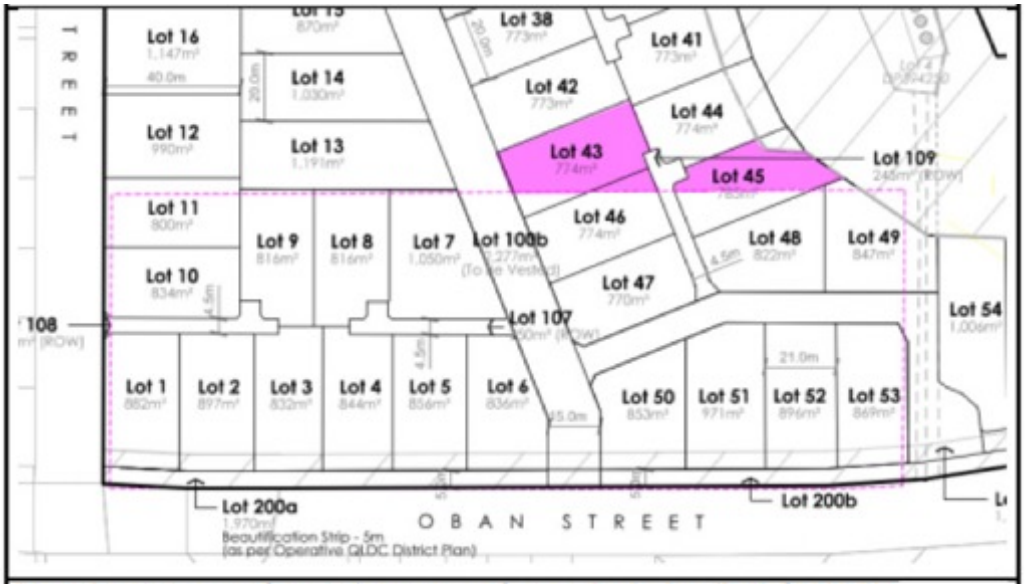
270. Ms Devlin also noted expert economic evidence for another submitter which supported Mr Glover's lay assessment of the demand for commercial development in Glenorchy. Accordingly, Ms Devlin recommended acceptance of the Glover and Blackthorn submissions to the extent that the land to the north side of Mull Street be rezoned along with a narrow strip on the south side fronting Mull Street for approximately half the length of the frontage.

271. We discussed the utility of the proposed Commercial Precinct strip on the south side of Mull Street with Ms Devlin: specifically, whether the depth of the block ought to be extended to match the neighbouring properties to the east.

272. In her reply, Ms Devlin agreed that possibly, the land recommended for Commercial Precinct on the south side of Mull Street was insufficient for commercial buildings and activities. She recommended an enlarged area based on the plans submitted with the proposed hotel development as an example of possible commercial development on that part of the site.

273. We agree with Ms Devlin's reasoning and we recommend rezoning of the land identified in Figure 2 of Ms Devlin's reply evidence as Commercial Precinct.

274. Blackthorn Limited also sought that the visitor accommodation sub-zone be extended over three proposed lots the subject of a subdivision consent, part of which are already the subject of the sub-zone.



Plan showing area of re-zoning request from submission (Relief 3339.17)

Purple areas – VASZ extension sought over proposed Lots 43, 45 and 46 of RM171428

Purple dashed line- notified VASZ

275. In her Section 42A Report[84], Ms Devlin noted that the extension sought would be relatively minor, adding approximately 1080m^2 and that while the titles have not yet issued, substantial progress had been made towards giving effect to this subdivision. We accept Ms Devlin's reasoning and recommend that this aspect of the Blackthorn relief be accepted.

276. The Benjamin submission sought extension of the visitor accommodation sub-zone to ten allotments on the south-western side of Glenorchy, and a new Glenorchy Marine and Tourism Sub-zone be created and applied to eight of the lots the subject of the previous submission, including the existing Dart River Safaris Depot.

Aerial photo of subject site showing area of re-zoning request

Red outline – submission sites where a (new) marina or tourism sub-zone is sought (8 allotments).

Green outline – submission sites where a VASZ is sought (10 allotments).

Yellow – Settlement; purple outline – notified VASZ; blue stripes – notified Building Restriction Area along Oban Street; blue line – flood zone

[84] R Devlin S42A Report at 8.5

277. Associated with the suggested relief, the submitter also proposed consequential changes to the text of Chapter 20 to provide for the new sub-zone overlay. The submitter also sought separately, greater clarity in the mapping of the flood zone at the south end of Glenorchy.

278. Addressing each of these points of relief in turn, Ms Devlin noted in her Section 42A Report that the submitter had a resource consent for visitor accommodation over their land at 1-15 Oban Street but that otherwise, there are no lawfully established visitor accommodation activities within the balance of the land sought to be rezoned, most of which is currently vacant.

279. Ms Devlin considered that Glenorchy has substantial Visitor Accommodation Sub-zone areas (approximately 13.4 hectares in total, or 25% of the zone). In her view, that was more than sufficient for a zone primarily providing for low density residential living. She was also concerned about the size of the area sought to be rezoned, which could enable a large-scale visitor accommodation activity such as a hotel that was out of character with the surrounding residential neighbourhood.

280. She recommended that that relief be rejected.

281. Ms Devlin similarly did not support the requested Glenorchy marina and tourism sub-zone. She considered that this would add an unnecessary level of complexity to the administration of the PDP when the Commercial Precinct should be fit for purpose. In particular, the Dart River Safaris Depot would fall within the definition of commercial activities. Ms Devlin considered the potential for a Commercial Precinct rezoning as an alternative form of relief, but noted that a number of sites in the area are vacant. One site is owned by the Department of Conservation and another site adjoins residential properties. She did not recommend that option, particularly given the under use of the current Commercial Precinct.

282. Ms Devlin considered also the option of a spot rezoning to Commercial Precinct of the Dart River Safaris Deport, but was of the view that that would generally be inconsistent with the relevant objectives and policies of the strategic chapter (referencing Policy 3.3.9).

283. For all of these reasons, Ms Devlin did not recommend acceptance of this aspect of the submission.

284. Likewise, she did not consider that greater clarification was required of the Flood Zone map, noting that the only difference from the Stage 1 and 2 decisions map was the width of the line.

285. The submitter did not appear at the hearing and accordingly, we had no reason to disagree with Ms Devlin's reasoning. Accordingly, we do not recommend acceptance of these aspects of the Benjamin submission.

286. There was a final point of relief in the Benjamin submission that it shared with Pounamu Holdings 2014 Limited and Glenorchy Trustee Limited. This relates to the width of the Building Restriction Area along both sides of Oban Street.

287. Ms Devlin observed that as viewed on the Stage 3 GIS map, the Building Restriction Area appears to be 25 metres wide, compared to the previous 10 metres wide strip under the ODP. She regarded the difference as a mapping error and recommended that it be corrected.

288. The difference between 10 metres and 25 metres is shown on Figure 6 of Ms Devlin's Section 42A Report. It makes the difference between a line virtually on the front face of Mrs Woolly's General Store (owned by Pounamu Holdings 2014 Limited) and one going through the middle of the building.

289. As Ms Devlin points out, the rationale for the Building Restriction Area stated in the Section 32 Report is to provide a wide entrance to the settlement not encroached on by buildings. In our view, a 10 metre strip would achieve that.

290. Accordingly, we accept her recommendation that these three submissions should be accepted in this respect.

291. Pounamu Holdings 2014 Ltd operates Mrs Woolly's General Store, the camp ground behind it and Camp Glenorchy, located on the southern side of Mrs Woolly's, but also with a frontage to Oban Street. The evidence for the submitter described Camp Glenorchy as an eco-retreat offering a range of guest accommodation options and corporate/conference facilities designed in accordance with the highest sustainability standards.

Aerial photo of subject site showing area of re-zoning request from submission

Orange outline – submission sites

Purple line – notified VASZ through submissions sites; green outline – VASZ extension sought over submissions site

Dark blue line – notified BRA; light blue line – approximate location of 10m BRA

292. We note that the notified Building Restriction Area along Oban Street and our proposed revised Area are shown as purpose and blue lines respectively on this figure.

293. The substantive changes sought in this submission are to extend the Visitor Accommodation Sub-Zone over the camp ground and to zone the General Store site Commercial Precinct.

294. Ms Devlin's Section 42A Report notes that Mrs Woolly's General Store and Camp Ground replaced an earlier motor camp, motels and store that were lawfully established dating back at least to 1997. She notes that the historic visitor accommodation activity has expanded pursuant to a temporary resource consent expiring 2028 and that following that point, a significant proportion of the camp ground would be a non-complying activity under the PDP, because it lies outside the Visitor Accommodation Sub-Zone.

295. Ms Devlin considered the potential for the establishment of other types of visitor accommodation, noting that any new activity would be Restricted Discretionary and non-notified, subject to compliance with height coverage and setback standards.

296. Overall, Ms Devlin considered that the requested rezoning would formalise a long-term lawfully established visitor accommodation activity. She recommended that that aspect of the relief be granted.

297. Similarly, as regards the Commercial Precinct aspect of the submission, while Ms Devlin noted that it would recognise the existing consented general store (that unlike the camp is not subject to a consent expiry within the life of the Plan) it would enable a substantial increase in the existing building footprint. Although the submission had proposed a bespoke building coverage rule of 12% for commercial activities within this site, Ms Devlin regarded the need for a bespoke rule as indicating that the Commercial Precinct is not well suited to the site. Taken together with similar considerations that had prompted Ms Devlin's initial recommendation to reject the Glover/Blackthorn submission, this suggested that the submissions should be declined.

298. Pounamu Holdings 2014 Ltd filed a comprehensive suite of evidence including an economic analysis from Mr Fraser Colegrave as to the effect of the proposed Commercial Precinct on the existing Precinct. His evidence was that more than 40% of the currently zoned land is vacant and the building stock is generally old. His opinion was that it was unlikely that the proposal would have any adverse effect on the existing commercial area, taking account of the proposed building coverage limit.

299. Mr Colegrave also noted the importance of Mrs Woolly's to the self-sufficiency of the Glenorchy community, enabling residents to meet their day to day household needs without needing to travel to Queenstown. Mr Colegrave's economic analysis was supported by planning evidence from Mr Freeman and personal evidence from Mr Paul Brainerd, the owner (with his wife) of the company, who outlined their extensive contributions to the Glenorchy community and their vision for further development of the site. Mr Brainerd's evidence also provided details of the impact of Covid 19 on their plans, concluding that notwithstanding its immediate significant impact, their planning for continued development was still proceeding.

300. Having considered that evidence, Ms Devlin revised her view in her rebuttal evidence. She noted that the Council's economic witness, Ms Hampson concurred with Mr Colegrave's conclusions and accepted that further commercial development on Mrs Woolly's site would have no material impacts on other centres, either in Glenorchy, Queenstown or further afield.

She also concurred with Mr Freeman's evidence that future limited commercial development within the site would complement and benefit the existing commercial operations located on Mull Street.

301. Accordingly, Ms Devlin recommended acceptance of the submission as regards extension of the commercial precinct, subject to the site-specific building coverage limit proposed.

302. We did not hear any evidence opposing the relief sought by Pounamu Holdings 2014 Ltd. The zoning principle discussed in Report 20.1 indicates that existing consenting consented development is not determinative. We think in this case though that the Commercial Precinct zoning needs to acknowledge the practical reality that driven by the Brainerds' vision, this is one area where commercial activity in Glenorchy is likely to increase, and that it is unrealistic to contemplate any material increase in the level of commercial activity in the balance of the Commercial Precinct (particularly along Islay Street) when that has not occurred over the last 20 years.

303. Our reasoning does suggest to us that Council should consider the extent of the existing Commercial Precinct at Glenorchy, and whether the Commercial Precinct overlay ought to be removed from the areas where it is unlikely ever to be utilised, facilitating alternative land uses.

304. We have no scope to recommend that course ourselves, but we refer the issue to Council for further consideration.

305. The remaining submission on Glenorchy mapping issues is that of Glenorchy Trustee Limited, seeking amendment to the Building Restriction Area of the Bible Face. This is a prominent escarpment on the edge of Glenorchy that forms the backdrop, among other things, to Camp Glenorchy.

306. In her Section 42A Report, Ms Devlin analysed the somewhat tortured planning history of this Building Restriction Area. That history discloses that slightly different areas have been mapped in different plans, with, in some cases, the maps not corresponding to the Section 32 evaluation.

307. We discussed some of these inconsistencies with Ms Devlin and she undertook further analysis in her reply evidence. Her conclusion in the latter was that the toe of the face follows the 330masl contour. She recommended that the boundary of the Building Restriction Area should be amended to do the same, which would have the result of excluding a sliver of Settlement Zone land (as the submitter sought) and realign the boundary of the Building Restriction Area with the boundary between the Rural and Settlement Zones – as shown on Figure 10 of Ms Devlin's reply evidence.

308. We accept that recommendation, essentially for the reasons set out in Ms Devlin's reply evidence.

5.2 Cardrona Mapping Issues

309. The background to consideration of mapping submissions relating to Cardrona is that under the ODP, the 'urban' area of Cardrona was zoned Rural Visitor Zone. That zone had enabling characteristics that, with the benefit of hindsight allowed a nature and scale of development within ONLs that was, in our view, inappropriate. This was demonstrated most clearly at

Arcadia (discussed in Part B of Report 20.7 and at Arthurs Point North (discussed in Report 20.9).

310. As part of Stage 3, Cardrona township was rezoning Settlement Zone with a Commercial Precinct identified on either side of the main road through the township.

311. Ms Devlin noted the submission of Michael and Louise Lee for Airey Consultants Limited[85] as seeking that Cardrona be zoned Rural Visitor Zone rather than Settlement. Ms Devlin relies on the Section 32 evaluation for the Rural Visitor Zone when concluding that this submission ought not to be accepted.

312. The submitters did not appear to expand on the reasoning contained in their submission.

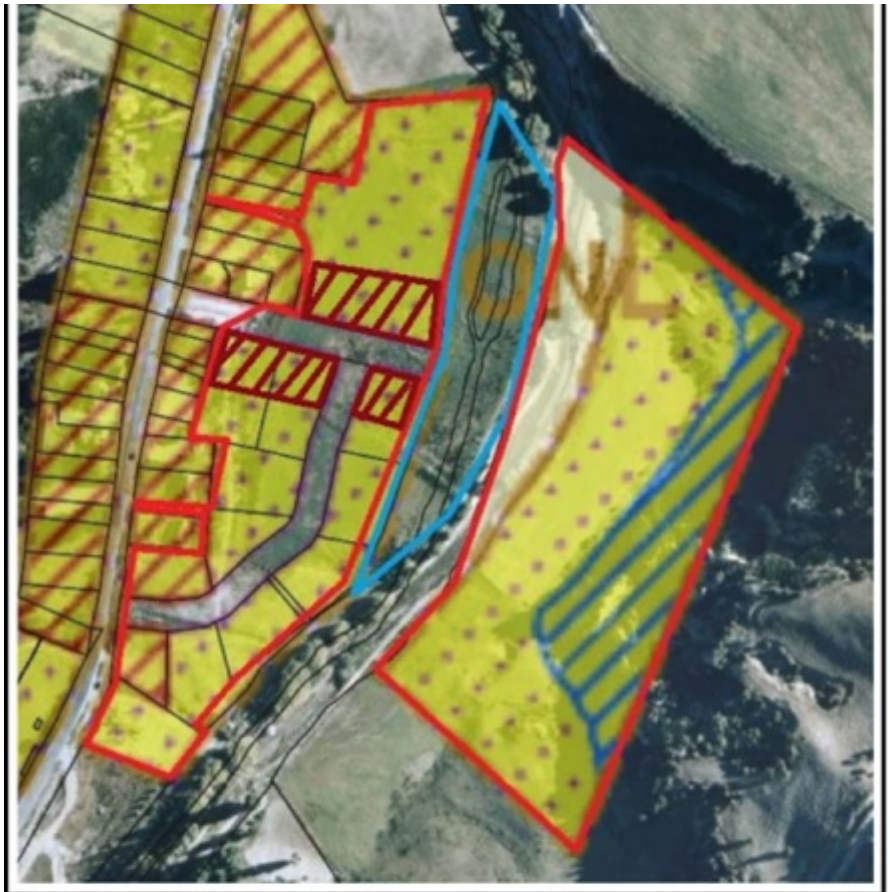
313. The Hearing Panel's report on the Rural Visitor Zone discusses the purpose of the zone at some length (refer Report 20.7). While the Hearing Panel has recommended some changes to the zone purpose, we are of the view that that zone is inappropriate for Cardrona. To the extent that this submission rests on the need for provision of visitor accommodation, in our view, that is best addressed by utilising the Visitor Accommodation Sub-zone mechanism provided in Chapter 20 that already covers most of the Settlement. Accordingly, we recommend that this submission be rejected, along with the related submission seeking changes to Rural Visitor Zone provisions.

314. Ms Devlin discussed two other submissions seeking expansion of the notified Settlement Zone[86]. Ms Devlin recommended that the first submission be rejected on a mix of landscape, natural hazard and infrastructure grounds, and the second on natural hazard and infrastructure grounds. Neither submitter appeared to provide evidence supporting their submission. We are therefore in a position were the only evidence (from Council) indicates that the submissions should be rejected. We concur with Ms Devlin's recommendation in that regard.

315. The principal points in contention in relation to Cardrona were raised by the submission of Cardrona Village Limited[87] seeking a number of mapping changes in relation to its land located either side of Soho Street and Rivergold Way, and on the true right bank of the Cardrona River, opposite Soho Street, as follows:

i) To expand the notified Commercial Precinct to include a strip 30 metres wide either side of Soho Street;
ii) Recognise a land swap currently in progress to align the underlying land titles with the bed of the Cardrona River (which has moved eastward on the floor of the river valley) by realigning the Settlement Zone and associated Visitor Accommodation Sub-zone with the new land boundary (i.e. so as to take in the former riverbed) and remove the ONL classification from the resulting Settlement Zoned land.

[85] Submitter #31027
[86] Submitters #31036 and 31046
[87] Submitter #31019



Aerial photo of subject site showing area of re-zoning request

Blue outline – approximate part of submission site where a land swap with the Crown is being undertaken and Settlement zoning is sought (former Cardrona River bed).

Red outline – roughly submission site (excluding river and roads).

Dark red with stripes – part of submission land along Soho Street where Commercial precinct is sought.

Yellow – Settlement Zone; maroon stripes – Commercial Precinct; purple dots – VASZ

316. As regards the proposed shift in Settlement Zone to follow the movement of the river, while accepting that it was logical change from a landscape perspective (based on the evidence of Ms Mellsop), Ms Devlin opposed the suggested relief based on the natural hazard evidence of Mr Bond and the infrastructure evidence of Mr Powell.

317. Discussing the proposed enlarged Commercial Precinct, Ms Devlin noted that the notified Commercial Precinct contains approximately 4 hectares of land, much of which is not currently used for commercial purposes (she estimated only 16% of the Commercial Precinct is currently used for commercial activities). This suggested that the Commercial Precinct should not be expanded to ensure efficient use of the existing zoned land. In her view, similar issues regarding the potential for spread of commercial activities that would displace residential living and visitor accommodation as at Glenorchy also arose.

318. Lastly, Ms Devlin noted the relevance of the Cardrona Village Character Guideline which emphasises the need to concentrate commercial development on Cardrona Valley Road either side of the historic hotel and around the envisaged village green opposite it. Ms Devlin suggested that the Commercial Precinct extension sought would be inconsistent with the Guideline and would undermine the intention of the proposed zoning provisions.

319. We have already referred to some of the evidence that we heard from Cardrona Village Limited. We note, in particular, the evidence of Mr Brown that in his view, while passing visitor trade would remain anchored by the historic hotel, the traffic demands on the Cardrona Valley Road would inevitably constrain commercial development on either side of the road and that the focus of other commercial facilities needed to shift towards both the centre of the zone and the river. Mr Brown saw real potential for positive urban design outcomes with a pedestrian mainstream focus.

320. Mr Michael Lee addressed natural hazard issues (the point of concern to Mr Bond) noting that in his opinion there are flood mitigation options available at the time of development of the lower area of former riverbed and that those flood mitigation works would not materially accelerate or worsen the natural hazard on or off site.

321. As regard infrastructure issues, Mr Lee observed that if Cardrona was to develop in accordance with the Settlement Zone provisions, wastewater reticulation and treatment would be required on a much larger scale than the proposed rezoning would require. Mr Lee also provided evidence on other infrastructure issues indicating existing capacity (in the case of water supplies) and infrastructure options (in the case of stormwater are available).

322. Lastly, Mr Grace's planning evidence that we have already referred to provided commentary on the Cardrona Village Character Guidelines. His view was that they are now outdated and do not reflect the built character of the village that has evolved over the last ten years.

323. In rebuttal evidence, Mr Powell shifted ground, withdrawing his opposition on infrastructure grounds to the submission. Mr Bond, however, remained of the view that there was a potentially material flood hazard off-site, and on that ground, Ms Devlin maintained her opposition to the suggested extension of the Settlement Zone.

324. In rebuttal, Ms Devlin also maintained her opposition to the extension to the Commercial Precinct. However, in her reply evidence, she analysed the Cardrona Village Character Guideline in greater detail, noting that the notified zoning already expands the Commercial Precinct from what had been suggested in the Guideline and also provides an illustration that appears to show commercial activities fronting the river.

325. Ms Devlin also noted Mr Grace's evidence regarding the extent to which the development of Cardrona had already moved in directions not anticipated or desired by the 2012 Guideline document and indicated qualified agreement with that evidence.

326. Having satisfied herself that the Cardrona Village Character Guideline was not determinative in this matter, Ms Devlin noted that the proposed extension of commercial activities towards the river would be walkable from the notified Commercial Precinct and thus would satisfy the desire in the Guideline to have a vibrant and compact retail frontage.

327. We agree with Ms Devlin's reasoning in this regard. In our view, well designed commercial development along Soho Street, with its ability to promote a more pedestrian-friendly environment, is more likely to promote the Guideline objective of compactness than sporadic commercial development along Cardrona Valley Road.

328. In summary, we accept Ms Devlin's recommendation that the Commercial Precinct might be expanded in the manner sought by the submitter.

329. As regards the proposed extension of the Settlement Zone into the former riverbed, however, while the land swap process appears beyond the point of no return (Ms Devlin advised that there is a notation on the titles referring to it) the presence and materiality of off-site flood hazard risks remains a sticking point. Mr Bond's rebuttal evidence was that while the flood risk to people in the built environment on the subject site would be able to be managed to a tolerable level, the development proposal would result in net loss of secondary overlay overland flood flow paths for the Cardrona River, a net loss of online flood storage and an increase in natural hazard risks to adjoining land and downstream developments. Mr Bond stated that he was not satisfied that the flood risk had been shown to be small and that in his view, the impacts of increased velocity, spread and channelisation on any development had not been adequately assessed to determine that it was insignificant.

330. Testing these matters with Mr Lee, it appeared to us that he was relying on inferences drawn from his modelling work rather than a quantified assessment of off-site flood risk.

331. While those inferences may prove to be correct, in the face of Mr Bond's concern about the adequacy of the analysis, we do not think that we can properly recommend extension of the Settlement Zone against a plan background of now settled provisions in Chapter 28 requiring avoidance of activities resulting in a significant risk from natural hazards[88] and which mandates a precautionary approach where natural hazard risk to people and communities is potentially significant[89].

332. Accordingly, we do not recommend acceptance of Cardrona Village's submission as far as it seeks extension of the Settlement Zone (and Visitor Accommodation Sub-zone) onto the former riverbed land).

333. It follows that the rationale for the requested removal of the ONL classification over the former riverbed is gone and that relief should also be declined.

5.3 Kingston Mapping Issues

334. Ms Devlin noted four submissions seeking mapping changes in and around the Kingston Settlement Zone:

a) Kingston Holiday Park Limited[90];
b) Kingston Village Limited[91];
c) Kingston Lifestyle Properties Limited[92];
d) DM & ME Bryce Limited[93].

335. Looking first at the Kingston Holiday Park, this submission seeks that the existing holiday park located on Kent Street, together with two holiday homes operated in conjunction with the Park at 4 and 12 Kent Street have a Visitor Accommodation Sub-Zone applied to them.

336. Ms Devlin's discussion of this submission notes that the Holiday Park is long established and has a recently granted resource consent to undertake upgrades including new cabins and kitchen and to increase the number of visitors allowed on the site.

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[88] Policy 28.3.1.4
[89] Policy 28.3.1.9
[90] Submitter #3011
[91] Submitter #3306
[92] Submitter #3297
[93] Submitter #3315

337. She considered that the request would formalise the expanded visitor accommodation development and assist in avoiding non-compliances within the sub-zone given the non-complying status of visitor accommodation outside the sub-zone. She also noted that because the site is already well established, the rezoning request would not result in a loss of housing supply within Kingston.

338. Ms Devlin recorded the potential for other types of visitor accommodation to establish on-site beyond the existing holiday park, but she considered the Restricted Discretionary Activity status along with relevant height, coverage and setback standards would ensure that visitor accommodation activities within the site remained compatible with the underlying zoning.

339. We agree with Ms Devlin's reasoning and recommend acceptance of this submission.

340. The submission of Kingston Village Limited relates to the ONL line drawn around the margins of the Settlement Zone at Kingston, and therefore including the ODP Kingston Special Zone within the area identified as outstanding natural landscape. The submission seeks that the ONL line be drawn around the outside of the ODP Special Zone.

341. Ms Devlin advised us in her Section 42A Report that the Kingston Special Zone has not yet been the subject of consideration in the PDP process. Accordingly, it remains in that part of the ODP the Council has described as Volume B. In her view, whether the ONL line is drawn to include or exclude the Special Zone should be considered at the same time, when the Special Zone is reviewed through the PDP process. She noted[94] that no landscape assessment has been provided by the submitter to support the relief sought, and nor has any assessment been undertaken as to whether the Special Zone protects the values of the ONL.

342. In her planning evidence, Ms Megan Justice made three key points in respect to Ms Devlin's Section 42A Report:
    i. Landscape matters were comprehensively considered at the time the Special Zone was promulgated. That landscape assessment did not classify the Special Zone land as ONL and the rezoning of the land was supported on the basis of that assessment.
    ii. Classification of the Special Zone land as ONL would impose additional hurdles for development in the Special Zone. Ms Justice advised that that development was already under way with the first stage of 217 lots currently being processed.
    iii. The suggestion that the landscape values of the site should be reassessed at the time the Special Zone is reviewed to incorporate it into the PDP is concerning. While there might be some fine tuning of the provisions, she did not expect wholesale reconsideration of the merits of the zone, and the classification of the land as ONL.

343. Ms Justice also noted the lack of clarity around the PDP process, as it relates to the relevance of Proposed Plan provisions to land that had not yet been the subject of PDP review. Her understanding had been that for land that was not reviewed such as the Kingston Special Zone, no provisions or definitions in the PDP applied to it. However, as a result of the Environment Court's interim decision in April 2020, and the Council's response to it, the Proposed Plan landscape provisions will apply to unreviewed land. She suggested that the removing the landscape classification from the Kingston Special Zone would remove this layer of complexity.

344. Addressing the last point, our understanding of the PDP process is that it was always intended that the 'strategic' chapters that were the subject of Stage 1 of the PDP process would apply to the entire district. That included ONL classifications that are the subject of Chapter 6. The

[94] R Devlin Section 42A Report at 33.5

reason that ONL classifications might not have applied to the Kingston Special Zone is because Policy 6.3.3 (Councils decision version) said that those provisions did not apply in Special Zones unless otherwise stated.

345. Along with most of the balance of Chapter 6, that policy has been appealed, and the Environment Court has provided further direction both as to the policy approach to development within ONLs and the basis on which landscapes that qualify as ONLs on landscape grounds might not be subject to those provisions: what the Environment Court has termed Exception Zones. The Court's latest decision[95] confirms the basis for Exception Zones to exist as being that their provisions already address the requirements of Section 6(b) and 7(c) of the RMA. The Court was prepared to accept that was the case in the identified Exception Zones - confirmed by the Court to be the Ski Area Sub-zones, the Rural Residential and Rural Lifestyle Zones, the Gibbston Character Zone and the Jacks Point Special Zone. The Court's decision notes that that Council suggested that the list of Exception zones include, inter alia, the Kingston Special Zone. However, the Court specifically rejected that suggestion. It said[96] that it could not safely conclude on the evidence before it that Section 6(b) landscape matters had been accounted for in the provisions of the proposed additional zones. It also had concerns about natural justice issues before participants in the review, and whether there was even scope to add the additional zones the Council had suggested.

346. The Court specifically responded to the concern Ms Justice had expressed to us, saying that Chapter 3, in particular, had always been intended to apply to all related ODP Chapters, including those not yet reviewed[97].

347. Addressing Ms Justice's contention that the area encompassed by the Special Zone is not an ONL, we would require rather more than a second-hand summary of a landscape assessment given in a previous plan process before accepting that conclusion.

348. Ms Justice's observation that the Council had not produced any new landscape evaluation to support the line it drew rather misses the point. The status quo, following the Stage 1 PDP decisions, was that the whole of Kingston was embedded within a much larger ONL. The effect of the Stage 3 Plan Changes was to carve the Kingston Settlement Zone out of that ONL. If the submitter wished to contend that the carved out area should be greater, on landscape grounds, the onus was on the submitter to produce evidence to justify that.

349. Similarly, the fact that an ONL assessment will pose development hurdles for the submitter is not a ground, on its own, to remove that classification. In addition, those development hurdles already exist. The Stage 3 notification of an ONL line did not create them.

350. Lastly, while the submitter may be concerned about the potential to relitigate the appropriateness of the Special Zone provisions, in terms of whether they appropriately give effect to Section 6(b) of the RMA, that is the process that the Environment Court has directed, as above.

351. For all of these reasons, we recommend that the relief sought by the submitter be rejected.

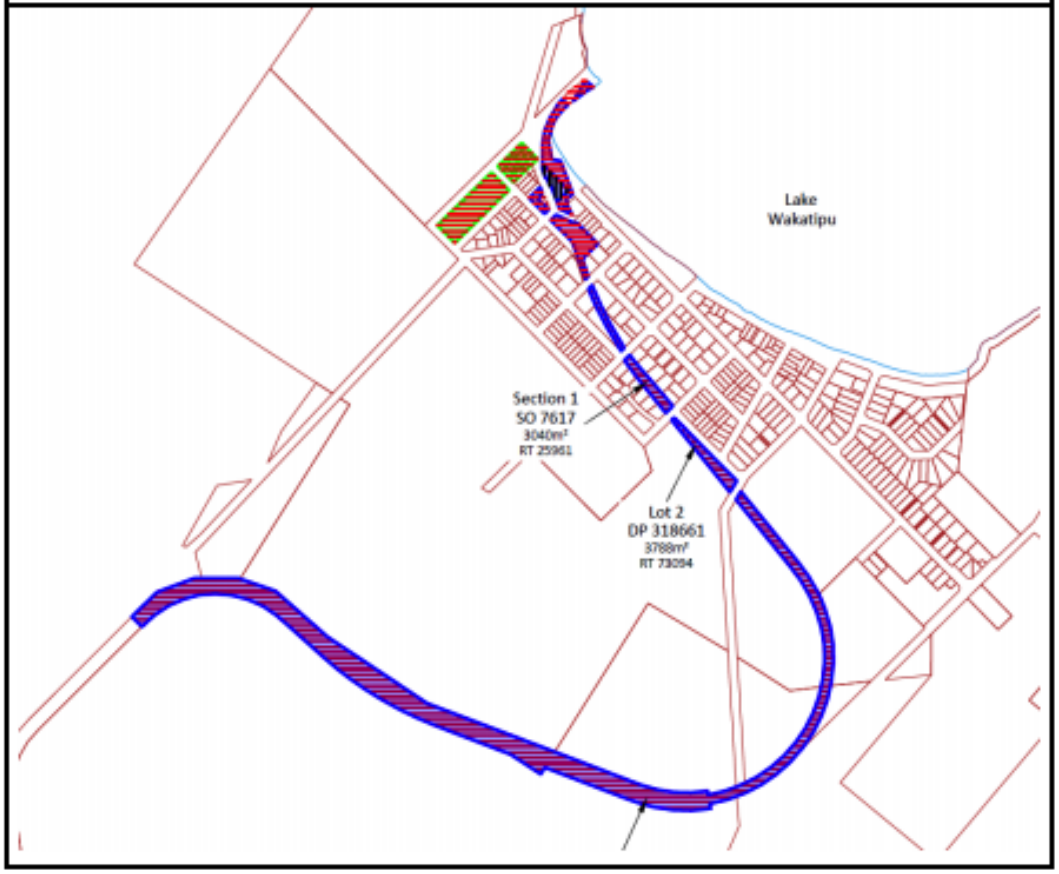
352. We have already addressed elements of the Kingston Lifestyle Properties Limited relief in our discussion of the objectives, policies and rules of Chapter 20. As regards mapping issues, the

[95] [2020] NZEnvC 159
[96] Ibid at [38]
[97] Ibid at [44]

notified Plan Change zoned a triangular on the lakeward side of Kent Street on which the Kingston Flyer 'Station' buildings are located as Settlement/Commercial Precinct. Those buildings are currently used for a café operation. The submission sought Settlement Zoning with Commercial Precinct overlay over the Kingston Flyer Rail Corridor from the wharf area where the train and carriages are currently stored as far as the southern boundary of the district, together with an expanded area north and sought of the existing Commercial Precinct, and another block up the rail corridor where there is a large water tank and associated rail buildings. Some of the rail corridor is zoned Settlement. Some is unzoned. The wharf area, and the rail corridor from the district boundary to where it enters the Settlement at Huntingdon Street were zoned Rural in the Stage 1 PDP process.

353. The Kingston Lifestyle Properties Limited submission also showed the area sought to be zoned with a Commercial Precinct overlay in the Bryce submission. This is two blocks either side of the unformed part of Hampshire Street, on the north western side of Kingston township.

Map view of the site – Kingston Flyer Railway Corridor



Map of subject site showing area of re-zoning request from submission

Black stripes – notified Commercial Precinct (Kingston Flyer café)

Blue outline and red stripes – submission site where Settlement zoning and Commercial Precinct is sought.

Green outline and red strips – submission D.M. & M.E. Bryce Limited (3315)

354. In her Section 42A Report, Ms Devlin noted that part of the wharf area is Crown owned recreation reserve.

355. Ms Devlin noted also that the entire rail corridor and associated buildings are listed in Chapter 26 of the PDP as protected historic features. She advised that Chapter 26 provides a rule framework for alternations and additions to the listed features.

356. Ms Devlin did not recommend rezoning of the wharf area, but she did consider there was merit in extending the Commercial Precinct to encompass all of the lawfully established development associated with the Kingston Flyer elsewhere. She also recommended rezoning of four lots on Kent Street the subject of the Bryce submission that are close to the café and lake front to enable appropriately limited scale commercial activities, provide for local and visitor convenience and support the local economy.

357. Figure 30 from Ms Devlin's Section 42A Report showed the area she recommended be rezoned

recommended rezoning

Snip of PDP Stage 3 map notified 19/09/2019

Recommended rezoning to Settlement shown by yellow and Commercial Precinct shown by solid red

358. In Ms Devlin's view, the balance of the Bryce land that does not front Kent Street and which is closer to existing houses was not well suited to a Commercial Precinct. She did not recommend that be included.

359. Addressing the rail corridor, Ms Devlin did not consider the Settlement Zone with a Commercial Precinct overlay to be a good fit for corridor given that the primary purpose of the Settlement Zone is to provide for low density residential living.

360. Ms Devlin accepted that the existing Rural Zoning is less enabling than Settlement zoning would be (with or without a Commercial Precinct overlay), but suggested that that might be addressed by the submitter if it chose to apply for requiring authority status, whereupon it might utilise the designation provisions of the RMA.

361. In his evidence for the submitter, Mr Grace discussed the planning status of the Kingston Flyer, setting out his reasoning as to why private operation of the Flyer within the rail corridor is a permitted activity. This turns principally on whether it is within the definition of "*transport infrastructure"*. On that basis, he disagreed with Ms Devlin's view that the Settlement Zone with a Commercial Precinct would not be a good fit for the rail corridor.

362. Mr Grace also provided clarification about the status of the Crown land at the wharf advising that while it is currently gazetted as recreation reserve, the Crown has indicated to the

submitter that this designation could be removed to enable its purpose or exchange for other land. He advised also that the current use of the reserve by the submitter is permitted without a lease or licence and suggested to us that it is unsuited to any alternative use having regard to its triangular shape and ownership by the submitter of the surrounding land.

363. Mr Grace suggested that the Commercial Precinct overlay should be applied to the balance of the Kingston Flyer land containing the end of the rail line on the basis that it is likely to be developed in a comprehensive manner for commercial activities and visitor accommodation activities in conjunction with the other land Ms Devlin recommended be located within the overlay, and because the nature and the characteristics of the land does not lend itself to low density residential dwellings.

364. In her rebuttal evidence, Ms Devlin disagreed that private operation of the Kingston Flyer would be within the definition of transport infrastructure on the basis that such infrastructure is part of and contributes to a transport network, rather than existing independently or in isolation.

365. We tend to agree with that view. One would not consider a private garage to be transport infrastructure, essentially for the same reason.

366. More to the point, that is not what the submitter is proposing. It clearly envisages commercial operation of the Kingston Flyer.

367. We identified another problem with the Settlement Zone/Commercial Precinct over the rail corridor. The corridor extends across rural land to the district boundary. It is were to be rezoned Settlement Zone with a commercial overlay to facilitate the Kingston Flyer, that raises obvious questions about the suitability of that zone should the submitter's endeavours to bring the Kingston Flyer back into full operation fail, leaving the land potentially available for alternative commercial development.

368. Mr Grace accepted that this was a problem, and we gave him the opportunity to think about how it might be addressed. He submitted an alternative proposal that would involve zoning the rail corridor as far as the southern margins of Kingston (including where it goes in a large loop around the ODP Kingston Special Zone), a Kingston Flyer Sub-Zone in order that non-Flyer activities might then be identified in a bespoke rule with a non-complying activity status. We infer from the site maps he included that Mr Grace accepted that the balance of the rail corridor through the rural land to the south should remain with a Rural Zoning. If correct, that would also address the opposition to the submission from Greenvale Station Limited that we have already discussed.

369. While addressing the immediate problem, Mr Grace's suggested solution tended to reinforce the impression that the submitter's plans were being shoehorned into the Settlement Zone/Commercial Zone construct.

370. Ultimately, we think that Mr Gardner-Hopkins, counsel for the submitter, rather summed it up when he observed the Settlement Zone was not the greatest fit for the Kingston Flyer, but it was the best they could do.

371. So far as the operation of the Kingston Flyer as a commercial/tourist rail operation is concerned, we do not think that the Settlement Zone (with or without a sub-zone) is the best the submitter can do. We share Ms Devlin's view that this kind of operation would ideally be

addressed by way of designation. As she pointed out in her Section 42A Report, the Taieri Gorge Railway Company obtained requiring authority status, providing an obvious precedent.

372. Alternatively, it could be the subject of resource consent as a true exception to what the PDP envisages in the Settlement Zone.

373. As regards Mr Grace's suggestion that the lakeward end of the rail corridor from the Station should be Commercial Precinct, we found it difficult to understand how any commercial development of the area could be undertaken without removing the train line and train infrastructure, rather undermining the expressed purpose of the rezoning relief. We accept that it is questionable whether the land would ever be able to be developed for residential purposes, in accordance with the purpose of the zone, but we find that a Settlement Zoning without a Commercial Precinct overlay would assist in preserving high quality amenity values in the area in accordance with Objective 20.2.2.

374. Ms Devlin also pointed out the inconsistency of what was proposed with the statement in Objective 20.2.3 that commercial and visitor accommodation activities within the Settlement Zone are limited in scale and provide for local and visitor convenience.

375. In summary, for all these reasons, while we accept the recommended to the zone maps Ms Devlin has recommended, we do not recommend the further changes sought by the submitter.

376. It also follows that we largely recommend rejection of the Bryce submission. The submitter did not appear before us to take issue with Ms Devlin's recommendations. Those recommendations involve rezoning of part of the Bryce property and to that extent, the submission might be described as accepted in part.

5.4 Luggate Mapping Changes

377. Luggate was the subject of two submissions. The first, from the HW Richardson Group[98] sought either a Business Mixed Use Zone (BMUZ) or a Commercial Precinct overlay over a proportion of the Upper Clutha Transport Limited Industrial/transport depot on the main road through Luggate. The Commercial Precinct aspect of the relief was expressed to be conditional on Upper Clutha Transport relocating to a site in Church Road that is the subject of the Stream 17 Hearing Panel's Report 20.3.

378. In her Section 42A Report, Ms Devlin opposed the requested rezoning to BMUZ on the basis that that zone is an intensive urban zone providing for a mix of uses that supplement the activities and services provided by town centres. She considered its location within a Settlement Zone would be inconsistent with the strategic direction of the PDP insofar as it directs the application of urban growth boundaries around identified urban areas (that do not include Luggate).

379. She also noted that the BMUZ does not provide for industrial activities on the scale undertaken at the depot, so that they would be non-complying pursuant to Rule 16.4.8.

380. Ms Devlin similarly identified that the Commercial Precinct sought would not provide for the existing industrial activities on the site, but given the long use of the site for both commercial and industrial activities as evidenced by the historic flour mill building on the site, zoning to reflect that historic commercial use and provide for ongoing use of the land for commercial purposes would in her view be appropriate.

[98] Submitter #3285

381. The case advanced for the submitter was an inextricably intertwined with the submission of Upper Clutha Transport Limited[99] seeking rezoning of the Church Road site the subject of Report 20.3. It was evident from the legal submissions presented by Mr Christensen for both submitters that the overall objective of the submitters is to enable the existing industrial activities to be moved to Church Road, whereupon the site might be developed for commercial purposes. We had a lengthy discussion with Mr Christensen regarding the interrelationship between the two. While Mr Christensen was clear that that is the submitters' objective, understandably, any final decision would depend on the outcome of the associated Church Road rezoning, including any constraints the Stream 17 Hearing Panel might recommend governing use of that site. We therefore cannot rely on relocation occurring and thus we have to consider the appropriate zoning of the site having regard to its existing uses and to its potential for redevelopment.

382. The planning case for rezoning was the subject of the evidence of Ms Justice. Ms Justice explained to us the planning history of the site. Prior to the ODP, the site was zoned Industrial. The ODP applied a Township zoning and in 2015 a resource consent authorising construction, operation and use of a non-residential building and associated signage was granted. In Ms Justice's opinion, the combination of existing use rights derived from the planning position prior to the ODP and the 2015 resource consent enable the ongoing operation and use of the site for a combination of industrial, commercial and service related activities. She noted that both industrial and service activities are non-complying activities under the Township Zone.

383. Ms Justice addressed the position if Upper Clutha Transport is able to relocate to Church Road. In her view, that would enable redevelopment in line with the outcome sought for the Commercial Precinct would be appropriate for similar reasons to those set out in Ms Devlin's Section 42A Report.

384. Ms Justice observed that the area sought to be rezoned makes up only a portion of the site occupied by the submitter. Settlement zoning over the balance of the site (which appears to be largely forested hillside) is not opposed.

385. Ms Justice noted Ms Devlin's reasoning for recommending a BMUZ zoning but did not, as far as we could identify, provide any comment as to why Ms Devlin's reasoning was flawed.

386. Ms Justice did not expressly consider the position if Upper Clutha Transport does not relocate to Church Road. Mr Christensen submitted that in that event, rezoning the existing Luggate site BMUZ would better provide for the existing activities on the site. One might contrast that submission with Mr Christensen's acknowledgment that the intention of the PDP not to make provision for the existing industrial and related activities on the site is at one level reasonable. Quite apart from that apparent inconsistency, we are unclear as to the basis for Mr Christensen's submission. As above, the existing activities would rely on existing use rights and rights derived from the 2015 resource consent either way. Moreover, in both cases, the existing activities would be non-complying. In addition, given that Ms Justice did not provide a planning response to Ms Devlin's broader reasoning relying on the role of BMUZ within the framework of the PDP, and Mr Christensen did not address the issue, we have no answer to that point either.

387. That said, we agree with Ms Devlin that the BMUZ is inappropriate for this site in particular, or more generally, for a Settlement Zone.

[99] Submitter #3256

388. Turning to rezoning to add a Commercial Precinct overlay, neither Ms Justice nor Mr Christensen explained to us how we could make any rezoning relief conditional on Upper Clutha Transport relocating to Church Road. We do not consider that possibility further.

389. We agree with Mr Christensen that the best planning outcome would be if Upper Clutha Transport had the ability to relocate offsite and the site were redeveloped.

390. The reality is, however, that if it chooses, Upper Clutha Transport can continue to exercise the rights it currently enjoys via the combination of its existing use rights and the 2015 resource consent. That said, we agree with Mr Christensen's observation that the presence of some of the existing industrial activities on the sites sits uneasily alongside the attractive, low-density settlement living environment provided by the balance of Luggate Township and, we would add, intended within the Settlement Zone. The activity is out of place in its current environment and we do not consider that the Plan should seek to provide further for it.

391. Both planners recommend a Commercial Precinct over that part of the site currently utilised for industrial purposes. Essentially for the reasons set out in the evidence of Ms Devlin and Ms Justice, we think that redevelopment of the site for commercial purposes is the outcome the Plan should provide for.

392. We therefore recommend that a Commercial Precinct overlay be applied to the part of the site the subject of submission.

393. The second Luggate-related submission we heard was that of Lake Mackay Partnership Limited[100]. This was addressed in the Section 42A Report authored by Ms Bowbyes. The site the subject of submission is accessed from Atkins Road, at the northern margins of Luggate. It consists of a small rectangular area immediately to the north of Atkins Road that includes some existing farmhouses that were formerly part of Lake Mackay Station. That area is set back from the state highway at the base of a small escarpment rising up to a flat terrace that winds around the back of the notified Settlement Zone. The site was zoned Rural Residential in Stage 1 of the PDP process, with a Building Restriction Area over a lower area on the upper terrace adjoining Luggate Creek (the blue hatched area in the Figure below). The submission sought rezoning of the entire site as Settlement Zone, including uplifting of the Building Restriction Area.

[100] Submitter #3196

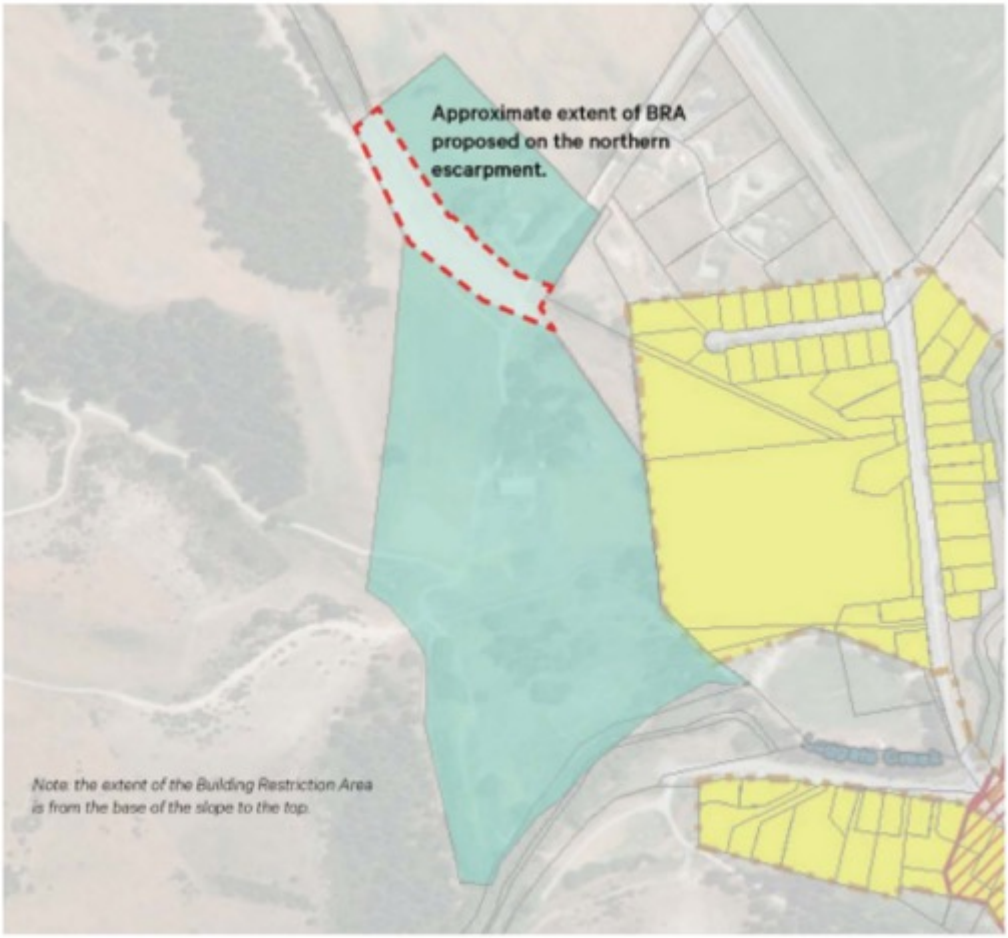
Snip from Decisions Version Map 11, showing the BRA overlaid across the southern portion of the site.

394. The submission sought some minor enlargement of the upper terrace area zoned Rural Residential in places (and shrinkage at the southern end) to better reflect the contours.

395. Ms Bowbyes advised that the difference between the existing Rural Residential Zone and the proposed Settlement Zone is a development yield of approximately 97 lots.

396. In her Section 42A Report Ms Bowbyes relied on the evidence of Mr Bond that the hazard risk within the existing Building Restriction Area had not been sufficiently assessed, but is much higher than that applying on the balance of the site. She did not recommend that the Building Restriction Area be uplifted.

397. Ms Bowbyes noted that the submission was accompanied by a landscape assessment (of Mr Ben Espie) which recommended an additional Building Restriction Area be imposed on the 10 metre high escarpment separating the two terraces on the site, but otherwise supported the proposal. Ms Bowbyes noted that Council's landscape expert assessing the submission (Mr Jones) generally supported Mr Espie's findings. The location of the proposed Building Restriction Area is as shown below.



Note: Not to scale. (Base plan sourced from QLDC.maps.arcgis.com)

398. Ms Bowbyes noted also that the expert traffic evidence of Mr Smith for the Council found that while requiring further consideration at subdivision stage, the proposed rezoning would not have significant effects on the existing roading network.

399. Ms Bowbyes however recommended that the submission be rejected on the basis of Mr Powell's evidence for the Council that insufficient evidence had been provided on infrastructure capacity.

400. Having said that, she accepted that the site would serve as a logical extension of the Settlement Zone applied to Luggate and that all other effects issues could be adequately addressed by the measures she had recommended.

401. The submitter provided planning evidence from Mr Curley and infrastructure evidence from Mr Botting. Mr Botting's evidence analysed both the provision of potable water and wastewater treatment and disposal options, concluding that the site can be appropriately serviced. Having considered that evidence, Mr Powell altered his view and ceased to oppose the rezoning relief sought.

402. Mr Curley addressed the natural hazard issues that related to the Luggate Creek area. He advised that the submitter did not oppose retention of the existing Building Restriction Area.

403. These various shifts in position prompted Ms Bowbyes to confirm in her rebuttal evidence that she recommended this submission be accepted in part subject to imposition of the two Building Restriction Areas recommended in her Section 42A Report.

404. Given the consensus on apparently every aspect of this submission, we had only two issues that we sought to explore with the Council witnesses. The first related to the potential for development at a Settlement Zone density north of Atkins Road to be visually inconsistent/not integrated with the Rural Residential Zone density development south of the road. Mr Jones, the Council's expert landscape and visual witness, did not think that this would be an issue, which we accept.

405. The second point that we discussed with Mr Jones was whether rezoning the rectangular land on the lower terrace might create future issues because of the absence of any defensible boundary precluding progressive expansion of the Settlement Zoned land to the north and east, potentially even jumping the State Highway.

406. The background to this question lay in the fact that Stage 1 Report 16.9 records that the reporting planner there, Mr Barr, recommended that the lower terrace not be rezoned Rural Residential in order to provide a defensible zone boundary in the form of Atkins Road.

407. We note in passing that Report 16.9 also records that Mr Barr had observed that rezoning of the upper terrace to Lower Density Suburban Residential Zone (i.e. an Urban Density Zone) would be a more efficient use of the land, subject to infrastructure constraints being overcome, but that there was no scope for him to recommend that outcome. Obviously, with the infrastructure issues now addressed, that supports the Settlement Zone Ms Bowbyes is now recommending.

408. The Hearing Panel did not agree with Mr Barr's recommendation in relation to the lower terrace component on the basis that as the land to the south of Atkins Road was zoned (and developed) as Rural Residential, it was already beyond the margins of the township[101]. That logic would not, of course, apply if the lower terrace were rezoned Settlement, and Mr Jones confirmed to us that there was no defensible boundary that would preclude expansion further north. When Ms Bowbyes appeared, she advised us that both Mr Espie and Mr Jones were working on the assumption that there was an urban growth boundary around Luggate, which is not correct. She indicated that she would need to ponder further the implications of their misapprehension of the position.

409. By her reply, Ms Bowbyes had developed a comprehensive response to the potential issue we had identified, suggesting a new policy specific to this site requiring adequate setbacks, a new minimum setback of any boundary adjoining the Rural Zone, a new standard relating to the permeability of any fencing adjoining the Rural Zone and provision for landscaping to be considered as part of any subdivision on the lower terrace north of Atkins Road. She advised that this package of provisions had been developed with significant input from the experts advising the submitter and that, in her view, the costs of the site-specific provisions outlined above would be outweighed by the benefits of upzoning the land north of Atkins Road.

410. We are grateful to Ms Bowbyes (and Mr Curley) for the effort they put in to find a constructive answer to the question we posed. If we were clear that this site represents the outer limits of development of Luggate to the north alongside State Highway 6, then we would recommend acceptance of the package of provisions set out in Ms Bowbyes' reply evidence. We are,

[101] See the discussion at paragraph 33

however, by no means sure that this is the case, and we are concerned that the mitigation measures Ms Bowbyes recommends may provide a short term benefit, but a long term cost, because they will impede further urban development to the north, adjoining State Highway 6.

411. The conundrum we face is the result of our having only a site-specific proposal and no broader strategic plan against which to assess it.

412. This issue throws into contrast the competing directions in the NPSUD to be responsive to Plan Changes providing development capacity, but to be strategic over the medium and long term – refer Objective 6.

413. We think it is important that although not immaterial, the development capacity of the area of lower terrace proposed to be rezoned and not the subject of the escarpment Building Restriction Area appears relatively small. While Objective 6 of the NPSUD implies that decisions on urban development should be responsive irrespective of the development scale, Policy 8 puts the emphasis firmly on Plan Changes that would add significantly to development capacity.

414. We were not given details of the size or yield of the area on the lower terrace, but it is clearly a relatively small proportion of the overall site. Accordingly, we think that the direction for strategic management wins out in this case and that the decision as to the basis on which the lower terrace might be rezoned, and whether in particular that should be done in a way that seeks to preclude further development on that lower terrace, or alternatively is designed to integrate with such further development needs to be made first.

415. On that basis, we accept Ms Bowbyes' recommendation as to rezoning of the site save as it relates to the lower terrace north of Atkins Road, below the escarpment. We recommend that remain Rural Residential for the moment and that the Council consider more strategically where and how it wants Luggate to grow in future, consistent with the directions in the NPSUD. As noted in Report 16.9, such a strategic analysis could consider whether an Urban Growth Boundary is required for Luggate, so as to provide a greater level of direction consistent with the Strategic Chapters of the PDP than is the case at present. It may be that such a review could be combined with the Spatial Plan that we understand Council is working on at present.

416. There is one residual issue that we should address. The consequence of our recommended upzoning of part of the site is that it would have an 'urban' zoning. Ms Bowbyes did not address the implications of that zoning for the current categorisation of the site as being within a Rural Character Landscape. Policy 6.3.3.1 that is in the process of finalisation by the Environment Court makes it clear that that categorisation is reserved for 'Rural Zoned' land. It seems to us that it must follow that the landscape categorisation line shown on the planning maps needs to be drawn around (i.e. to exclude) those parts of the site that are zoned Settlement. We therefore recommend that further change to the planning maps as a consequence of rezoning.

5.5 Albert Town Mapping Changes

417. As part of the review of the ODP Township Zone, rather than notifying the existing Albert Town Township Zone as Settlement Zone, it was notified as Lower Density Suburban Residential Zone ("LDSRZ") to recognise the fact that Albert Town is now effectively part of the larger settlement of Wānaka.

418. In her Section 42A Report, Ms Devlin noted several submissions supporting the notified rezoning. In the absence of any opposition to that course, we recommend acceptance of those submissions.

419. In addition, Ms Devlin noted two submissions seeking expansion of the identified area of LDSRZ. The first, by Bruce and Diane Carvell[102] seeks rezoning of a single site located at 146 Albert Town – Lake Hāwea Road, on the opposite side of State Highway 6 from the rezoned area of Albert Town.

420. The site, and those adjacent to it were zoned Rural Residential in the Stage 1 PDP process. Ms Devlin did not recommend acceptance of the submission. In her view, the site is separated from the rezoned LDSRZ area by a busy road with generous road reserve setbacks, and as such, would not read as an extension of the residential zone over the road. Ms Devlin also considered that a single, 2,124m^2 site zoned LDSRZ, surrounded by Rural Residential Density development, would generally be out of character with the surrounding sites.

421. The submitters did not appear to provide us with any basis on which to disagree with Ms Devlin. Accordingly, we recommend their submission be rejected, essentially for the reasons set out in the Section 42A Report.

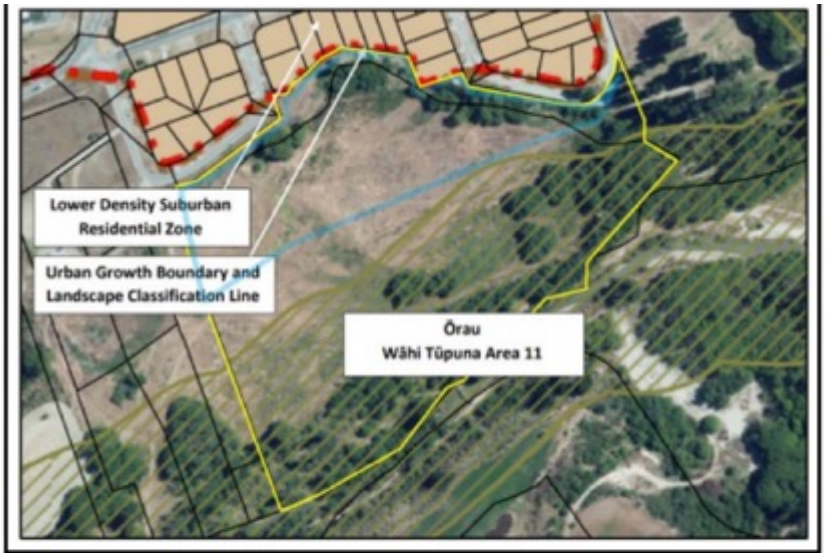
422. The second submission was from Southern Ventures Property Limited[103] seeking that a site at Templeton Street be partially re-zoned LDSR.

423. The site is currently a mixture of Rural and Rural Lifestyle zonings and sits at two levels. The area sought to be rezoned is on an upper terrace sitting behind the existing LDSRZ land and separated from it in part by suburban streets (Carlow Street and Kinnibeg Street) and in part by an esplanade reserve zoned Rural.

424. The balance of the site slopes down to the Cardrona River. Ms Devlin advised that the submitter has approval in principle from the Department of Conservation to realign the esplanade reserve with the Cardrona River via a land swap.

425. The submission requests consequential relief in the form of shifting the urban growth boundary and the landscape classification boundary (it is currently within the Rural Character Landscape) to follow the Cardrona River boundary of the rezoned part site. It does not seek to change the Rural Lifestyle zoning of the lower terrace but notes that a no build restriction might be imposed if necessary.

[102] Submitter #3050
[103] Submitter #3190



Aerial photo of subject site showing area of re-zoning request

Yellow outline – submission site, blue outline – part of submission site where LDSR zoning is sought.

Light brown LDSR; red dashed line – UGB; green diagonal lines - Wāhi Tūpuna

426. Ms Devlin noted that the difference between the Rural Lifestyle zoning and the proposed LDSRZ would be an additional 61 lots. While the submission calculated yields for other zones, Ms Devlin accepted that LDSRZ is the most logical rezoning to consider given that the site adjoins an existing LDSRZ area.

427. Ms Devlin also expressed the view that the upper terrace appears as a natural extension to the LDSRZ zoned land, although there is some modification by fill.

428. Ms Devlin noted that the submission included a flood hazard assessment recommending a setback of between 250 metres and 350 metres from the Cardrona River and minimum floor levels to ensure that buildings are elevated 1-2 metres above the recorded 1999 flood levels.

429. Ms Devlin advised that Mr Bond's review of that assessment had concluded that the risks posed by natural hazards to the intended development are relatively minor and can be mitigated relatively easily through design.

430. This then prompted her to consider how that might practically translate to plan provisions given that the design solution would require detailed engineering advice both as to exactly what level the rezoned area should be raised by, and the implications of that for off-site drainage and flooding risk.

431. Ms Devlin felt that these matters could be addressed by a condition precedent type approach and she proffered indicative wording.

432. She considered that any residual hazard issues posed by the former landfill present on part of the site would also be able to be addressed at the same time through the same mechanism.

433. Ultimately, however, Ms Devlin recommended that the submission be declined on the basis of lack of certainty of infrastructure provision (relying on Mr Powell's evidence in that regard).

434. The specific issue of concern to Mr Powell was lack of modelling of infrastructure network capacity and any necessary upgrades required to service the submission site.

435. The planning evidence of Mr Edgar for the submitter recorded that the modelling assessment Mr Powell had identified had subsequently been undertaken and that Mr Powell had confirmed that his concerns had been addressed. Ms Greaves pre-circulated evidence (adopted by Mr Cruden) provided the detail and included an email from Mr Powell confirming his agreement. Consistent with that, Mr Powell advised in his rebuttal evidence that he no longer opposed the rezoning sought. With that issue resolved, Ms Devlin in turn confirmed her view that the requested rezoning was appropriate.

436. As regards the natural hazard issue and Ms Devlin's suggested site-specific rule, Mr Edgar did not think it was necessary, because in his view the Building Act would ensure flood or liquification hazards were addressed through the building consent process. Mr Edgar observed that Council appeared to be relying on the Building Act in relation to rezoning of other properties in the near vicinity subject to the same flood hazards as the submission site, because they were not subject to site-specific plan requirements. In addition, Mr Edgar suggested that the subdivision consent process would provide another layer of protection, because it would be very unusual for development to proceed on a large land holding such as that in issue prior to subdivision.

437. Having said that, Mr Edgar told us that if we thought the rule Ms Devlin had recommended was necessary, then he supported that drafting.

438. Responding in rebuttal, Ms Devlin remained of the view that if the land was rezoned, "*it should be fit for purpose, and that ideally risks should not be passed on"*[104].

439. Ms Devlin pointed to the extent of fill required as being a critical factor. In her view, it would not be appropriate for individual households to raise their part of the land by 1.5-2.5 metres. She said it would be different if the required floor level was less than 1 metre above existing ground level.

440. Ms Devlin did not specifically answer the complaint that the submitter was being subjected to requirements that other hazard-prone properties the Council had already zoned were not, and we have some sympathy for the submitter's position in that regard. Having said that, however, while the information provided by Mr Edgar confirmed that there were adjacent zone sites the subject of flood hazard risk, it does not identify the scale of the risk, and we think that Ms Devlin makes a reasonable point that the extent of fill required to raise the floor level of development sites is significant and would most efficiently be addressed by the developer.

441. Ms Devlin was a little contradictory regarding Mr Edgar's suggestion that it would be very unusual for development to proceed prior to subdivision. We take the view that even if the risk is small in practice, it needs to be addressed.

442. When he appeared before us, Mr Edgar tabled revised rule wording designed to respond to some of our questions of Ms Devlin.

443. In her reply, Ms Devlin advised that she largely concurred with Mr Edgar's proposed drafting, but recommended the rule be simplified, made site-specific and be expressed as a standard rather than an activity rule.

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[104] R Devlin rebuttal at 6.4

444. Given the pragmatic view that Mr Edgar took, we do not think that we need finally resolve that question. If the submitter is not opposed to a 'belts and braces' rule provision, then we consider it appropriate to impose it.

445. We have made a minor amendment to Rule 7.5.21 as recommended by Ms Devlin, in order to clarify that this rule is a "Standard" applied to activities in the LDSR Zone (in this case to residential units on the subject land). The wording recommended by Ms Devlin was in the form of an "Activity" rule (as per Rule 7.4), rather than a "Standard" (under Rule 7.5 as she had recommended). Accordingly, we have amended the wording from "*The construction of residential units on land …*" to "*No residential unit shall be constructed on land ….*"

446. More generally, Counsel for the submitter addressed the relevance of the NPSUD to the zoning relief sought and the scope to grant it.

447. We consider that given the support from the Council officers based on all the relevant effects issues having been appropriately addressed in their view, we need not review either legal issue in any detail. We have already addressed our general approach on both issues addressed by Mr Page in Report 20.1.

448. More specifically, given the support from Council Officers for the relief sought, we do not consider that the submission requires the additional 'leg-up' that the new NPSUD gives it. The proposal stands on its own feet anyway.

449. Similarly, with agreement on all the effects issues, we think that this proposal could be properly be classified as a consequential/incidental addition to the PDP, that did not require a substantive further section 32 evaluation.

450. As Ms Devlin recorded in her Section 42A Report, the site appears a natural extension to the existing residential zoned land.

451. We did wonder whether, given the identified flood hazard risks, there was any point retaining the Rural Lifestyle zoning over the balance of the site. Mr Edgar noted that he would have no issue if it were deleted. However, Mr Page queried whether there was scope to do so given the absence of any submission seeking that relief. That is a fair point. Given the limitations on our jurisdiction, we consider the better approach is to accept the submitters' suggestion of a Building Restriction Area over it.

452. In summary, therefore, subject to our revision of her suggested rule as discussed above, we accept Ms Devlin's recommendation and ourselves recommend that the submission be granted so as to:

i) Rezone the upper terrace section of the site LRSRZ, as shown on the revised plan maps;
ii) Shift the RCL line to follow the outside edge of the rezoned part of the site;
iii) Shift the Urban Growth Boundary to the same location;
iv) Impose a building restriction area notation over the lower part of the site.

5.6 Hāwea Mapping Changes

453. As with Albert Town, the end result of review of the ODP Township Zone was the former Township land being notified with an LDSR zoning, with a Visitor Accommodation Subzone over an area of the entrance to the town on Capell Avenue.

454. In her Section 42A Report, Ms Devlin noted three sets of submissions seeking substantive changes to the notified position.

455. The first was a submission by Daniel Martin[105] seeking that Grandview Road be rezoned to a Higher Density Zone with a minimum lot size of 1000m^2. The submission was non-specific as to identify exactly what lots were sought to be rezoned, but Ms Devlin took the pragmatic approach of assuming that the submitter was seeking rezoning of all lots with a frontage to Grandview Road other than those already zoned LDSRZ.

456. As she noted, the sites within the identified area were originally developed under the ODP Rural Residential Zone Rules (with a minimum lot size of 4000m$^{2)}$. In the Stage 1 PDP process, the Stream 12 Hearing Panel considered the zoning applied to this area, and the balance of Rural Residential lots east of it as far as Muir Road, concluding that a large lot Residential Area A Zone with a 2000m^2 minimum lot size was the appropriate zoning.

457. As Ms Devlin noted, the Stage 1 Hearing Panel considered and rejected any greater density[106]. That conclusion was arrived at on the basis of consideration of the amenity and character values of the existing environment, infrastructure and servicing issues, and landscape effects. Ms Devlin relied on those findings, observing that the mixture of neighbourhoods and residential zonings in Hāwea create housing diversity and respond to topography within the Urban Growth Boundary around the town. She also noted Mr Powell's opposition to the rezoning based on the absence of any evidence that existing infrastructure reticulation has capacity sufficient to provide for the additional lots that rezoning would create.

458. The submitter did not appear at the hearing and therefore we had no evidence that would cast doubt on Ms Devlin's recommendation. The only question in our minds is whether the gazettal of the NPSUD materially alters the picture from that considered at Stage 1.

459. We rely on the discussion of the NPSUD in Report 20.1.

460. Clearly the NPSUD supports greater density of development within urban areas and Policy 6 specifically directs that changes to the character of urban areas are not of themselves an adverse effect. We apply the interpretation of that policy found to be appropriate in Report 20.1. Accordingly, we do not assume that the resulting effect on amenity values will be adverse but approach the matter on the basis that that question is one of evidence.

461. Here we have no evidence that would cause us to second-guess the Stage 1 Hearing Panel's Report.

462. Having said that, we think that the submitter has a right to be a little aggrieved by the fact that the adjacent Sentinel Park subdivision was upzoned from Large Lot Residential Area A (as per the Stage 1 decisions) to LDSRZ, presumably on the basis that there was sufficient infrastructure capacity for that change.

463. However, Ms Devlin anticipated that line of reasoning, and explained that rezoning of Sentinel Park had reflected the smaller lot sizes that already existed within that subdivision.

464. The reasoning of the Stage 1 Hearing Panel's report is instructive. It recorded that the evidence from Mr Barr, the reporting planner, was that because the existing roads and blocks had not

[105] Submitter #3259

[106] Report 16.2 at paragraph 390

been designed or placed with future intensification in mind, it could not occur in a satisfactory manner unless limited in scale. The Hearing Panel also noted a mixture of views from submitters with the Large Lot Residential Area A minimum lot size (2000m^2) being supported by some as an appropriate balance[107] of competing views in the community.

465. In summary, we accept Ms Devlin's reasoning and do not recommend any mapping changes to respond to this submission.

466. The second submission we have to consider is that of Quartz Commercial Group Limited[108]. This submission sought that the Visitor Accommodation Sub-zone notified as covering part of the submitter's property (Lot 1, DP27336) be extended to cover the entire property, together with a number of changes to relevant rules in Chapters 7 and 29. The Section 42A Report authored by Ms Devlin considered the mapping issues and that authored by Ms Bowbyes the proposed rule changes. Because the rule changes are associated with the rezoning, we consider them as a package.

467. Ms Devlin advised that the site is currently used as a campervan park, but was previously associated with the hotel located on the adjoining site to the north that is now in separate ownership.

468. Ms Devlin's review of the position suggested that the location of the Visitor Accommodation Sub-zone derived from an old planning consent and has been successively carried over into the ODP, and now the PDP, notwithstanding the fact that the legal boundaries have changed in the meantime.

469. She considered it both logical and appropriate to update the Visitor Accommodation Sub-zone to encompass the entire site, so as to avoid technical non-compliances and at an overly onerous resource consenting regime applying under the LDSRZ for visitor accommodation not within a Visitor Accommodation Sub-zone (it is non-complying under Rule 7.4.15).

470. Given the historic use of the site for visitor accommodation purposes, Ms Devlin considered also that it was consistent with Strategic Policy 3.3.1.

471. While, therefore, Ms Devlin recommended the mapping change sought by the submitter, Ms Bowbyes did not recommend the associated rule changes in her Section 42A Report. She regarded them cumulatively as creating a sub-zone for a site that had no particular distinction characteristics that would warrant a bespoke suite of provisions.

472. At the hearing, we heard from Mr Todd and Mr Gresson, counsel for the submitter, and Mr Tim Williams provided expert planning evidence on the issues raised by the submission.

473. Mr Williams advised that the submitter owns both the hotel site to the north and the southern site in respect of which the mapping change was sought, but that a related entity operates the hotel, bar and accommodation. He provided evidence of existing consents for outdoor music events on the combined site and its use as start, finish and staging location for the Contact Epic mountain bike event.

474. Unsurprisingly, Mr Williams supported Ms Devlin's recommended revision to the maps to extend the Visitor Accommodation Sub-zone overlay. As regards the proposed rule changes,

[107] Report 16.2 at paragraphs 401-404, 417-425
[108] Submitter #328

Mr Williams explained the broad rationale was to retain favourable rule provisions formerly applying to the site under the ODP Township Visitor Accommodation Sub-zone framework. He pointed, for instance, to bulk and location controls under the ODP framework that were specific to visitor accommodation within the Visitor Accommodation Sub-zone and compared that with the absence of any specific recognition in the PDP rule framework, which defaults to the LDSRZ position.

475. Mr Williams analysed the objective and policies governing visitor accommodation within the LDSRZ, suggesting that the corollary of the focus on managing visitor accommodation outside the sub-zone through controls on the scale, intensity and frequency of use is a more enabling regime and greater flexibility is anticipated within the sub-zone. However, in his opinion, the rules did not provide that more enabling regime and greater flexibility.

476. In their legal submissions, Messrs Todd and Gresson sought to emphasise the same point. Counsel also criticised Ms Bowbyes' focus on the site-specific nature of the suggested rule changes, noting that because the Quartz site had only been notified at Stage 3 with an LDSRZ zoning, it was not reasonable to have expected it to make the case for more favourable rule generally at Stage 1 of the PDP process.

477. More specifically, Mr Williams supported the following changes to the rules:
   i) Controlled activity status for visitor accommodation within the Visitor Accommodation Sub-zone, as per the ODP township position, versus the restricted discretionary status in the PDP;
   ii) Clarity that the sale of liquor is not a non-complying activity within the default rule in the sub-zone;
   iii) Amendment of the prohibited activity status for helicopter landings associated with visitor accommodation and activities and events;
   iv) Provision for greater height than the existing 7 metre standards (seeking restricted discretionary status for buildings between 7 and 12 metres and non-complying status above that;
   v) A 75% building coverage standard within the sub-zone (compared to 40% at present), and no landscaped/permeable surface requirement;
   vi) No requirement for separation of buildings;
   vii) Retention of the ODP Township minimum parking requirements rather than the more onerous PDP requirements.

478. Responding to Mr Williams' evidence in rebuttal, Ms Bowbyes noted that the amended rules Mr Williams had suggested were drafted to apply to the entire LDSRZ, whereas the submission was site-specific – suggesting in turn, a need to revise the drafting accordingly.

479. Considering the suggested rule changes on their merits, Ms Bowbyes noted that Mr Williams had not considered the implications of visitor accommodation activities being non-notified under Rule 7.6.1.2, providing greater certainty to an applicant. She regarded restricted discretionary activity status as being appropriate due to the range of issues requiring to be addressed and the difficulty of doing so effectively in all cases via consent conditions.

480. Ms Bowbyes did not think a new rule for sale of liquor was necessary.

481. Similarly, she opposed a more enabling regime for informal airports, noting that the submission site is located in a residential area and that Mr Williams had not provided a noise assessment or technical information regarding suitability of the site for aircraft landing or take

offs. She compared the position in the High Density Residential and Medium Density Residential Zone, both of which provide for visitor accommodation activities and prohibit informal airports.

482. Ms Bowbyes also opposed a more permissive height regime for the site, observing that Hāwea is characterised by low rise, predominantly single storey development. She also noted that the maximum permitted height for buildings in the nearby Local Shopping Centre Zone is also 7 metres.

483. We also note the opposition of Hāwea Community Association to the rule changes the submitter sought. The Association's representatives pointed to the prominent location of the site and the potential for development of it within the limits sought to dominate the entrance to the township. The Association supported addressing any further development through the mechanism of a resource consent process.

484. The starting point in our review of the submission is to determine the ambit of the submission. Responding to Ms Bowbyes' criticism of his drafting rule changes so that they would apply throughout the district, Mr Williams told us that he did not think that they needed to be site-specific to be in scope. We were therefore left a little confused, because Mr Todd had only shortly before sought to respond to the criticism of the submitter's relief as being site-specific, telling us that the submitter had no other option.

485. We think that the proposition Mr Williams advanced was at best dubious in the light of the legal principles discussed in Report 20.1 regarding when a submission is "*on"* a plan change, but we do not think that we need make a finding on that because the submission in this case stated as part of its reasons "*the submitter seeks the provisions of the LDSRZ be amended **as they apply to the property** so as to reflect these characteristics and activities"* (emphasis added).

486. Thus, while the relief sought was expressed more generally, the submitter itself constrained what it was seeking to the site.

487. Having said that, we think that Mr Todd was on sound ground suggesting that having created a situation where his client's land was rezoned separately from the plan change putting in place the LDSRZ rules, the Council was in a poor position to suggest that amendments to those rules specific to the newly rezoned site were undesirable because they created a sub-zone. We might well have had a different view had all of the LDSR zoned land in the district been zoned at the same time as the text of the rules, but that was not the situation. Planning efficiency must give way to natural justice.

488. That is not to say that we agree with the suggested rules on their merits, but we do think we need to consider carefully what those merits are.

489. In that regard, we think that Mr Williams' evidence, seeking to hark back to the ODP Townships Zone was misplaced. Hāwea is not a township (any more). It is a rapidly growing urban area, and the provisions of the PDP seek to recognise that through conversion of former Township zoned land to LDSRZ (including with a visitor accommodation sub-zone in appropriate cases).

490. One of the features of that change is a focus on greater urban density, which has as its inevitable consequence, a need to be conscious of the greater potential for cross boundary effects, and the need to manage those effects.

491. Nor do we accept Mr Williams' underlying premise that the objective and policies of the LDSRZ infer a more enabling rule regime for visitor accommodation in the Visitor Accommodation Sub-zone. The objective in 7.2.8 poses the same test for both: whether residential character and amenity values of the zone are maintained.

492. Addressing the specific points Mr Williams made, we think that Ms Bowbyes made a valid point in her rebuttal, pointing to the non-notification status of visitor accommodation in the sub-zone. This provides a large measure of the certainty Mr Williams (and Mr Todd) were seeking, while retaining Council control over activities with the potential to have adverse effects beyond the boundary, on those surrounding residential properties, and which might be difficult to control through conditions.

493. As regards the specific provision for sale of liquor sought, Mr Williams made much of the fact that Rule 20.4.10 makes such a provision. He suggested it was logical that the LDSRZ should do similarly.

494. We do not know why the Settlement Zone rules make specific provision for sale of liquor. For all we know, that may be the anomaly, rather than the failure to do the same in the LDSRZ.

495. We go back to the definition of visitor accommodation which is stated to include "*services or facilities that are directly associated with, and ancillary to, the visitor accommodation, such as food preparation, dining and sanitary facilities, conference, bar recreational facilities and others of a similar nature if such facilities are associated with visitor accommodation activity. The primary role of these facilities is to service the overnight guests of the accommodation. However they can be used by persons not staying overnight on the site".*

496. On the face of the matter Mr Williams has a point. It is not clear to us that the sale of liquor at a bar is included. The reference to bar recreational facilities suggests that there will be a bar, but it is something of a stretch to suggest that the onsite consumption of liquor is a recreational activity: it sounds more like dartboards and pool tables to us. We found that outcome somewhat odd, to say the least, which prompted us to research how it might have come about. Looking at Stage 2 Report 19.2, the Hearing Panel's recommendation that was accepted by the Council had a comma between bar and recreational. Read in that manner, it is in our view perfectly clear that the sale of liquor is included within visitor accommodation activities, because they include bar facilities if associated with the visitor accommodation activity.

497. In short, it is the online version of the definition of "*visitor accommodation"* which requires amendment, to correct the typographical error that has crept in during the process of translating the Hearing Panel's recommendations to an online version, rather than the rules.

498. Although the definition of visitor accommodation is the subject of appeal, the appeals do not relate to this aspect. Accordingly, we recommend that the Council correct the online version of the PDP in this regard. Strictly speaking, this is not a clause 16(2) amendment because the Council's resolution was to accept the version recommended by the Hearing Panel in Report 19.2.

499. It follows that we do not agree with Mr Williams that any clarification is required by way of new rule.

500. As regards the suggested amendments related to height building coverage and building separation, we share Ms Bowbyes' view that these provisions are out of keeping with the existing character of Hāwea.

501. We take on board also Hāwea Community Association's concern over high buildings in a very prominent location.

502. As regards carparking, these provisions have been overtaken by the NPSUD, which directs that objectives, policies and rules providing for minimum carparking requirements should be removed from District Plans, except as they relate to accessible parking. Accordingly, the provisions sought to be amended will shortly be deleted in any event. We do not recommend that deletion ourselves because, as discussed, above, the need to preserve provision for accessible carparking requires careful thought and appropriate drafting. However, we think that this can be left to the Council given the NPS instruction that it be done as soon practicable.

503. Lastly, as regards informal airports, we think that the submitter had to produce rather more to justify potential provision for helicopter landings within an urban area than Mr Todd's observation that helicopters frequently fly in and out of Edgewater Resort in Wānaka.

504. We accept that prohibited activity status is a strong statement, given that unlike the other matters raised by the submitter, there is no consent pathway for it to follow. However, we regard it as the corollary of the recognition of Hāwea as an urban environment with urban standards of use and development. During our site visit, we observed that there is a residence immediately behind the highest point of the site. Put another way, if the submitter believed that it was possible to put helicopters down on the site while maintaining the residential character and amenity values of the zone (Objective 7.2.8), it was incumbent on it to provide expert evidence to confirm that was the case.

505. In summary, we recommend the mapping change sought by the submitter, but not the associated rule changes, for the reasons set out above.

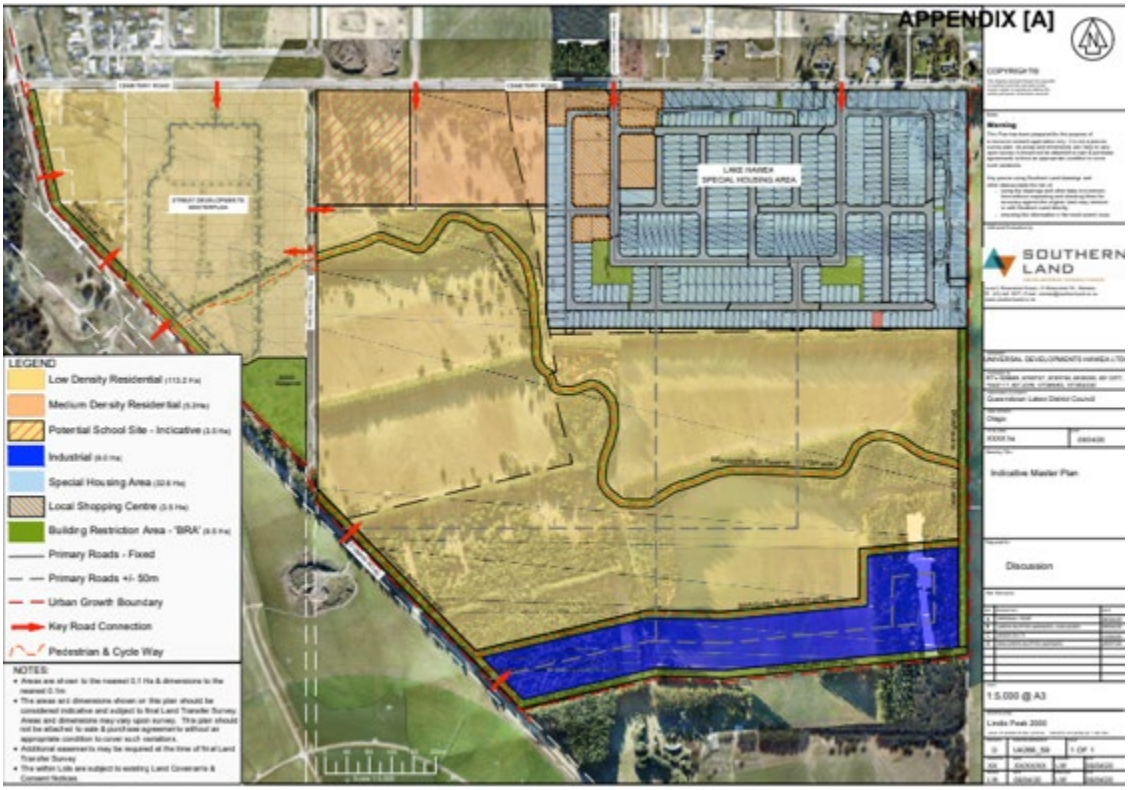
506. Last but certainly not least, we turn to the associated submissions of Streat Developments Limited[109], Aaron and Sally Ford[110] and Universal Developments Hāwea Limited[111] (Universal). All three relate to proposed rezoning of land south of Cemetery Road. The Streat/Ford submissions relate to a development area known as "*Domain Acres"* towards the western end of Cemetery Road with frontage across its south-western boundary to Domain Road and that is currently zoned Rural Residential. The submissions seek rezoning to Settlement Zone or in the alternative "*a residential zone that provides for low-density residential subdivision and development".* Other aspects of the submission include consequential amendments to the Settlement Zone Rules that include an 800m^2 minimum lot size for Domain Acres and an amendment to the Urban Growth Boundary currently located at the northern end side of Cemetery Road to include Domain Acres, the consented Special Housing Area further along Cemetery Road from Domain Acres (that we will discuss shortly), and the vacant land in between. The plans attached to the submission illustrate provision for 119 lots between 800m^2 and 1000m^2 and an area of open space in a triangular shape at the southern end of the property.

[109] Submitter #3221 and 3222
[110] Submitter #3261
[111] Submitter #3248

507. The Universal submission seeks rezoning of a much of much larger block of land that entirely includes both the Domain Acres land and the Special Housing Area, and extends some distance to the south. It seeks that the entirety of the site be rezoned to allow for urban development through one or a combination of Settlement, Low, Medium and/or High Density Residential, Local Shopping Centre, Mixed Business Use, Industrial or any other development zone within the PDP considered appropriate for the site. Alternatively, the submission sought a bespoke zone for comprehensive development of the site which anticipates mixed use and residential urban development and provides for a structure plan approach.

508. In her Section 42A Report, Ms Devlin noted that the Universal combined site occupies approximately 170 hectares (compared to 221 hectares within the existing Hāwea Urban Growth Boundary). She estimated that it could yield 1800 residential lots. As she accurately observed, the area sought to be rezoned would effectively add another town the size of Hāwea.

509. Reflecting that fact, the Universal made a comprehensive case, supported by experts in a number of disciplines. The very general relief that we have summarised above in the submission was translated to a structure plan identifying a more precise breakdown of the zones proposed. This in turn went through some iterations and we have reproduced a copy of the version that Mr Williams, the planning witness for the submitter, tabled at the hearing.



510. It will be seen from that indicative master plan that the Special Housing Area occupies a prominent proportion of the site at 32.6 hectares. A Local Shopping Centre Zone occupying 3.5 hectares is within the Special Housing Area. More generally, an area of Medium Density Residential is proposed adjacent to the Special Housing Area with frontage onto Cemetery Road. There is also provision for a potential school site. The evidence for the submitter was that this was necessarily indicative in the absence of any commitment from the Ministry of Education. The master plan shows the Streat Developments component of the site discussed

above. In all, there is suggested to be 113.2 hectares of Low Density Residential Zoned land and 9 hectares of Industrial Zoned land at the southern end of the site.

511. The firming up of Universal's plans means that there is little purpose referring to the Section 42A Report in any detail. We look rather to the rebuttal evidence of Mr Barr, who was able to comment on the detail of what was proposed.

512. Because the Streat Developments/Ford submission addressed a subset of the broader Universal submission, we will address the larger proposal first before turning, as required, to discuss that subset.

513. Our initial reaction when reviewing the relief sought by Universal was that it was something of a stretch to classify that relief as consequential or incidental in nature and not requiring any substantive further Section 32 evaluation, so as to come within the exception Kos J described in *Palmerston North City Council v Motor Machinists Limited*[112] discussed in detail in Report 20.1.

514. Counsel for Universal, Ms Baker-Galloway criticised the options considered in the Section 32 evaluation, because only one of those options considered extension of the Urban Growth Boundary, and that was premised on a Settlement Zone density of development. The option of applying the LDSRZ to Hāwea was only considered on the basis of retention of the Urban Growth Boundary in its current location.

515. That might be considered a flaw in the evaluation, but we observe that the potential to extend the Urban Growth Boundary was considered earlier in the relevant report[113]. The extension considered was to include the Special Housing area and/or the Streat Developments land. The option of extending the Urban Growth Boundary to encompass all of the area now sought to be rezoned by the submitter was not considered. In any event, the Report recommended against extension of the Urban Growth Boundary even to the smaller area considered.

516. We are therefore somewhat dubious that the failure to consider the proposal now on the table could be classed as a flaw in the sense that we discussed in Report 20.1, and the sheer size of the proposed rezoning seemed to us to fly in the face of the concept that Kos J was discussing.

517. Ms Baker-Galloway sought to put the Section 32 evaluation also into the context of the appeals which had already been filed at Stage 1 of the PDP process and which, through a mediation agreement she produced, have been put on hold until after notification of Stage 3, in order that Council Officers might consider through the Section 32 process, the most appropriate location and extent of the Urban Growth Boundary and zoning for Hāwea.

518. Hāwea Community Association expressed concern to us about how Ms Baker-Galloway had characterised that mediation agreement. As the Chair observed in Procedural Minute 41, the mediation agreement needs to speak for itself, rather than be the subject of explanation or extrapolation by the participants at the mediation. Importantly, the agreement gives no indication of the scale of potential change either to the Urban Growth Boundary or to zonings within the Urban Growth Boundary. It refers to Council Officers considering, inter alia, the sites the subject of the underlying appeals. The Streat Developments appeal clearly identifies the Domain Acres land, but the other appeal referred to (by Clark Fortune McDonald & Associates) is non specific as to what land an amended urban growth boundary might cover.

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[112] [2013] NZHC 1290

[113] Section 32 Evaluation: Stage 3 Components for Townships at 9.9-9.25

519. In any event, as above, the expansion actually considered was limited to the Domain Acres land and the Special Housing Area.

520. We discussed the scope issue with counsel for the Council, Ms Scott, who urged us not to go down that track.

521. It is fair to say that while accepting that a smaller scale rezoning (e.g. of the reduced area Streat Developments identified encompassing Domain Acres and the Special Housing Area) might well be in scope, we remain distinctly unconvinced that the nature and scale of the proposed relief sought by Universal is properly classified as incidental or consequential on the rezoning of the former ODP Township land on the north side of Cemetery Road. However, in the absence of opposition from the Council, we proceed to examine the case for the submitter on the merits.

522. The second preliminary issue that requires consideration is the relevance of the Special Housing Area consent granted under the Housing Accords and Special Housing Areas Act 2013 to the submitter on 20 April 2020.

523. Ms Baker-Galloway submitted that that consent now operates for all intents and purposes as a resource consent pursuant to the RMA. She submitted that it forms part of the receiving environment. In her opening submissions for Council, Ms Scott had referred us to the decision of the High Court in *Shotover Park Limited v QLDC*[114] as authority for the proposition that decision makers on plans are not obliged to consider the environment by reference to the tests contained in the decision in *Queenstown Lakes District Council v Hawthorn Estate Limited*[115], but have a discretion to do so in appropriate cases. The *Hawthorn* decision is well known as authority for the proposition that when considering the effects of a resource consent application, one should disregard effects of activities that are the subject of a resource consent that is likely to be exercised.

524. Ms Baker-Galloway sought to persuade us that the *Shotover Park* decision was decided on a factual basis – that the granted resource consents in question were subject to appeal.

525. We do not agree with Ms Baker-Galloway's submission. While the passages she cited to us support the argument that the Court's decision was factually based, the message we derive from paragraph 117 of the High Court's decision in particular is that that was an alternative ground that Fogarty J relied on, but that he determined as a matter of principle that *Hawthorn* did not apply to plan decisions because a District Plan looks forward. In other words, it does not start from the existing environment in the manner that a resource consent does.

526. We therefore find that we have a discretion to consider the Special Housing Area consent as part of the receiving/existing environment, but are not required to do so.

527. Potentially bearing on that decision was the fact that the Special Housing Area consent had not been exercised at the time of our hearing, and as far as we are aware, still has not been. On the other hand, Mr Lane Hocking, who gave evidence as the sole owner of the submitter company, told us that it was his clear intention to give effect to the Special Housing area consent, reinforcing that message by saying that the submitter had offered the Council a deed guaranteeing development, but the Council had said that they did not want a deed.

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[114] [2013] NZHC 1712

[115] [2006] NZRMA 424

528. We accept that that is Mr Hocking's present intention. We are wary, however, of the possibility that intentions can change, for a whole variety of reasons.

529. We also consider that Mr Barr made a valid point when he suggested to us that we should not treat the Special Housing Area consent as necessarily being consistent with the purpose of the RMA, because of the greater enabling scope of the legislation pursuant to which it was granted.

530. We refer to the discussion of the Court of Appeal in *Enterprise Miramar Peninsula Inc v Wellington City Council*[116] of the purpose of the governing legislation and the deliberately "*more permissive"* process for granting consents than in the RMA.

531. It seems to us that the appropriate way forward is for us to take account of the likelihood that the Special Housing area consent will be exercised in the relatively near future, but not to treat that likelihood as translating to an existing effect on the receiving environment or as necessarily pointing the way to the shape further development of Hāwea must take.

532. We also record that one consequence of the Special Housing Area consent having been granted is that at least for the area the subject of that consent, the development it authorises may proceed irrespective of what provisions we recommend for the PDP. Thus, to the extent that Universal's case relied on the provision of additional residential capacity to meet the directions of the NPSUD, that can, and if we accept Mr Hocking's assurance at face value, will occur anyway (at least in part) through the mechanism of the Special Housing Area consent.

533. Turning to the detail of what is proposed, and Council's response to it, it is apparent from Mr Barr's rebuttal evidence that large parts of the technical basis for the relief sought by Universal were not in contention. We thought that it was particularly significant, for instance, that Mr Barr considered that if Hāwea is to expand, there is no sensible alternative for that expansion than the area the subject of the submission. This was not a case where, in Section 32 terms, there was an alternative that would better provide for Hāwea's expansion, if expansion is to be authorised at this point in time.

534. While Mr Barr considered Universal's claims that the rural land affected was of little or no value to be overstated, it appeared to us that it would equally be a stretch to label it as particularly productive land.

535. There were a number of other respects where Universal's proposal resonates with the direction provided by the NPSUD and the policies of Chapter 4 summarised above. Having said that, we find that the proposal seeks to provide residential housing capacity that is not required in any relevant timescale. It relies therefore on the higher order directions related to capacity predictions being met as a minimum, promoting competition and providing a mix of housing densities and forms.

536. Mr Barr did not consider the proposal fundamentally flawed on landscape grounds. Mr Barr relied on Ms Gilbert's assessment that, in broad terms, agreed with the landscape evidence of Mr Espie for the submitter that this was a suitable area for rezoning from a landscape and visual perspective.

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[116] [2018] NZCA 541

537. Ms Gilbert expressed concern in her rebuttal evidence about the extent and treatment of the proposed Building Restriction Areas on the eastern and western side of the development, recommending a 15 metre wide buffer on each side to provide both a defensible edge to the development and to limit the visual influence of the urban development on the neighbouring rural landscape. Ms Gilbert also expressed concerned about the southern edge where the proposed Industrial zoned land would be bounded by a 15 metre Building Restriction Area/green buffer. She questioned the reliance on a cadastral boundary supplemented by a 15 metre buffer and suggested that utilisation of the water race winding approximately through the centre of the site, augmented a landscape buffer would be preferable, or alternatively following Domain Road along its south western edge and the Gladstone Gap Flood Hazard Boundary along its south eastern side, with both edges being augmented by a landscape buffer. The latter would appear to involve an extension of the zoned area from that sought and on that ground would be out of scope for us.

538. Mr Barr picked up on the suggested use of the water race as a potential boundary of the site, suggesting that this might meet concerns that the extent of development would adversely affect the character of Hāwea and the rural character of the locality that would not be appropriate either at the current time nor within the next ten years.

539. The submitter's team picked up on some of Ms Gilbert's suggestions. As a result, the revised Plan tabled by Mr Williams and reproduced above, shows a 15 metre building restriction area/green buffer the length of Domain Road. He explained to us, however, that it was not feasible to insert that buffer the length of the eastern edge, because that would be inconsistent with the Special Housing Area consent and potentially put Universal in breach of its legal obligations to Council under the accompanying deed, because it would reduce the number of residential lots. Our confidence in the beneficial effect of the change Mr Williams had suggested was somewhat dented when we asked Mr Streat about it. It was clear Mr Streat did not know of the proposal to put a 15 buffer in his land, and did not accept it.

540. Ultimately Mr Barr recommended against rezoning on a combination of infrastructure and traffic grounds. In the alternative, if we were minded to accept the submission, he recommended rezoning of a reduced area, that adopted Ms Gilbert's suggested water race boundary, together with a suite of provisions to require a contribution towards housing affordability across the entire development, along the same lines as that applying within the Special Housing Area. The latter was designed to overcome a concern Mr Barr identified that given the option by more favourable Plan zone provisions, the submitter might choose to develop the balance of its land first, or even allow the Special Housing Area consent to lapse and utilise those more favourable provisions over the entire property.

541. Unsurprisingly, Universal did not think a lot of Mr Barr's suggested "*affordable housing"* provisions. Among other things, they were opposed on the basis that the PDP provides no mandate at an objective or policy level for such provisions. The economic evidence of Mr Copeland for the submitter also suggested that such provisions would disincentivise the supply of residential and buildings whereas, in his view, the Plan should be encouraging supply, and the relief sought by the submitter would do that.

542. In his reply evidence, Mr Barr acknowledged that there are no policies directly on housing affordability in the NPSUD, recording his understanding that the NPS supports housing affordability through supply as the primary means. However, he remained of the view that specific housing affordability provisions are appropriate in Section 32 terms, particularly in this case because, notwithstanding assessments that sufficient available feasible residential

capacity has been provided in the wider Wānaka Urban Environment including Hāwea, the submission was seeking support for rezoning by leveraging off the enabling NPSUD direction for a range of housing types and a variety of prices and typologies.

543. In this reply, Mr Barr also expressed the view that Objective 4 and Policy 6 of the NPSUD relate to changes within existing urban areas and do not apply to the change of rural areas to become urban.

544. Mr Barr provided comments on more detailed amendments that he considered were required to the proposed Structure Plan in his reply along with a revised version of the Plan provisions which he recommended should we be of the view that rezoning of the site might be recommended.

545. Turning to the key areas of traffic and infrastructure which formed the basis for Mr Barr's primary recommendation (to reject the submissions), Mr Andy Carr provided traffic evidence for the submitter. He identified intersection improvements as being required at the Domain Road/Cemetery Road intersection and at the Domain Road/Capell Avenue intersection.

546. Mr Carr responded to criticism of the Council's traffic witnesses that his evidence provided insufficient details to confirm the nature of the upgrades required and whether they could be accommodated within the available road reserve. He therefore tabled what he described as 'proof of concept'. In the case of the Domain Road/Cemetery Road intersection, this consisted of taking the shape of other intersections, one in Queenstown and one in Rangiora and superimposing that shape onto the Domain Road/Cemetery Road intersection to show they fitted. In the case of Domain Road/Capell Avenue, where Mr Carr considered a roundabout would be required, he took the configuration of the roundabout at the entrance to Wānaka (where State Highway 84 meets Anderson Heights Road) and superimposed that on the existing intersection.

547. Mr Rossiter responded in reply, noting potential problems at the Capell Avenue intersection in gaining access to land not already within the road reserve because the adjacent land is owned by Contact Energy Limited. Other witnesses observed that the intersection is constructed on a corner of the Hāwea Control Structure making expansion of the paved road area problematic for that reason.

548. Mr Rossiter's view was that current best design practice would require a 20 metre diameter central island and an 8 metre circulating lane, which is larger than the concept design Mr Carr had presented. In his view, a design with a smaller central island and apron represented a design compromise which would result in very slow heavy vehicle movements speeds and a smaller reduction in light vehicle speeds than is desirable.

549. As regards the Domain Road/Cemetery Road intersection, Mr Rossiter considered, even assuming a 50kph design speed, a curve to link the roads will require a large radius curve than indicated by the examples presented by Mr Carr. In Mr Rossiter's view, Mr Carr's suggested options would represent a substandard intersection configuration and an out of context curve that would raise significant safety concerns, especially with vehicles accessing the industrial land further down Domain Road proposed by the submitter. He considered that a roundabout would be a better option, but that would require access to Contact Energy land to the west of the intersection.

550. However, irrespective of the final intersection form, Mr Rossiter's view was that additional land would be required to form an intersection to safe system design standard.

551. Following the hearing, Ms Baker-Galloway provided us with information indicating that Council is progressing design of a roundabout at the Capell Avenue/Domain Road intersection and that Contact Energy has indicated a willingness to work with the Council to develop a solution Contact could agree to. Ms Baker-Galloway's covering comment was that the draft design was a very similar design and scale to Mr Carr's proof of concept. The fact that Council may be pursuing a similar design to Mr Carr does not, however, mean that Mr Rossiter's opinion is invalid. For all we know, Council may be trying to shoehorn the best solution it can into a constrained environment in the knowledge that Contact Energy is unlikely to agree to anything more than a minor incursion into its land.

552. Hāwea Community Association supplied us with a information relating to roading issues after the hearing also. That information related to recent use of the two intersections in question by heavy milk tankers on route between the Devon Dairies dairy farm to the south of Hāwea and Hokitika, and indicated that the proposed roundabout design would not be adequate for those tankers.

553. The Association did not provide us with expert traffic evidence and thus we must necessarily place limited weight of the material that it has provided. In addition, we note that if third party heavy traffic use of the local roads requires a higher standard of road upgrade than the submitter's rezoning, while that is obviously of great importance to the community, it does not on the face of the matter appear to be a sound reason not to permit rezoning to proceed.

554. For much the same reason, we are hesitant to place great reliance on the status of upgrades at the Domain Road/ Capell Road intersection as the evidence appeared to be that that intersection required upgrading in any event, irrespective of the potential expansion of Hāwea to the South. Mr Barr also referred to that aspect.

555. While we therefore put limited weight on the state of that intersection and the likelihood that it will not be upgraded to a satisfactory standard, the Domain Road/Cemetery Road intersection is more problematic. We were not clear that Mr Carr's 'proof of concept' proved anything in the absence of far more detail about the comparator intersections, including the traffic demands they are designed to cater for, and the process by which he had transferred over their configuration. We consider it presents an undesirable level of uncertainty that the traffic effects of the proposed road rezoning can and will be adequately managed, albeit possibly not enough on its own to cause us to recommend rejection of rezoning.

556. However, this was combined with uncertainty regarding wastewater treatment capacity.

557. Mr Powell's initial reaction (in his evidence submitted with relevant Section 42A Report) that while there were known capacity issues in the Hāwea Wastewater Treatment Plant, works were programmed to decommission the existing wastewater treatment plant and connect to the Project Pure Treatment System (at Luggate) some time in 2022. Mr Powell's understanding was that the capacity both of the Project Pure Treatment Plant and the connecting pipe took into account the future growth of Hāwea, including the proposed rezoning. In rebuttal evidence, however, Mr Powell clarified that the planned connection to the Project Pure Treatment facility would cater for current growth forecasts within Hāwea, not deal with any additional rezoning, including at the scale proposed by the submitter. Mr Powell

further advised that no funds were allocated within the long term plan for increasing the capacity to accommodate the submitters rezoning.

558. Understandably, the evidence of Mr Luc Waite, the submitter's expert dealing with wastewater infrastructure issues, focussed on this change of position and sought to emphasise the difficulty Universal had had getting clear information about exactly what capacity had been provided for in the Project Pure Pipeline. Mr Waite, however, advised that constructive discussions had occurred with Council seeking to arrive at a 'developers agreement' with Universal.

559. The subsequent information supplied by Ms Baker-Galloway included material on this subject also. Her summary of the position was:
"Universal has also continued to work on wastewater infrastructure with the QLDC post hearing.

On 26 August 2020, the proposed water network layout for south of Cemetery Road, Hawea was provided by Universal to QLDC so that it can be modelled. On 10 September 2020, Universal met with the QLDC to progress negotiations around wastewater design and capacity. Universal is currently trying to engage with the QLDC on the most appropriate way to fund the water and wastewater infrastructure."

560. Our characterisation of that information is that while Universal is making strenuous efforts to try and get some certainty around wastewater capacity available to its rezoning site, there is no certainty that that will be possible in any near timeframe, or possibly, at all. Counsel for the Council filed a Memorandum to confirm that the Council's position remained one of opposition to the proposed rezoning in the absence of sufficient certainty that the identified infrastructure constraints, and related funding issues can be resolved.

561. In addition, Hāwea Community Association provided information that it had obtained regarding progress in wastewater upgrades for Hāwea wastewater treatment suggesting that there may be more intractable problems than arriving at a funding agreement with the submitter. During the hearing there were veiled references to the need for the Project Pure Pipeline to cross land (and the Clutha River(Mata-Au)) that the Council had not secured access to. The information Hāwea Community Association supplied suggests that that is in fact the case and that for the moment, design of the pipeline is on hold until land access is secured.

562. We refer to and rely on the discussion in Report 20.1 about the need for integration of infrastructure with rezoning decisions. Given the lack of certainty as to the availability of wastewater treatment facilities sufficient to accommodate the proposed rezoning, we accept Mr Barr's recommendation that it would be inappropriate to recommend that rezoning.

563. Nor do we think that the issue would be addressed by a scaling down the amount of land rezoned, e.g. just to the Streat Developments land and/or the Special Housing Area, would solve the problem. There appears to be no greater certainty that a smaller area would be able to be accommodated within the Council wastewater system than the entire development.

564. That of course poses a particular problem with Council given that the Special Housing Area consent has already been granted but we do not think it appropriate for us to compound the problem by recommending rezoning at this point.

565. Recognising that strenuous efforts are being made to address the issue, we comment on other aspects of Universal's proposal.

566. As above, the argument against providing a landscape buffer on the eastern side of the Special Housing Area was partly pragmatic – that it would put the submitter in breach of the Special Housing Area consent, which obviously it could not accept. Partly though, the submitter relied on the flood hazard line that sits immediately to the east of the Special Housing Area as effectively constraining the ability of the enlarged urban area to expand in that direction (removing a key justification for the proposed 15 metre buffer).

567. The flood hazard area relates to the potential for the 'Gladstone Gap' to be overtopped when Lake Hāwea is at flood levels, resulting in water cascading across the Hāwea Flats. The Gladstone Gap is a low earth weir constructed as part of the raising of Lake Hāwea in the late 1950s. As we understand it, the original idea was that the Gladstone Gap would overtop before the Hāwea control structure in extreme lake flood conditions, lessening the potential for a breach of the control structure which would result in much more damage downstream.

568. However, our understanding is also that when the Hydro System on the Clutha River (Mata-Au) was reconsented in the early 2000s, the evidence given to the Otago Regional Council's independent Hearing Panel was that reassessment of that risk suggested that the Gladstone Gap would not be overtopped even in a probable maximum flood. The probable maximum flood is a theoretical event.

569. A senior Contact Energy Engineer estimated the probability of the probable maximum flood as being less than 1 in 100,000[117]. We asked Mr Forest, the submitter's witness on hazard issues about the likelihood of the flood hazard. His response was to point to the effects of climate change as increasing the hazard over time. The point is fair, but it seems to be increasing from a very low base, which gives us little confidence in relying on the identified flood hazard as a potential barrier to future development.

570. The submitter's case for providing industrial land as part of the proposed development was twofold. Firstly, and consistently with its case in relation to the residential components of the proposal, it said that providing industrial land capacity was meeting the directions of the NPSUD. Second, it seemed that the arrangement of the proposed GIZ area was designed to assist in creating a defensible boundary to the urban area proposed at its southern end. Mr Hocking, for instance, told us that if it were not for that consideration, he would have favoured the GIZ running parallel with and adjacent to Domain Road, rather than perpendicular to it.

571. Addressing the demand issues, while we were told, mainly by Mr Copeland[118], that Hāwea needs industrial yard space for its tradesman, clearly what is proposed is vastly more industrial capacity than the Hāwea construction industry would ever need. We therefore had to consider the submitter's case against the evidence of the Stream 17 Hearing Panel (which included all members of the Stream 18 Hearing Panel) heard regarding the supposed over supply of industrial zoned land in Wānaka. This is addressed in more detail in Report 20.3, but in summary, the parties seeking to persuade the Stream 17 Hearing Panel to rezone GIZ land for other purposes contended that not only was zoning to that extent unnecessary, but that it was positively inefficient as a use of land for which there might be demand for other purposes[119].

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[117] Refer Otago Regional Council Independent Hearing Panel decisions on Contact Energy Limited resource consent applications for the Clutha Hydro Scheme dated 10 September 2003 at paragraphs 71 and following

[118] Universal's economic expert

[119] Refer for instance the economic evidence of Mr John Ballingall for Tussock Rise Ltd and others.

572. There was obviously a clear inconsistency between that evidence, and the evidence we heard for Universal. We adopt the findings in Report 20.3 regarding demand for industrial and service land in the Wānaka area and, to the extent relevant, the NPSUD. Accordingly, if we had not found that there would be insuperable infrastructure capacity issues with the proposed rezoning, we would have considered rezoning so much industrial land at Hāwea as likely to be inefficient and as not being required by the NPSUD.

573. As regards the use of GIZ land as a buffer to demarcate the edge of an expanding Hāwea Township, we regard this as a larger scale version of the problem that we identified with the Lake Mackay Partnership Limited rezoning request; putting in place measures that will impede long term expansion of an urban area without having a strategic plan as to where and how that expansion will occur. Just as at Luggate, putting into place a large industrial buffer to prevent further development may impede the efficient expansion of Hāwea in the longer term. We cannot know at this point.

574. We had similar concerns about Ms Gilbert's proposal to use the water race as an identifiable boundary, and to try and shore it up with landscape setbacks. We were unsure as to whether this would be effective. We wondered, for instance, whether it was an invitation for the water race to be piped. But to the extent that it is effective, it creates the same problem of potentially impeding long term development when there is no long term strategy in place at this point. We observed that there is also a problem treating the water race as a boundary given that the existing Rural Residential zoning of the Streat Developments land extends to the south of it.

575. We considered the potential to rezone just the Special Housing Area land and/or the Streat Development's land.

576. As above, the same infrastructure capacity issues appear to apply to both, albeit on a smaller scale.

577. In the case of the Special Housing Area, Ms Gilbert's advice is to impose additional constraints on development of the land that the submitter says would be inconsistent with the Special Housing Area consent and, implicitly, that they do not intend to follow.

578. We see no point in rezoning land subject to conditions that we know are likely not to be followed. By the same token, if we do not rezone the land, then the submitter still has the option of exercising their Special Housing Area consent. It is no worse off in our view.

579. We gave consideration to just rezoning the Streat Developments land. Subdivision of that land is already underway at a Rural Residential density but Mr Streat advised us that the development was being undertaken in a way that would allow for further intensification in the future. Given that advice, we consider that the best balance between cost and benefits is achieved by leaving the zoning as it is, in order that a greater density of development of the site only proceed when it can do so in a manner that is integrated with infrastructure capacity, and so that it forms part of a larger strategic plan regarding the development of Hāwea.

580. We think that Mr Barr was on unsound ground relying on the effect of the proposed rezoning on the character of Hāwea. While we understand that Hāwea Community Association shares that view, to us, the horse has already bolted. The relatively dense subdivisions that have occurred south of the glacial moraine and north of Cemetery Road have already fundamentally

altered the character of Hāwea in our view. The proposed rezoning is therefore a difference in degree, but not in character.

581. We are also wary of seeking to use the District Plan as a mechanism to require provision of affordable homes in the absence of a clear objective and policy framework within which such provisions would sit. Clearly, opinions differ about the effect of such provisions and while we do not wholly endorse Mr Copeland's opinion, we consider that there is a very real risk that attempting to put such provisions in place will have adverse effects, the consequence of which we cannot currently foresee.

582. In summary, therefore, we do not recommend rezoning of any land south of Cemetery Road.

583. As regards the Urban Growth Boundary, we note and adopt the Stream 17 Hearing Panel's discussion in Report 20.3 of the use of the Urban Growth Boundary as a strategic planning instrument in the content of a rezoning submission by Cardrona Cattle Club Ltd.

584. We considered the potential for shifting the Urban Growth Boundary at least to include the Special Housing Area, but it seems to us that that would be premature also. Universal needs to exercise its Special Housing Area consent, construct the urban development it authorises. At that point, the District Plan can 'catch up', potentially, including some or all of the balance of the site over which Universal currently seeks rezoning.

6. OVERALL RECOMMENDATIONS

585. For the reasons set out above, we are satisfied that:

- the amendments we have suggested to the Chapter 20 objectives are the more appropriate way to achieve the purpose of the RMA and the strategic objectives and policies of Chapters 3 and 4;
- the amendments we have recommended to the policies, rules and other provisions (including mapping) in Chapter 20 and the related variations are the most efficient and effective way to achieve those objectives, the objectives of the LDSRZ (where applicable) and the higher order strategic objectives and policies.

586. We have attached a revised version of Chapter 20 and the related variations that includes all of our recommended amendments to the text. Our recommendations as to mapping have been captured in revisions to the electronic maps supplied separately to Council.

587. In Appendix 2, we have summarised our recommendations in relation to submissions. As foreshadowed in Report 20.1, we have not separately itemized further submissions. Our recommendations on further submissions reflect our position on the relevant primary submission.

588. We have also recommended (in section 5.1 of our report) that Council consider undertaking a review of the extent of the Commercial Precinct in Glenorchy, with a view to potentially rezoning land for which there has proven to be no demand for commercial activities over a number of years.

589. Similarly, in section 5.4, we have recommended that Council give further consideration to the strategic development of the township of Luggate, potentially as part of the spatial planning exercise we understand Council has commenced.

590. Lastly, we draw Council's attention to the need to correct the definition of Visitor Accommodation in the online version of Chapter 2, so as to correctly set out the Council's Stage 2 decisions on that definition, as discussed in section 5.6 of our Report.

Trevor Robinson
Chair
Stream 18 Hearing Panel

Dated: 12 January 2021

Attached:
Appendix 1: Recommended Chapter 20 and related variations
Appendix 2: Summary of recommendations on submissions

Appendix 1: Recommended Chapter 20 and related variations

Appendix 2: Summary of recommendations on submissions

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3013	Pia Condren	That the Variation to Chapter 7 Lower Density Suburban Residential be retained as notified.	Accept	4.2, 5.6
3019	Patrick Dodson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3022	Debbie Milliken	That the Council retain the current rules for maximum height in Glenorchy's Commercial Precinct.	Accept	3.9
3032	Spark, Chorus and Vodafone	That Rule 30.5.6.6 is amended by adding a new clause to the rule that provides for 15m poles in the Cardrona Settlement Zone, where there is a single operator, and 18m for multiple operators on the same pole.	Accept in Part	3.9
3033	Melissa McGrannachan	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3039	Ben Mitchell	That the rule permitting a residential flat on a site, subject to servicing, be adopted as notified.	Accept	3.8
3039	Ben Mitchell	That the recession planes be adopted as notified	Accept	3.9
3039	Ben Mitchell	That the minimum net area for any site in the Lower Density Suburban Residential Zone in Albert Town and Hawea be 400m².	Reject	4.1
3040	Vernon Reid	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3043	Jessica Reid	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3046	Gary Patterson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3050	Bruce and Diane Carvell	That the notified Settlement Zone be rejected.	Reject	5.5
3053	Jayne Simmons	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3059	Daniel Batchelor	That the 7m setback in Rule 20.5.15 be maintained.	Accept	3.9
3059	Daniel Batchelor	That Rule 20.5.15 be supported as notified.	Accept	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3066	Rodney Baker	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3077	Mark Thompson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3081	Adrian Van Der Voorn	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3082	Alastair McLees	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3083	Anna O'leary	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3084	Annabell Wilson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3085	Anne Neilson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3086	Beverly Nicholson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3087	Catherine Mercer	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3088	Cole Spittles	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3089	Daniel Koot	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3090	Darren York	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3091	David Savage	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3092	Donald Preston	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3093	Geoffery Storm	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.s	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3094	Graham Stevens	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3095	Jane Sutherland	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3096	Jeffery Rogers	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3097	Jennifer Preston	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3098	Jennifer Smith	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3099	Jeremy Smith	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3100	Jessica Smith	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3101	Jim McCaffery	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3102	Johannes Gouma	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3103	John Conner	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3104	Kathryn Savage	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3105	Kerry Conner	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3106	Kingston Community Association	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3107	Laura Douglas	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3108	Lauren Wilding	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3109	Southern District Health Board	That the character of the Settlement Zones is preserved.	Reject	3.3
3109	Southern District Health Board	That community amenities be included in growth plans.	Reject	3.4
3109	Southern District Health Board	That appropriate three waters infrastructure be put in place prior to further development of land within the Settlement Zones.	Reject	3.2
3112	Lenny Preston	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3113	Lucy Alborn	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3114	Malcolm Mackay	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3115	Mark Reyland	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3116	Mathew Bircham	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3117	Michelle Crawford	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3118	Noah Pickens	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3119	Olivia Pickens	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3120	Paul Meehan	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3121	Peter Stone	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3122	Priscila Springles	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3123	Richard Stokes	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3124	Roger Erskine	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3125	Roger Neilson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3126	Sheree Gouma	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3139	Nichola Myles	That Rule 20.5.15 be rejected.	Reject	3.9
3139	Nichola Myles	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3141	Bryan Myles	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3142	Sustainable Glenorchy	That Settlement Zone rule 20.6.2 be deleted.	Reject	3.10
3152	Ministry of Education	That Policy 20.2.3.3 be retained as notified.	Accept	3.4
3152	Ministry of Education	That a new policy be added to section 20.2: "Enable educational facilities to establish throughout the Settlement Zone, ensuring that the scale and effects of these activities do not adversely affect residential amenity."	Reject	3.4
3152	Ministry of Education	That a new restricted discretionary activity, "Educational Facilities", be added to Table 20.4, with the following matters of discretion: 1. The extent to which the location, bulk, scale and built form of building(s) impacts on natural, ecological, landscape and/or historic heritage values. 2. The extent to which the activity may adversely impact on the transport network. 3. Ability to soften the visual impact of buildings from adjoining residential properties. 4. The extent to which the activity may adversely impact on the streetscape. 5. The extent to which the activity may adversely impact on the noise environment. And any consequential changes that give effect to the relief sought in the submission.	Reject	3.8

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3153	Aurora Energy Limited	That Policy 20.2.2.6 be deleted in its entirety, or amended to add the following text to the end of the policy: "or in the case of Regionally Significant Infrastructure, if avoidance is not practicable because of the functional needs of infrastructure then remedy or mitigate." or insert a reference to the provisions of Chapter 30.	Accept in Part	3.2
3153	Aurora Energy Limited	That 'electricity supply' be added as a matter of discretion where buildings in the Settlement Zone require resource consent.	Reject	3.8
3153	Aurora Energy Limited	That a new rule be added to section 20.6 Non-notification of Applications: "For any application for resource consent where Rule 20.4.6(g) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991." And make a consequential amendment to Rule 20.6.2 to add an exception for the new rule, for example by adding the words "Except as provided for under Rule 20.6.x" at the beginning of Rule 20.6.2.	Reject	3.10
3153	Aurora Energy Limited	That a new matter of discretion be added to Rule 20.4.6: "Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road any adverse effects on that infrastructure."	Reject	3.8
3153	Aurora Energy Limited	That the following new standard for activities in the Settlement Zone be added to Table 20.5, with 'non-complying' status for breaching the standard: "Setback from Electricity Sub transmission Infrastructure or Significant Electricity Distribution Infrastructure Buildings shall be setback from Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps so as to avoid any adverse effects on that infrastructure For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice."	Reject	3.9
3153	Aurora Energy Limited	That the following advice note be added to section 20.3.3: "New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") Compliance with the New Zealand Electrical	Accept in Part	3.7

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. To assist plan users in complying with NZECP34(2001), the major distribution components of the Aurora network (the Electricity sub- transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps. For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice."		
3153	Aurora Energy Limited	That such further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission are made.	Consequential	Consequential
3153	Aurora Energy Limited	That, in the event that the amendments set out in the submission are not implemented, the PDP be withdrawn.	Reject	General
3155	Stephan Osborne	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3156	Tegan Scothorne	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3157	Therese Lagan	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3158	Tim Tayler	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3159	Victoria Keating	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3160	Wayne Lloyd	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	eject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3196	Lake Mckay Partnership Ltd	That an area of Lake McKay Station (being part of Lot 1 DP 534249), with an area of 14.4 ha, accessed off Atkins Road, Luggate, adjacent to the northern part of Luggate on the western side of the Wanaka-Luggate Highway, be rezoned from Rural Residential to Settlement Zone, including variations to Chapters 20 and 27.	Accept in Part	5.4
3196	Lake Mckay Partnership Ltd	That a restricted discretionary status be applied to building within the Building Restriction Area on the subject land, with matters of discretion related solely to the management of natural hazards. Or removal of the Building Restriction Area from the subject land in its entirety.	Reject	5.4
3196	Lake Mckay Partnership Ltd	That any necessary changes as a consequence of the changes sought in the submission be made.	Consequential	Consequential
3209	Lakehouse Holdings Limited	That Rule 7.4.7 be retained as notified, or any similar amendments with like effect, with any consequential changes.	Accept	4.2
3221	Streat Developments Limited	That 20.1 Purpose be amended to add reference to "Lake Hawea - Domain Acres" and cross-reference to the Structure Plan in Chapter 27.	Reject	5.6
3221	Streat Developments Limited	That 20.1 Purpose be amended to replace "low intensity" to "low density."	Accept	3.1
3221	Streat Developments Limited	That Objective 20.2.1 be amended to replace 'low intensity' with 'low density.'	Accept	3.2
3221	Streat Developments Limited	That Policy 20.2.1.1 be amended to replace 'low intensity' with 'low density'	Accept	3.2
3221	Streat Developments Limited	That Objective 20.2.2 be retained as notified.	Accept	3.3
3221	Streat Developments Limited	That Policy 20.2.2.1 be amended to replace 'low intensity' with 'low density'.	Accept	3.3
3221	Streat Developments Limited	That Policy 20.2.2.2 be amended to replace 'low intensity' with 'low density'.	Accept	3.3

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3221	Streat Developments Limited	That a new policy be added to section 20.2 for Lake Hawea - Domain Acres to support the structure plan environmental outcomes and provision of landscaping along Domain Road.	Reject	5.6
3221	Streat Developments Limited	That Rule 20.4.1 be retained as notified.	Accept	3.8
3221	Streat Developments Limited	That Rule 20.5.1.1 be retained as notified.	Accept	3.9
3221	Streat Developments Limited	That Rule 20.5.4 be retained as notified.	Accept	3.9
3221	Streat Developments Limited	That Rule 20.5.7.1 be amended to add new clause: "At Lake Hawea Domain Acres, where the minimum building setback shall be 5m from Domain Road."	Reject	5.6
3221	Streat Developments Limited	That Rule 20.5.12 be amended to add a new clause: "Lake Hawea -Domain Acres: 7m".	Reject	5.6
3221	Streat Developments Limited	That Rule 20.5.14 be retained as notified.	Accept	3.9
3221	Streat Developments Limited	That the variation to Rule 25.5.3 be amended to clarify that the maximum total volume for earthworks applies to a site, not the Settlement Zone.	Reject	3.9
3221	Streat Developments Limited	That a new objective be added to Chapter 27 Subdivision and Development for Lake Hawea - Domain Acres to support the structure plan environmental outcomes and provision of landscaping along Domain Road.	Reject	5.6
3221	Streat Developments Limited	That a new policy be added to Chapter 27 Subdivision and Development for Lake Hawea - Domain Acres to support the structure plan environmental outcomes and provision of landscaping along Domain Road.	Reject	5.6
3221	Streat Developments Limited	That Rule 27.6.1 be amended to add "Lake Hawea - Domain Acres" to list of settlements following Kingston.	Reject	5.6
3221	Streat Developments Limited	That the 800m² minimum lot area in Rule 27.6.1 be retained as notified.	Accept	4.4
3221	Streat Developments Limited	That the variation to 27.7.1 be retained as notified.	Accept	4.4
3221	Streat Developments Limited	That variation to Rule 27.7.11 be retained as notified.	Accept	4.4

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3221	Streat Developments Limited	That a structure plan be added to Chapter 27 Subdivision and Development for Lake Hawea - Domain Acres as shown in the attachment to the submission.	Reject	5.6
3221	Streat Developments Limited	That a residential density of 800m² be added in respect of Domain Acres block (Lot 1 DP 304937).	Reject	5.6
3221	Streat Developments Limited	That standards in the Settlement Zone for residential activities (Maximum building coverage, maximum building height, road boundaries, internal boundaries, recession planes), be applied to the Domain Acres site (Lot 1 DP 304937).	Reject	5.6
3221	Streat Developments Limited	That any consequential amendments be made to give effect to the submission.	Consequential	consequential
3221	Streat Developments Limited	That a requirement for a 5 metre wide landscaping strip along the Domain Road frontage of the Domain Acres site, to be planted with native species, be added to Chapter 20.	Reject	5.6
3222	Streat Developments Limited	That 20.1 Purpose be amended to add reference to "Lake Hawea - Domain Acres" and cross-reference to the Structure Plan in Chapter 27.	Reject	5.6
3222	Streat Developments Limited	That 20.1 Purpose be amended to replace 'low intensity' to 'low density.'	Accept	3.1
3222	Streat Developments Limited	That Objective 20.2.1 be amended to replace 'low intensity' with 'low density.'	Accept	3.2
3222	Streat Developments Limited	That Policy 20.2.1.1 be amended to replace 'low intensity' with 'low density'	Accept	3.2
3222	Streat Developments Limited	That Objective 20.2.2 be retained as notified.	Accept	3.3
3222	Streat Developments Limited	That Policy 20.2.2.1 be amended to replace 'low intensity' with 'low density'.	Accept	3.3
3222	Streat Developments Limited	That Policy 20.2.2.2 be amended to replace 'low intensity' with 'low density'.	Accept	3.3

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3222	Streat Developments Limited	That a new policy be added to section 20.2 for Lake Hawea - Domain Acres to support the structure plan environmental outcomes and provision of landscaping along Domain Road.	Reject	5.6
3222	Streat Developments Limited	That Rule 20.4.1 be retained as notified.	Accept	3.8
3222	Streat Developments Limited	That Rule 20.5.1.1 be retained as notified.	Accept	3.9
3222	Streat Developments Limited	That Rule 20.5.4 be retained as notified.	Accept	3.9
3222	Streat Developments Limited	That Rule 20.5.7.1 be amended to add new clause: "At Lake Hawea Domain Acres, where the minimum building setback shall be 5m from Domain Road."	Reject	5.6
3222	Streat Developments Limited	That Rule 20.5.12 be amended to add a new clause: "Lake Hawea -Domain Acres: 7m".	Reject	5.6
3222	Streat Developments Limited	That Rule 20.5.14 be retained as notified.	Accept	3.9
3222	Streat Developments Limited	That the variation to Rule 25.5.3 be amended to clarify that the maximum total volume for earthworks applies to a site, not the Settlement Zone.	Reject	3.9
3222	Streat Developments Limited	That a new objective be added to Chapter 27 Subdivision and Development for Lake Hawea - Domain Acres to support the structure plan environmental outcomes and provision of landscaping along Domain Road.	Reject	5.6
3222	Streat Developments Limited	That a new policy be added to Chapter 27 Subdivision and Development for Lake Hawea - Domain Acres to support the structure plan environmental outcomes and provision of landscaping along Domain Road.	Reject	5.6
3222	Streat Developments Limited	That Rule 27.6.1 be amended to add "Lake Hawea - Domain Acres" to list of settlements following Kingston.	Reject	5.6
3222	Streat Developments Limited	That the 800m² minimum lot area in Rule 27.6.1 be retained as notified.	Accept	4.4
3222	Streat Developments Limited	That the variation to 27.7.1 be retained as notified.	Accept	4.4
3222	Streat Developments Limited	That variation to Rule 27.7.11 be retained as notified.	Accept	4.4

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3222	Streat Developments Limited	That a structure plan be added to Chapter 27 Subdivision and Development for Lake Hawea - Domain Acres as shown in the attachment to the submission.	Reject	5.6
3222	Streat Developments Limited	That a residential density of 800m² be added in respect of Domain Acres block (Lot 1 DP 304937).	Reject	5.6
3222	Streat Developments Limited	That standards in the Settlement Zone for residential activities (Maximum building coverage, maximum building height, road boundaries, internal boundaries, recession planes), be applied to the Domain Acres site (Lot 1 DP 304937).	Reject	5.6
3222	Streat Developments Limited	That any consequential amendments be made to give effect to the submission.	Consequential	Consequential
3222	Streat Developments Limited	That a requirement for a 5 metre wide landscaping strip along the Domain Road frontage of the Domain Acres site, to be planted with native species, be added to Chapter 20.	Reject	5.6
3223	Christine and David Benjamin	That a new definition be added as follows: "Glenorchy Marina and Tourism related activities: In relation to the Glenorchy Marina/Tourism Sub-Zone, means the use of land and buildings for the support of Tourism Activities, including: (a) Activities related to the use of the Glenorchy marina; (b) Jet boat storage, maintenance, base buildings, fuel tanks and car parking; (c) Ancillary administrative offices; (d) Commercial recreation activities; (e) Visitor Accommodation; (f) Landscaping.	Reject	5.1
3223	Christine and David Benjamin	That the wording of 20.1 (Settlement Zone Purpose) be amended to replace 'low intensity' with 'low density.'	Accept	3.1
3223	Christine and David Benjamin	That reference to "Glenorchy Marina/Tourism Sub-Zone" be added to 20.1 Settlement Zone Purpose.	Reject	5.1
3223	Christine and David Benjamin	That Objective 20.2.1 be amended to replace 'low intensity' with 'low density.'	Accept	3.2
3223	Christine and David Benjamin	That reference to Glenorchy settlement and enabling visitor accommodation and marina/tourism related activities be added to Objective 20.2.1.	Reject	5.1

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3223	Christine and David Benjamin	That Policy 20.2.1.1 be amended to replace 'low intensity' with 'low density'.	Accept	3.2
3223	Christine and David Benjamin	That Objective 20.2.2 be amended to provide for enhancement and enabling a compatible mix of activities.	Reject	3.3
3223	Christine and David Benjamin	That Policy 20.2.2.1 be amended to replace 'low intensity' with 'low density.'	Accept	3.3
3223	Christine and David Benjamin	That Policy 20.2.2.2 be amended to replace 'low intensity' with 'low density.'	Accept	3.3
3223	Christine and David Benjamin	That Objective 20.2.3 be retained as notified.	Accept	3.4
3223	Christine and David Benjamin	That Policy 20.2.3.1 be retained as notified.	Accept	3.4
3223	Christine and David Benjamin	That Policy 20.2.3.7 be rejected.	Reject	3.4
3223	Christine and David Benjamin	That Policy 20.2.3.8 be retained as notified.	Accept	3.4
3223	Christine and David Benjamin	That Policy 20.2.3.9 be retained as notified.	Accept	3.4
3223	Christine and David Benjamin	That a new policy be added for the Glenorchy Marina/Tourism Sub- Zone.	Reject	5.1
3223	Christine and David Benjamin	That reference to Glenorchy Marina/Tourism Sub-Zone be added to 20.3.2.4.	Reject	5.1
3223	Christine and David Benjamin	That a new rule be added as follows: "Within the Glenorchy Marina/Tourism Sub-Zone identified on Planning Map 25: Glenorchy Marina and Tourism related activities. Activity Status: Controlled Activity. Control is reserved to: (a) the location and scale of activities (b) hours of operation (c) parking, access and traffic generation (d) servicing and waste management (e) landscaping."	Reject	5.1
3223	Christine and David Benjamin	That Rule 20.5.10 be amended be adding the following: "except within the Commercial Precincts, Visitor Accommodation Sub-Zones and Glenorchy Marina Sub-Zone".	Reject	5.1

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3223	Christine and David Benjamin	That Rule 20.5.12.2 be amended as follows: "Glenorchy: ... except within the Glenorchy Marina/Tourism Sub-Zone 7m.". Or alternatively, insert "and the Glenorchy Marina/Tourism Sub-Zone" to Rule 20.5.13.1 after "Commercial Precincts".	Reject	5.1
3223	Christine and David Benjamin	That Rule 20.5.18 be amended from a non-complying activity status to controlled, with control reserved to landscaping, and any other matters as set out in the supporting policy.	Reject	3.9
3223	Christine and David Benjamin	That Rule 20.5.19 be amended as follows: "Activity Status: Restricted Discretionary. Discretion is restricted to: (a) Setting of minimum flood levels (b) mitigation of the effects of flooding."	Reject	3.9
3223	Christine and David Benjamin	That "Flood Risk (Rule 20.5.19)" be added to 20.6.2 Non-Notification of Applications.	Reject	3.10
3223	Christine and David Benjamin	That variation to Rule 25.5.3 be amended to clarify that the maximum total volume applies to a site, not the Settlement Zone.	Reject	3.9
3223	Christine and David Benjamin	That the variation to Rule 27.6.1 be retained as notified.	Accept	4.4
3223	Christine and David Benjamin	That the variation Rule 7.7.11 be retained as notified.	Accept	4.2
3223	Christine and David Benjamin	That variation to 36.5.2 be amended to specify the assessment location for Glenorchy Marina and Tourism Sub-Zone as being "at the boundary of the Glenorchy Marina and Tourism Sub-Zone."	Reject	5.1
3223	Christine and David Benjamin	That a new rule be inserted following Rule 20.4.5, as follows: "Within the Glenorchy Marina/Tourism Sub-Zone identified on Planning Map 25: Buildings for Glenorchy Marina and Tourism related activities. Activity Status: Controlled. Control is reserved to: (a) the location, design and external appearance of buildings (b) hours of operation (c) parking, access and traffic generation (d) servicing and waste management (e) landscaping."	Reject	5.1
3223	Christine and David Benjamin	That any consequential amendments to give effect to the submission are made.	Consequential	Consequential
3229	NZ Transport Agency	That Policy 20.2.1.2 be retained as notified.	Accept	3.2

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3229	NZ Transport Agency	That Policy 20.2.3.2 be retained as notified.	Accept	3.4
3229	NZ Transport Agency	That Policy 20.2.3.3 be retained as notified.	Accept	3.4
3229	NZ Transport Agency	hat Policy 20.2.3.6 be retained as notified.	Accept	3.4
3229	NZ Transport Agency	That Policy 20.2.3.9 be retained as notified.	Accept	3.4
3229	NZ Transport Agency	That Policy 20.2.3.10 be retained as notified.	Accept	3.4
3229	NZ Transport Agency	That Rule 20.4.5 be retained as notified.	Accept	3.8
3229	NZ Transport Agency	That Rule 20.4.7 be retained as notified.	Accept	3.8
3229	NZ Transport Agency	That Rule 20.4.10 be retained as notified.	Accept	3.8
3229	NZ Transport Agency	That Rule 20.5.11 be retained as notified.	Accept	3.9
3229	NZ Transport Agency	That Rule 20.4.9 be retained as notified.	Accept	3.9
3233	Marovid Trust	That a Policy be included for Hawea to acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate in Hawea.	Reject	4.2
3250	Amy Barker	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3252	Craig Hoffman	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3261	Sally and Aaron Ford	That Rule 20.5.4 be retained as notified.	Accept	3.9
3261	Sally and Aaron Ford	That Rule 20.5.7.1 be amended to add new clause: "At Lake Hawea Domain Acres, where the minimum building setback shall be 5m from Domain Road."	Reject	5.6
3261	Sally and Aaron Ford	That Rule 20.5.12 be amended to add a new clause: "Lake Hawea - Domain Acres: 7m".	Reject	5.6
3261	Sally and Aaron Ford	That Rule 27.6.1 be amended to add "Lake Hawea - Domain Acres" to list of settlements following Kingston.	Reject	5.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3261	Sally and Aaron Ford	That a structure plan be added to Chapter 27 Subdivision and Development for Lake Hawea - Domain Acres as shown in the attachment to submission 3221.	Reject	5.6
3261	Sally and Aaron Ford	That a residential density of 800m² be added in respect of Domain Acres block (Lot 1 DP 304937).	Reject	5.6
3261	Sally and Aaron Ford	That any consequential amendments be made to give effect to the submission.	Consequential	Consequential
3261	Sally and Aaron Ford	That a requirement for a 5 metre wide landscaping strip along the Domain Road frontage of the Domain Acres site, to be planted with native species, be added to Chapter 20.	Reject	5.6
3261	Sally and Aaron Ford	That an additional objective and supporting policies to guide development at Lake Hawea settlement that is in accordance with the indicative structure plan attached to submission 3221 be added to Chapter 20.	Reject	5.6
3261	Sally and Aaron Ford	That the internal boundary standard of 2 metres minimum building setback be applied to the Domain Acres sites.	Reject	5.6
3287	Hawea Community Association Inc	That the lot size for the Lower Density Suburban Residential Zone in Hawea should not be permitted to go below 450m².	Reject	4.2
3287	Hawea Community Association Inc	That lot sizes of 300m² be applied through gentle density should be specifically excluded for Hawea.	Reject	4.2
3287	Hawea Community Association Inc	That a planned, forward thinking, proactive and thoughtful proposal be provided.	Reject	4.2

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3287	Hawea Community Association Inc	That the following text from the Operative District Plan Township Zone be retained and amended as follows: 9.1.3.1 Hawea: The Hawea township is situated on the southern shores of Lake Hawea. It has developed as a residential area for both permanent and holiday populations with some non-residential activities distributed throughout the town. A settlement is also established at Hawea Flat. A significant feature is an extensive lakeshore setting. Issues 1.1. Protection of visual amenity. 1.2. Maintenance and enhancement of access to the lake. 1.3. Retention of present residential amenity and character. 1.4. Capacity for sewage treatment disposal 1.5. Avoidance of excessive shading, loss of vistas and inappropriate planting of exotic tree species.	Reject	4.2
3287	Hawea Community Association Inc	That Policy 1.1 of the Operative District Plan Township Zone be retained relating to rules pertaining to well defined and consolidated township boundaries.	Reject	4.2
3287	Hawea Community Association Inc	That Rule 9.2.3.5 ii from the Operative District Plan Township Zone be retained and amended as follows: Prohibited activity in Hawea to plant the following species: Pinus Radiata Pinus Muricata All Eucalyptus varieties.	Reject	4.2
3287	Hawea Community Association Inc	That Rule 9.2.4 xi a of the Operative District Plan Township Zone be retained as follows: Boundary Planting (Hawea) No trees or hedgerows shall exceed 1.9m in height within 2m of the boundary, at any point of its length.	Reject	4.2
3287	Hawea Community Association Inc	That Rule 9.2.5.2 iv of the Operative District Plan Township Zone be retained as follows: Heavy vehicle storage No more than one heavy vehicle shall be stored or parked overnight on any site for any activity except within Commercial Prescients and Visitor Accommodation Sub Zones. The standard applies to residential and non-residential activities cumulatively.	Reject	4.2

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3287	Hawea Community Association Inc	That Rule 9.2.5.2 v of the Operative District Plan Township Zone be retained as follows: Boarding and keeping of Animals No animals, except for domestic pets, shall stay overnight on a site except for a maximum of four animals in the care of a veterinarian for medical purposes. There shall be no keeping of pigs and/or commercial livestock.	Reject	4.2
3287	Hawea Community Association Inc	That Rule 9.2.5.2 vi of the Operative District Plan Townships Zone be amended and retained as follows: a. Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within any other site in this zone: (i) daytime (0800 to 2000 hrs) 50 dB LAeq(15 min) (ii) night-time (2000 to 0800 hrs) 40 dB LAeq(15 min) (iii) night-time (2000 to 0800 hrs) 70 dB LAFmax b. Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone. c. The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.	Reject	4.2
3288	Fire and Emergency New Zealand	That Rule 20.4.4 be retained as notified.	Accept	3.8
3288	Fire and Emergency New Zealand	That Rule 20.4.5 be retained as notified.	Accept	3.8
3288	Fire and Emergency New Zealand	That Rule 20.4.6 be amended as follows: Within Commercial Precincts identified on the Planning Maps: Buildings Activity Status = amend from Restricted Discretionary to Controlled Activity Amend from 'discretion is restricted...' to 'control is reserved to...'	Reject	3.8
3288	Fire and Emergency New Zealand	That a new rule be added as follows: 20.4.X Emergency service facilities: Activity Status = Controlled Activity Control is reserved to: a. Vehicle maneuvering, parking and access, safety and efficiency; b. Location, design and external appearance of buildings; c. Locational, functional and operational requirements; d. Community safety and resilience; e. Landscaping.	Reject	3.8

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3288	Fire and Emergency New Zealand	That Rule 20.5.12 be amended as follows: 20.5.12.1 Kingston and Kinloch: 7m or 5.5m above 312.8 masl, whichever is highest.20.5.12.2 Glenorchy: 5.5m or 5.5m above 312.8 masl, whichever is highest (except for emergency services as 7m). 20.5.12.3 Makarora: 5.5m (except for emergency services as 7m). 20.5.12.4 Luggate: 7m Activity Status = Non-complying.	Reject	3.9
3288	Fire and Emergency New Zealand	That Rule 20.5.13 be retained as notified.	Accept	3.9
3296	Marovid Trust	That the following policy is adopted for the Hawea Settlement Zone: Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate in the Hawea Settlement zone.	Reject	4.2
3297	Kingston Lifestyle Properties Ltd	That 20.1, Settlement Zone purpose statement is amended to include the following after paragraph three: The Commercial Precinct at Kingston is centred on the Kingston Flyer Land. The unique amenity and historic vales of the Flyer, which is a significant historic heritage and tourist resource for Kingston and the region will be maintained and enhanced through the comprehensive development of the precinct for a mix of small-scale retail, commercial, commercial recreation, community, visitor accommodation and more intensive residential (such as terraced housing or apartments) activities. This will sustain the viability of the Kingston Flyer operation into the future.	Reject	3.1
3297	Kingston Lifestyle Properties Ltd	That 20.2.3 be amended to read as follows: Commercial, community and visitor accommodation activities are predominantly provided for within precincts and sub-zones (with more intensive residential activities also provided for in the Commercial Precinct at Kingston), are limited in scale (with the exception of the Commercial Precinct at Kingston), provide for local and visitor convenience, and support the local economy.	Reject	3.4, 3.5

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3297	Kingston Lifestyle Properties Ltd	That 20.2.3.1 be amended to the following: Identify Commercial Precincts on the Planning Maps within which commercial, visitor accommodation and community activities, and more intensive residential activities in the Commercial Precinct at Kingston, are provided for in order to meet the day-to-day needs of residents and visitors and support the local economy.	Reject	3.4, 3.5
3297	Kingston Lifestyle Properties Ltd	That Table 20.4 be amended to: 20.4.7 (b) - Within the Commercial Precinct at Kingston identified on the Planning Maps: Visitor accommodation activities and residential activities - RD Discretion is restricted to: a. the location, nature, density and scale of activities; b. parking, access and traffic generation; c. landscaping; d. signage platforms; e. noise; f. servicing; g. hours of operation, including in respect of ancillary activities; h. design, scale and appearance of buildings; i. location and screening of recycling and waste; and j. natural hazards	Reject	3.8
3297	Kingston Lifestyle Properties Ltd	That the following be inserted into Table 20.4: 20.4.5 – Use and operation of the Kingston Flyer steam locomotives, shunting engines and rolling stock on the existing railway lines and other railway infrastructure within the Settlement Zone at Kingston – P. For the avoidance of doubt, this activity is not required to comply with any of the Settlement Zone standards or other District Wide rules or standards.	Reject	3.8
3297	Kingston Lifestyle Properties Ltd	That Standard 20.5.1 be amended to include the following: Except that this standard shall not apply to residential activities within the Commercial Precinct at Kingston. There shall be no minimum site sizes in the Commercial Precinct at Kingston. Subdivision will be provided around existing buildings or development and / or in accordance with an approved land use consent.	Reject	3.9
3297	Kingston Lifestyle Properties Ltd	That Table 27.7 be amended to include the following: 27.7.10 – Kingston, Subdivision around existing buildings and development and / or subdivision in accordance with an approved land use consent within the Commercial Precinct at Kingston that complies with Standard 27.7.10.1 and / or Standard 27.10.2 – C.	Reject	4.4

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3297	Kingston Lifestyle Properties Ltd	That Rule 20.5.8 be amended as follows; The length of any building façade above the ground floor level shall not exceed 16m, except that within the Commercial Precinct at Kingston, the length of any building façade above the ground floor level shall not exceed 20m, without a recession or a set back being provided within building façade.	Reject	3.9
3297	Kingston Lifestyle Properties Ltd	That Rule 20.5.10 be amended as follows: Except that this standard shall not apply to steam locomotives, shunting engines and rolling stock stored or parked overnight on any site within then Commercial Precinct at Kingston.	Reject	3.9
3297	Kingston Lifestyle Properties Ltd	That Rule 20.5.13 be amended to include the following: 20.5.13.2 Within the Commercial Precinct at Kingston as identified on the Planning Maps, buildings may extend up to 5m above the height specified in Rule 20.5.12.	Reject	3.9
3297	Kingston Lifestyle Properties Ltd	That Rule 20.6.1.b be amended as follows : b. Visitor accommodation located within a Visitor Accommodation Sub-Zone or Commercial Precinct (Rule 20.4.7) and residential units located within the Commercial Precinct at Kingston (Rule 20.4.7 (b)).	Reject	3.10
3297	Kingston Lifestyle Properties Ltd	That Objective 20.2 be amended to include the following: 20.2.12 Objective – Comprehensive master planned mixed use development is provided for within the Commercial Precinct at Kingston to create a visitor accommodation and commercial recreation hub at Kingston that is centred on the existing resources provided by the historic Kingston Flyer railway structures, buildings and infrastructure, the Kingston wharf and the Lake Wakatipu foreshore reserve.	Reject	3.5
3297	Kingston Lifestyle Properties Ltd	That a new Policy 20.2.12.1 be included as follows: Provide for a mix of small-scale retail, commercial, commercial recreation, community, visitor accommodation and intensive residential (such as terraced housing or apartments) activities within the Commercial Precinct at Kingston at a scale and intensity that is commiserate with the surrounding landscape.	Reject	3.5

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3297	Kingston Lifestyle Properties Ltd	That a new Policy 20.2.12.2 be included as follows: Ensure the height, bulk and location standards for mixed use development within the Commercial Precinct at Kingston provides for a greater intensity of development through the provision of three level buildings at appropriate locations.	Reject	3.5
3297	Kingston Lifestyle Properties Ltd	That a new Policy 20.2.12.3 be included as follows: Limit the use of the upper levels of existing and new buildings within the Commercial Precinct at Kingston to office, visitor accommodation and residential activities.	Reject	3.5
3297	Kingston Lifestyle Properties Ltd	That a new Policy 20.2.12.4 be included as follows: Provide for the ongoing operation of the historic Kingston Flyer railway including the steam locomotives, shunting engines and rolling stock within the existing railway corridor without any constraint.	Reject	3.5
3297	Kingston Lifestyle Properties Ltd	That a new Policy 20.2.12.5 be included as follows: Ensure that the development of the Kingston Flyer railway land, structures and buildings is managed through the provisions for the Commercial Precinct at Kingston.	Reject	3.5
3297	Kingston Lifestyle Properties Ltd	That a new Policy 20.2.12.6 be included as follows: Ensure that provision is made for subdivision around existing buildings or in accordance with approved land use consents within the Commercial Precinct at Kingston.	Reject	3.5
3297	Kingston Lifestyle Properties Ltd	That Rule 27.7 be amended to include the following: 27.7.10.1 Prior to subdivision around existing buildings and development occurring, all development must meet one of the following matters: (a) have existing use rights; or (b) comply with the relevant Zone and District Wide rules; or (c) be in accordance with an approved land use resource consent.	Reject	4.4
3297	Kingston Lifestyle Properties Ltd	That Rule 27.7.10 be amended to include the following: 27.7.10.2 Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.	Reject	4.4
3297	Kingston Lifestyle Properties Ltd	That Rule 20.5.7 is amended to include: (b) Within the Commercial Precinct at Kingston buildings can be built up to the road boundary.	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3297	Kingston Lifestyle Properties Ltd	That Rule 20.5.13 be amended to include the following: 20.5.13.3 Within the Commercial Precinct at Kingston as identified on the Planning Maps, activities at the upper levels of buildings shall be restricted to offices, visitor accommodation and residential activities.	Reject	3.9
3307	Pounamu Holdings 2014 Limited	That Rule 20.4.8 is retained as notified.	Accept	3.8
3307	Pounamu Holdings 2014 Limited	That Rule 20.5.4 be retained as notified.	Accept	3.9
3307	Pounamu Holdings 2014 Limited	That Rule 20.5.7 be retained as notified.	Accept	3.9
3307	Pounamu Holdings 2014 Limited	That Rule 20.5.14 be retained as notified.	Accept	3.9
3307	Pounamu Holdings 2014 Limited	That Objective 20.2.3 is retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.1 be retained as notified,	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.3 be retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.4 be retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.5 be retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.8 be retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Objective 20.2.3 be retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.7 be retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.9 be retained as notified.	Accept	3.4
3307	Pounamu Holdings 2014 Limited	That Rule 20.4.5 be retained as notified.	Accept	3.8
3307	Pounamu Holdings 2014 Limited	That Rule 20.4.6 be retained as notified.	Accept	3.8
3307	Pounamu Holdings 2014	That Rule 20.4.7 be retained as notified.	Accept	3.8

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
	Limited			
3307	Pounamu Holdings 2014 Limited	That Rule 20.4.9 be retained as notified.	Accept	3.8
3307	Pounamu Holdings 2014 Limited	That Rule 20.4.10 be retained as notified.	Accept	3.8
3307	Pounamu Holdings 2014 Limited	That rule 20.5.5 be retained as notified.	Accept	3.9
3307	Pounamu Holdings 2014 Limited	That rule 20.5.12 be retained as notified.	Accept	3.9
3307	Pounamu Holdings 2014 Limited	That rule 20.5.13 be retained as notified.	Accept	3.9
3307	Pounamu Holdings 2014 Limited	That Rule 20 .6.2 be retained as notified.	Accept	3.10
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.2 be rejected.	Reject	3.4
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.6 be rejected.	Reject	3.4
3307	Pounamu Holdings 2014 Limited	That if the remainder of Mrs Woolly's land is not included in the Visitor Accommodation Sub-Zone Policy 20.2.3.7 be rejected.	Reject	3.4
3307	Pounamu Holdings 2014 Limited	That if the Mrs Woolly's site is not included in a Commercial Precinct, Rule 20.4.9 be rejected	Reject	3.8
3307	Pounamu Holdings 2014 Limited	That if the portion of Mrs Woolly's site which contains a Visitor Accommodation Sub-Zone as notified does not incorporate a Commercial Precinct and the Visitor Accommodation Sub-Zone is not extended over the extent of Mrs Woolly's site, Rule 20.4.14 be rejected.	Reject	3.8
3307	Pounamu Holdings 2014 Limited	That if the extent of Mrs Woolly's site is not included in the expanded Visitor Accommodation Sub-Zone, Rule 20.4.15 be rejected.	Reject	3.8
3307	Pounamu Holdings 2014 Limited	That if the portion of Mrs Woolly's site notified within the Visitor Accommodation Sub-Zone is not included in a Commercial Precinct, Rule 20.4.16 be rejected.	Reject	3.8
3307	Pounamu Holdings 2014 Limited	That Rule 20.5.3 be rejected.	Accept in Part	3.9
3307	Pounamu Holdings 2014	That Rule 20.5.18 be rejected.	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
	Limited			
3307	Pounamu Holdings 2014 Limited	That Policy 20.2.3.2 be rejected.	Reject	3.4
3307	Pounamu Holdings 2014 Limited	That Rule 20.5.3 be rejected.	Accept in Part	3.9
3307	Pounamu Holdings 2014 Limited	That Rule 20.5.18 be rejected.	Reject	3.9
3307	Pounamu Holdings 2014 Limited	That any further, consequential or alternative amendments necessary are made to give effect to this submission.	Reject	Consequential
3308	Dart River Safaris Limited	That Objective 20.2.3 be retained as notified.	Accept	3.4
3308	Dart River Safaris Limited	That Policy 20.2.3.1 be retained as notified.	Accept	3.4
3308	Dart River Safaris Limited	That Policy 20.2.3.3 be retained as notified.	Accept	3.4
3308	Dart River Safaris Limited	That Policy 20.2.3.4 be retained as notified.	Accept	3.4
3308	Dart River Safaris Limited	That Policy 20.2.3.5 be retained as notified.	Accept	3.4
3308	Dart River Safaris Limited	That Policy 20.2.3.8 be retained as notified.	Accept	3.4
3308	Dart River Safaris Limited	That Rule 20.4.5 be retained as notified.	Accept	3.8
3308	Dart River Safaris Limited	That Rule 20.4.6 be retained as notified.	Accept	3.8
3308	Dart River Safaris Limited	That Rule 20.5.5 be retained as notified.	Accept	3.9
3308	Dart River Safaris Limited	That Rule 20.5.7 be retained as notified.	Accept	3.9
3308	Dart River Safaris Limited	That Rule 20.5.13 be retained as notified.	Accept	3.9
3308	Dart River Safaris Limited	That Rule 20.6.2 be retained as notified.	Accept	3.10
3308	Dart River Safaris Limited	That Policy 20.2.3.2 be rejected.	Reject	3.4

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3308	Dart River Safaris Limited	That Rule 20.5.3 be rejected.	Accept in Part	3.9
3308	Dart River Safaris Limited	That Rule 20.5.10 be rejected.	Reject	3.9
3308	Dart River Safaris Limited	That Policy 20.2.3.2 be rejected.	Reject	3.4
3308	Dart River Safaris Limited	That Rule 20.5.3 be rejected.	Accept in Part	3.9
3308	Dart River Safaris Limited	That Rule 20.5.10 be amended to recognise the long-term heavy vehicle use of the site in relation to the commercial tourism activities undertaken.	Accept	3.9
3308	Dart River Safaris Limited	That any further, consequential or alternative amendments necessary are made to give effect to this submission.	Consequential	Consequential
3310	Glenorchy Trustee Limited	That activity status for Rule 20.4.7 be retained as notified.	Accept	3.8
3310	Glenorchy Trustee Limited	That Rule 20.5.7 be retained as notified.	Accept	3.9
3310	Glenorchy Trustee Limited	That Rule 20.5.18 be rejected.	Reject	3.9
3310	Glenorchy Trustee Limited	That Rule 20.5.7 be retained as notified.	Accept	3.9
3310	Glenorchy Trustee Limited	That Chapter 20 Settlements Zone is retained.	Accept in Part	General
3310	Glenorchy Trustee Limited	That any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission.	Consequential	Consequential
3315	D.M. & M.E. Bryce Limited	That Rule 20.5.15 is amended as follows: The minimum setback of any buildings from the bed of a river, lake or wetland shall be 4.5m.	Reject	3.9
3328	Quartz Commercial Group Limited	That Rule 7.4.6A be amended to provide for visitor accommodation within the Visitor Accommodation Subzone as a controlled activity with matters of control in respect of the following; a. external appearance of buildings, b. setback from internal boundaries, c. setback from roads, d. access, e. landscaping, f. screening of outdoor storage, and g. parking areas;	Reject	5.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		with any consequential changes.		
3328	Quartz Commercial Group Limited	That Rule 7.4.6 be deleted or amended such that the trigger for non-complying activity status is based on the coverage of a site rather than the gross floor area, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.5.5 be amended to provide a maximum site coverage of 70%, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.5.1 be amended to provide a maximum height of 12 metres, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.5.2 be amended to provide a maximum building height of 12 metres, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That a Rule be included to provide for informal airports within a Visitor Accommodation Subzone as a controlled activity with control over flight paths, number of flights and hours of operation; with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.5.6 be deleted, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.5.7 be amended so that the exemption applies to all boundaries other than residential boundaries, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.5.9 be amended so that it does not apply to the Visitor Accommodation Subzone, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.5.10 be deleted, with any consequential changes.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 29.8 be amended so that the minimum car parking requirements for visitor accommodation within the Visitor Accommodation Subzone is provided for within Rule 29.8.10 for unit type visitor accommodation and Rule 29.8.15 for guest room	Reject	5.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		type visitor accommodation, with any consequential changes.		
3328	Quartz Commercial Group Limited	That the definition of visitor accommodation be retained.	Accept	5.6
3328	Quartz Commercial Group Limited	That Rules 7.4.7 and 7.4.12 relating to the activity status of commercial activity be rejected.	Reject	5.6
3328	Quartz Commercial Group Limited	That Rule 7.4.12 relating to the activity status of licensed premises be rejected.	Reject	5.6
3339	Blackthorn Limited	That Standard 20.4.6 for buildings be amended to have a controlled activity status.	Reject	3.8
3339	Blackthorn Limited	That Standard 20.4.7 for visitor accommodation, including buildings, be amended to have a controlled activity status.	Reject	3.8
3339	Blackthorn Limited	That Standard 20.5.7 be amended to exclude a building setback from Mull Street and Islay Street on sites within a Visitor Accommodation Sub-Zone or Commercial Precinct.	Reject	3.9
3339	Blackthorn Limited	That Standard 20.5.8 be amended to exclude the Visitor Accommodation Sub-Zone and Commercial Precincts from the standard.	Reject	3.9
3339	Blackthorn Limited	That Standard 20.5.9 be amended through the deletion of the minimum 25 degree roof pitch.	Reject	3.9
3339	Blackthorn Limited	That Standard 20.5.19 be amended to exclude parts of buildings which are inhabitable and void (including but not limited to foundation and unused basement areas).	Reject	3.9
3339	Blackthorn Limited	That Standard 20.5.19 be amended such that non-compliance is a restricted discretionary activity.	Reject	3.9
3339	Blackthorn Limited	That Standard 20.5.12.2 be amended so that non-compliance is restricted discretionary.	Reject	3.9
3339	Blackthorn Limited	That Standard 20.5.12.2 be amended to clarify that height is calculated from the ground floor level required pursuant to	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		Standard 20.5.19 upwards.		
3339	Blackthorn Limited	That Standard 20.5.13 be amended to apply to buildings located within Commercial Precincts and Visitor Accommodation Sub-Zones.	Reject	3.9
3339	Blackthorn Limited	That Standard 20.5.13 be amended so that the non-compliance status is restricted discretionary.	Reject	3.9
3339	Blackthorn Limited	That Standard 20.6.2 be amended to apply to restricted discretionary and discretionary activities.	Reject	3.10
3339	Blackthorn Limited	That any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission be provided.	Consequential	Consequential
3342	Otago Regional Council	That Objective 20.2.2 be retained as notified.	Accept	3.3
3342	Otago Regional Council	That Policy 20.2.2.1 be retained as notified.	Accept in Part	3.3
3342	Otago Regional Council	That Policy 20.2.2.2 be retained as notified.	Accept in Part	3.3
3342	Otago Regional Council	That Policy 20.2.2.3 be retained as notified.	Accept	3.3
3342	Otago Regional Council	That Policy 20.2.2.4 be retained as notified.	Accept	3.3
3342	Otago Regional Council	That Policy 20.2.2.5 be retained as notified.	Accept	3.3
3342	Otago Regional Council	That Policy 20.2.2.6 be retained as notified.	Accept	3.3
3342	Otago Regional Council	That Objective 20.2.1 be retained as notified.	Accept in Part	3.2
3342	Otago Regional Council	That Policy 20.2.1.1 be retained as notified.	Accept in Part	3.2

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3342	Otago Regional Council	That Policy 20.2.1.2 be retained as notified.	Accept	3.2
3342	Otago Regional Council	That Policy 20.2.1.3 be retained as notified.	Accept	3.2
3342	Otago Regional Council	That the provisions relating to flooding, including rule 20.5.19, be retained as notified.	Accept	General
3342	Otago Regional Council	That additional natural hazard layers be considered within the Settlement Zone.	Reject	3.2
3342	Otago Regional Council	That additional building controls relating to natural hazards be considered in the Settlement Zone.	Reject	3.2
3342	Otago Regional Council	That Objective 20.2.3 be retained as notified.	Accept	3.4
3343	WAYFARE GROUP LIMITED	That a new policy is inserted, being to "Provide for increased residential density and built development that supports the use of long-term rental and worker accommodation".	Reject	3.2
3343	WAYFARE GROUP LIMITED	That all development standards are amended, so that the construction and use of land and buildings for the purposes of long- term rental and worker accommodation activities cannot be non- complying activities, even if they infringe zone standards.	Reject	3.9
3380	Dave Neilson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3387	Debra Murray	That the notified rezoning of the already developed parts of Hawea to Lower Density Suburban Zone, with a density of 450m² and flexibility of 300m² per residential unit, be retained as notified.	Accept	4.2
3389	Colin & Norma Anderson	That the minimum setback from waterbodies in Rule 20.5.15 be reduced from 7m to 1m.	Reject	3.9
3391	Blackthorn Limited	That the parking rules and standards in Chapter 29 (Transport) be amended as they relate to the Settlement Zone to roll over the Operative District Plan provisions, except as follow: No more than one coach park be required per site (regardless of the nature and scale of the activity). Visitor accommodation or commercial	Reject	4.5

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		activities within the Commercial Precinct or Visitor Accommodation Sub-Zone should not be required to provide parking onsite, specifically any parking requirements should permit offsite parking including along the entire site frontage (including within the legal road).		
3391	Blackthorn Limited	That any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission be provided.	Consequential	Consequential
31002	Spark, Chorus and Vodafone	That a new clause be added to Rule 30.5.6.6 that provides for 15m high poles in the Cardrona Settlement Zone where there is a single operator and 18m high poles where multiple operators are located on the same pole.	Accept in Part	3.9
31003	Ross Sanderson	That the Cardrona Village Character Guidelines limit buildings to two storeys in height.	Reject	4.6
31003	Ross Sanderson	That Rule 20.5.12.5 of Chapter 20 (Settlement Zone) be amended to remove or change the three storey height limit in the village of Cardrona.	Reject	3.9
31007	Active Transport Wanaka	That safe and protected cycle way infrastructure be mandated for Cardrona village.	Reject	3.6
31009	Southern District Health Board	That Plan Change 3b make the reticulation of drinking water and wastewater in the Cardrona settlement a priority.	Reject	3.6
31011	Heritage New Zealand Pouhere Taonga	That the proposed variation to Chapter 20 (Settlement Zone) to provide for the Cardrona Village Character Guideline 2012 as a matter to consider in the consideration of certain types of development be retained as notified.	Accept in Part	3.3
31011	Heritage New Zealand Pouhere Taonga	That the amendments to the Cardrona Character Guidelines 2012 be retained as notified.	Accept	4.6
31011	Heritage New Zealand Pouhere Taonga	That proposed Rule 20.5.5.1 be retained as notified.	Accept	3.9
31011	Heritage New Zealand Pouhere Taonga	That proposed Rule 20.5.5.2 be retained as notified.	Accept	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31011	Heritage New Zealand Pouhere Taonga	That Rule 20.5.7.1 (b) be retained as notified.	Accept	3.9
31011	Heritage New Zealand Pouhere Taonga	That Rule 20.5.9 be retained as notified.	Accept	3.9
31011	Heritage New Zealand Pouhere Taonga	That Rule 20.5.12.5 be retained as notified.	Accept	3.9
31018	Cardrona Alpine Resort Limited	That a new policy is inserted into section 20.2 of the District plan that provides for new residential accommodation including increased residential density if it is for the purposes of long-term rental or worker accommodation. Suggested wording is: "Provide for increased residential density and built development that supports the provision of long-term rental and worker accommodation".	Reject	3.2
31018	Cardrona Alpine Resort Limited	That all development standards are amended as required so that the construction and use of land and buildings for the purposes of long-term rental or worker accommodation activities are not required to conform to any minimum residential density standards.	Reject	3.9
31018	Cardrona Alpine Resort Limited	That all development standards are amended as required so that the construction and use of land and buildings for the purposes of long-term rental or worker accommodation activities cannot be classified as non-complying activities.	Reject	3.9
31018	Cardrona Alpine Resort Limited	That all development standards are amended as required so that the construction and use of land and buildings for the purposes of long-term rental or worker accommodation activities are not required to provide onsite parking.	Reject	3.9
31018	Cardrona Alpine Resort Limited	That all development standards be amended as required so that the construction and use of land and buildings for the purposes of long-term rental or worker accommodation activities are not required to 'achieve' consistency with the Design Guidelines but rather 'promote' consistency with the Design Guidelines. This could potentially be achieved by amending Policy 20.2.2.4 to replace the word 'achieving' with 'promoting'.	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31018	Cardrona Alpine Resort Limited	That any duplication between the matters contained within the Design Guidelines and provisions already in the text of the Proposed District Plan, for example within matters of restricted control/discretion, and standards be removed.	Reject	4.6
31018	Cardrona Alpine Resort Limited	That clarity be provided that the Design Guidelines do not apply to any permitted activities.	Reject	3.3
31018	Cardrona Alpine Resort Limited	That except for the changes requested in the submission, the provisions relating to the Cardrona Village be retained as notified, or amended in a manner which aligns with the submission.	Reject	General
31018	Cardrona Alpine Resort Limited	That any such further, more refined, additional, other or alternative amendments be made that might give effect to the submission.	Consequential	Consequential
31018	Cardrona Alpine Resort Limited	That the intent of the variation of Chapter 20 (Cardrona Settlement Zone) to promote and enable additional housing opportunities in the Cardrona Settlement Zone, particularly for worker accommodation, be retained as notified.	Accept	General
31019	Cardrona Village Ltd	That text be added to the fourth paragraph in section 20.1 as follows: ... and Cardrona Valley Road "and the hotels at the intersection of Soho Street and Rivergold Way and provides for a mix of retail, commercial, commercial recreation, community and visitor accommodation activities". Throughout ... accommodation activities "and low to medium intensity residential (such as duplex and terrace housing and small-scale apartments) activities."	Reject	3.1

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31019	Cardrona Village Ltd	That the last two sentences of the fourth paragraph in section 20.1 of the District Plan be deleted, or amended by adding the following in the second-to-last sentence: The Cardrona Village Character Guideline 2012 "provides broad design guidance" for all development ... and adding the following to the end of the paragraph: "The Guideline is, however, now dated and in need of review. A review of the Guideline will provide the design basis for Cardrona into the future consistent with the new Settlement Zone provisions. The Guideline will therefore be reviewed, and the new Guideline incorporated into the Cardrona Settlement Zone through a plan change. Until the review is completed the Guideline should be taken into account but does not need to be given effect to."	Accept in Part	3.1
31019	Cardrona Village Ltd	That Policy 20.2.2.4 be amended by deleting the following words from the policy: "and achieving consistency with the Cardrona Village Character Guideline 2012".	Accept in Part	3.3
31019	Cardrona Village Ltd	That the following new objective be inserted into section 20.2 of the District Plan, or words to like effect: "Comprehensive master planned mixed use development is enabled within the Settlement Zone at Cardrona to provide for local and visitor convenience and to support the local economy and tourist attractions, in a way that will maintain the character and amenity of the existing village, and protect the Outstanding Natural Landscape within the wider Cardrona valley from inappropriate development."	Reject	3.6
31019	Cardrona Village Ltd	That the following policy be added to section 20.2 of the District Plan, or words to like effect: "Provide for a mix of retail, commercial recreation, community, visitor accommodation and above ground floor level residential activities within the Commercial Precinct of the Cardrona Settlement Zone at a scale and intensity that is commiserate with the character and heritage values within the settlement and the natural and visual values within the surrounding rural landscape."	Reject	3.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31019	Cardrona Village Ltd	That the following new policy be added to section 20.2 of the District Plan, or words to like effect: "Provide for a mix of visitor accommodation and low to medium density residential (such as duplex and terrace housing and small-scale apartments) activities within the Visitor Accommodation Sub-zone of the Cardrona Settlement Zone at a scale and intensity that is commiserate with the character and heritage values within the settlement and the natural and visual values within the surrounding rural landscape."	Reject	3.6
31019	Cardrona Village Ltd	That the variation to add the matter of discretion "At Cardrona, consistency with the Cardrona Village Character Guidelines 2012, to the extent allowed by matters of discretion 20.4.7 (a) to (j)" be rejected.	Accept in Part	3.8
31019	Cardrona Village Ltd	That a new permitted activity rule be inserted into Table 20.4 as follows, or words to like effect: "Within Commercial Precinct at Cardrona Settlement Zone identified on the Planning Maps: Commercial activities, commercial recreation activities, community activities, visitor accommodation activities and above ground floor level residential activities."	Reject	3.8
31019	Cardrona Village Ltd	That the following permitted activity rule be inserted into Table 20.4: "Within the Visitor Accommodation Sub-zone at Cardrona Settlement Zone identified on the Planning Maps: Visitor accommodation activities and residential activities - P".	Reject	3.8
31019	Cardrona Village Ltd	That a restricted discretionary activity rule be added to Table 20.4 for buildings (including ancillary activities) within the Commercial Precinct and/or Visitor Accommodation Sub-zone at Cardrona identified on the Planning Maps, with matters of discretion restricted to (or words to like effect): "a. the location, nature and scale of activities within buildings; b. design, scale and appearance of buildings; c. parking, access and traffic generation; d. landscaping; e. signage platforms; f. noise; g. servicing; h. hours of operation, including in respect of ancillary activities; i. design, scale and appearance of buildings; j. location and screening of recycling and waste; and k. natural hazards."	Reject	3.8

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31019	Cardrona Village Ltd	That the following exclusion be added to Standard 20.5.1 in Table 20.5 of the District Plan (or words to like effect): "Except that this standard shall not apply to residential activities within the Cardrona Settlement Zone where multiple unit residential development is provided for on sites. There shall be no minimum site sizes in the Commercial Precinct or the Visitor Accommodation Sub-zone at Cardrona. Subdivision will be provided around existing buildings or development and/or in accordance with an approved land use consent."	Reject	3.9
31019	Cardrona Village Ltd	That the following new controlled activity rule be inserted into Table 27.7, or words to like effect: "Cardrona Settlement Zone: Subdivision around existing buildings and development and/or subdivision in accordance with an approved land use consent within the Cardrona Settlement Zone that complies with standard x and/or standard y. x. Prior to subdivision around existing buildings and development occurring, all development must meet one of the following matters: a. have existing use rights; or b. comply with the relevant Zone and District Wide rules; or c. be in accordance with an approved land use resource consent. y. Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans."	Reject	4.4
31019	Cardrona Village Ltd	That the proposed variation to add "Cardrona" to Rule 27.6.1 be rejected.	Reject	4.4
31019	Cardrona Village Ltd	That the proposed Variation to add Rule 20.5.5.2 be rejected.	Reject	3.9
31019	Cardrona Village Ltd	That the exception to the minimum road boundary setback for Cardrona in Rule 20.5.7.1(b) be amended so that it reads as follows: "At Cardrona, where buildings can be built up to the road boundary."	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31019	Cardrona Village Ltd	That standard 20.5.8 be amended so that part (b) related to Cardrona is deleted and replaced with the following, or words to like effect: The length of any building façade above the ground floor level shall not exceed 16m, "except that within the Commercial Precinct at Cardrona, the length of any building façade above the ground flood level shall not exceed 20m, without appropriate modulation and/or recession being provided within building façade."	Reject	3.9
31019	Cardrona Village Ltd	That Rule 20.5.9 be amended so that (i) only applies at Glenorchy and a new standard (ii) is inserted to apply to Cardrona, worded as follows (or words to like effect): "All buildings within the Visitor Accommodation Sub-zone at Cardrona shall be designed with a gable roof form. The minimum pitch from the horizontal shall generally be 25 degrees but other roof pitches may be considered acceptable and will be assessed through the Restricted Discretionary resource consent process required for buildings."	Reject	3.9
31019	Cardrona Village Ltd	That notified Rule 20.5.12 be retained as notified.	Accept	3.9
31019	Cardrona Village Ltd	That Rule 20.5.14 be amended by adding an exception as follows, or words to like effect: "Recession planes do not apply on sites located within the Commercial Precinct at Cardrona."	Reject	3.9
31019	Cardrona Village Ltd	That Rule 20.6.2 be amended as follows: ... a. Buildings located within a Commercial Precinct (Rule 20.4.6) "and the Visitor Sub-zone at Cardrona" b. Visitor accommodation "and residential dwellings" located within a Visitor Accommodation Sub-zone or Commercial Precinct (Rule 20.4.7) ...	Reject	3.10
31019	Cardrona Village Ltd	That any other similar or alternative decision as is necessary to provide for the general outcome that is being sought by the changes requested in the submission, including retention of the operative Rural Visitor Zone.	Consequential	Consequential

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31023	Fire and Emergency New Zealand	That the variation to Rule 20.4.6 be amended as follows: Within Commercial Precincts identified on the Planning Maps: Buildings Activity Status = Controlled Activity Control is reserved to: a. design, scale and appearance of buildings; b. signage platforms; c. lighting; d. landscaping; e. servicing; g. natural hazards; f. At Cardrona, consistency with the Cardrona Village Character Guidelines 2012, to the extent allowed by matters of discretion 20.4.6(a) to (e).	Reject	3.8
31023	Fire and Emergency New Zealand	That any further or consequential relief that may be necessary to address the matters raised in this submission be provided	Consequential	Consequential
31027	airey consultants ltd	That commercial, retail or service activities in addition to those provided for by Rules 46.4.2 and 46.4.3 are allowed for either as a Restricted Discretionary or Discretionary activity for the whole zone or in the alternative, for the commercial precinct.	Reject	5.2
31027	airey consultants ltd	That commercial activities should be allowed along Soho Street to its intersection with Rivergold Way if not throughout Cardrona.	Accept in Part	5.2
31027	airey consultants ltd	That the Cardrona Village Character Guidelines 2012 be retained as notified.	Accept	4.6
31027	airey consultants ltd	That the 12 metre building height limit be retained as notified.	Accept	3.9
31027	airey consultants ltd	That the building coverage in the visitor accommodation precincts should be 80%.	Reject	3.9
31027	airey consultants ltd	That the 3 metre road setback is supported or a 1 metre setback for standalone houses on individual/communal titles; but the rules allow terraced houses/apartments that have no internal setbacks if created on a lot but complies with the 1 metres setback on the external side and rear boundaries.	Reject	3.9

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31027	airey consultants ltd	That the requirement for buildings to have a gable roof form in Cardrona be rejected.	Reject	3.9
31027	airey consultants ltd	That the Rural Visitor Zone in Cardrona have no minimum lot area.	Reject	3.9
31027	airey consultants ltd	That intent of the Cardrona Settlement Zone to allow for commercial activities including retail be retained as notified.	Accept	3.8
31027	airey consultants ltd	That an 80% lot coverage apply in Cardrona.	Reject	3.9
31027	airey consultants ltd	That in Cardrona the zone allow for 3 metre front yards and 1 metre side yards on lot boundaries with no restrictions between apartments/terraced housing developments within a lot.	Reject	3.9
31027	airey consultants ltd	That some commercial activities be allowed in the middle of the Cardrona village.	Accept in Part	5.2
31047	Jenny Roberts	That the Cardrona Character Guidelines are rejected until it resolves the lack of open recreational space.	Reject	4.6
31047	Jenny Roberts	That the Cardrona Character Guidelines are rejected until additional car-parking that is not privately owned is addressed.	Reject	4.6
3315	D.M. & M.E. Bryce Limited	That the proposed limits to buildings and activities within the Commercial precincts are supported as notified.	Accept	3.9
3328	Quartz Commercial Group Limited	That a new Rule be included that provides for licensed premises as a controlled activity, with control in respect of the following; a. the scale of the activity; b. effects on amenity (including that of adjoining residential zones and public reserves); c. the provision of screening and/or buffer areas between the site and adjoining residential zones; d. the configuration of activities within the building and site (e.g. outdoor seating, entrances); and e. noise issues, and hours of operation, with any consequential changes.	Reject	5.6
31009	Southern District Health Board	That the inclusion of Cardrona as a settlement within the District Plan be retained as notified.	Accept	General

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3221	Streat Developments Limited	That the Hawea Urban Growth Boundary be moved to include the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, as shown on the attachments to the submission.	Reject	5.6
3221	Streat Developments Limited	That the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, be rezoned from Rural Residential to Settlement Zone, as shown in the attachments to the submission, or in the alternative a residential zone that provides for low density residential subdivision and development.	Reject	5.6
3221	Streat Developments Limited	That if the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, is rezoned as requested in the submission, then the southern triangle of the site be re-zoned open space as shown on the attachments to the submission.	Reject	5.6
3222	Streat Developments Limited	That the Hawea Urban Growth Boundary be moved to include the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937).	Reject	5.6
3222	Streat Developments Limited	That the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, be rezoned from Rural Residential to Settlement Zone, or in the alternative a residential zone that provides for low density residential subdivision and development.	Reject	5.6
3222	Streat Developments Limited	That if the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, is rezoned as requested in the submission, then the southern triangle of the site be re-zoned open space as shown on the attachments to the submission.	Reject	5.6
3233	Marovid Trust	That the Lower Density Suburban Residential Zone within the Hawea Urban Growth Boundary be retained as notified.	Accept	4.2, 5.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3233	Marovid Trust	That the Urban Growth Boundary at Hawea be retained as notified.	Accept	5.6
3248	Universal Developments Hawea Limited	That an area of land approximately 140 hectares in area, including the Universal Development Hawea land and land owned by others, adjacent to Hawea township on the south side of Cemetery Road, bounded by Domain Road to the south-west and the Lake Hawea Dam Burst Flood Hazard area to the east, and with the southern boundary being aligned with the recent subdivision consent RM181232, as shown in submission 3248 Appendix A, be rezoned any one of the following zones: Settlement; Low, Medium and/or High Density Residential; Local Shopping Centre; Mixed Business Use; Industrial, and or any other development zone within the Proposed District Plan which is considered appropriate for the site. Alternatively, that the area be rezoned a bespoke zone for the comprehensive development, which anticipates mixed use and residential urban development, and provides a structure plan approach, or any additional zoning that may not already be included in the Proposed District Plan, including a deferred or future urban zone.	Reject	5.6
3248	Universal Developments Hawea Limited	That an area of land approximately 170 hectares in area, including the Universal Development Hawea land and land owned by others, adjacent to Hawea township on the south side of Cemetery Road, bounded by Domain Road to the south-west and the Lake Hawea Dam Burst Flood Hazard area to the east, and with the southern boundary being aligned with the current boundary of Lot 3 DP 3438555, as shown in submission 3248 Appendix B be rezoned any one of the following zones: Settlement; Low, Medium and/or High Density Residential; Local Shopping Centre; Mixed Business Use; Industrial, and or any other development zone within the Proposed District Plan which is considered appropriate for the site. Alternatively, that the area be rezoned a bespoke zone for the comprehensive development, which anticipates mixed use and residential urban development, and provides a structure plan approach, or any additional zoning that may not already be included in the Proposed District Plan, including a deferred or	Reject	5.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		future urban zone.		
3248	Universal Developments Hawea Limited	That the area of land requested to be rezoned in submission points 3248.1 and 3248.2 be included within the Urban Growth Boundary for Hawea.	Reject	5.6
3248	Universal Developments Hawea Limited	That any text of the zoning chapters of the Proposed District Plan be amended to provide for site-specific requirements for rezoning of the area of land identified in submission points 3248.1 and 3248.2, including the requirement for any minimum development capacity for the site.	Reject	5.6
3248	Universal Developments Hawea Limited	That rezoning occur or the Urban Growth Boundary for Hawea be moved to incorporate adjacent rural land to the Universal Development Hawea land which is not specifically identified, but which might be required in order to provide an appropriate rural-urban transition.	Reject	5.6
3261	Sally and Aaron Ford	That the Hawea Urban Growth Boundary be moved to include the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, as shown on the attachments to submission 3221.	Reject	5.6
3261	Sally and Aaron Ford	That the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, be rezoned from Rural Residential to Settlement Zone, as shown on the attachments to submission 3221, or in the	Reject	5.6

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		alternative a residential zone that provides for low density residential subdivision and development.		
3261	Sally and Aaron Ford	That if the 16.8 hectare block known as Domain Acres (Lot 1 DP 304937), located on the southern side of the Lake Hawea settlement between the western end of Cemetery Road and Domain Road, is rezoned as requested in the submission, then the southern triangle of the site be re-zoned open space as shown on the attachments to submission 3221.	Reject	5.6
3271	Allan Robert Murray	That the proposed Lower Density Suburban Residential Zone within the existing Urban Growth Boundary at Hawea be retained as notified.	Accept	4.2, 5.6
3272	Amanda Murray	That the proposed Lower Density Suburban Residential Zone within the existing Urban Growth Boundary at Hawea be retained as notified.	Accept	4.2, 5.6
3287	Hawea Community Association Inc	That the proposed Lower Density Suburban Zone in Hawea be retained as notified.	Accept	4.2, 5.6
3287	Hawea Community Association Inc	That the urban growth boundary as introduced in Stage 1 of the Proposed District Plan review be retained in it's current location.	Accept	5.6
3296	Marovid Trust	That the Lower Density Suburban Residential zone within the Hawea Urban Growth Boundary and the Urban Growth Boundary location is retained as notified.	Accept	5.6
3001	Alan Cutler	That the Lower Density Suburban Residential Zoning for Albert Town be retained as notified.	Accept in Part	4.2, 5.5
3002	Josephine Haines	That the Lower Density Suburban Residential Zoning for Albert Town be retained as notified.	Accept in Part	4.2, 5.5
3006	John & Toni Glover	That the visitor accommodation sub-zone at Kinloch be retained as notified.	Accept	5.1
3006	John & Toni Glover	That the extent of the Commercial Precinct at Glenorchy is amended to include all of the properties at the lake end of Mull Street.	Accept in Part	5.1
3011	Kingston Holiday Park Limited	That the Kingston Holiday Park and two adjoining lots (4 and 12 Kent St) have a visitor accommodation sub-zone applied to them,	Accept	5.3

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		with any consequential changes.		
3012	Bruce Hebbard	That Albert Town be zoned Lower Density Suburban Residential as notified.	Accept	5.5
3050	Bruce and Diane Carvell	That 146 Albert Town-Lake Hawea Road (Lot 1 DP 300252) having an area of 2124 square metres, located on the south-eastern side of SH6, located approximately 300 metres south-west from the Riverside turnoff, be rezoned from Rural Residential to Low Density Suburban Residential Zone.	Reject	5.5
3190	Southern Ventures Property Limited	That the notified Lower Density Suburban Residential Zone for Albert Town be retained.	Accept	5.5
3190	Southern Ventures Property Limited	That Lot 1 DP 27171, an 8.7 hectare site at Templeton Street, Albert Town, located between the Albert Town township and the Cardrona River, be partially re-zoned Lower Density Suburban Residential Zone, with the Urban Growth Boundary and Landscape Classification Line realigned accordingly, as shown in Appendix G of the submission. Alternatively, if the notified Lower Density Residential Zone for Albert Town is rejected and an alternative zoning imposed, that the same re- zoning is applied to that part of Lot 1 DP 27171.	Accept	5.5
3190	Southern Ventures Property Limited	That the remainder of the site (Lot 1 DP 27171, Templeton Street, Albert Town) not otherwise zoned Low Density Suburban Residential Zone, as requested in submission point 3190.2, remains Rural Lifestyle Zone, with a no build restriction or similar mechanism if necessary.	Accept	5.5
3190	Southern Ventures Property Limited	That any consequential amendments required to facilitate the re-zoning and future development of the land are incorporated into the Proposed District Plan.	Accept	5.5
3209	Lakehouse Holdings Limited	That the zoning of Lower Density Suburban Residential at 56-60 Capell Avenue, Hawea, is retained as notified, or any similar amendments with like effect, with any consequential changes.	Consequential	Consequential
3223	Christine and David Benjamin	That the rezoning of Glenorchy to Settlement Zone be retained as notified.	Accept	5.6
3223	Christine and David Benjamin	That the rezoning of 49, 51, 57 and 59 Benmore Place and right of way easement to Settlement Zone be retained as notified.	Accept	5.1

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
3223	Christine and David Benjamin	That the Visitor Accommodation Sub Zone on 1-15 Oban Street (Secs 5-19 BLK X1 Glenorchy Town) be retained as notified.	Accept	5.1
3223	Christine and David Benjamin	That the Visitor Accommodation Sub-Zone be amended to include Sec 1 SO24548 and Sec 3 SO23458 as shown in the submission.	Reject	5.1
3223	Christine and David Benjamin	That the Visitor Accommodation Sub-Zone be amended to include the Southern side of the Settlement from Oban Street to Forbes Place as shown in the submission.	Reject	5.1
3223	Christine and David Benjamin	That a new overlay be created called 'Glenorchy Marina and Tourism Sub-Zone.'	Reject	5.1
3223	Christine and David Benjamin	That the following properties be included in the Glenorchy Marina and Tourism Sub-Zone: 49 Benmore Place (Sec 1 BLK 111); 51 Benmore Place (Sec 1 SO 23457); 57 Benmore Place (Sec 1 SO Plan 23458); 59 Benmore Place (Sec 2 SO 23458).	Reject	5.1
3223	Christine and David Benjamin	That the Flood Zone at the south end of Glenorchy be refined to more accurately identify the sites that are subject to flood risk.	Reject	5.1
3223	Christine and David Benjamin	That the Building Restriction Area on both sides of Oban Street be removed; or, delete the building restriction area from the western side of Oban Street between the unformed legal road an Invincible Drive; or, if a Building Restriction Area is retained, reduce the width to 10m on both sides of Oban Street and change the non-compliance status from non-complying to controlled within rule 20.5.18.	Accept	5.1
3232	Jo Fyfe	That the Lower Density Suburban Residential zoning for Albert Town be retained as notified.	Accept in Part	5.5
3232	Jo Fyfe	That any additional or consequential relief required to provide the relief sought in the submission be made.	Consequential	Consequential
3259	Daniel Martin	That Grandview Road, Hawea, be re-zoned to a higher density zone.	Reject	5.6
3259	Daniel Martin	That subdivision to 1000m² should be enabled for the Grandview Road area, Hawea.	Reject	5.6
3285	H W Richardson Group	That a portion of the land at 114-126 Main Road Luggate be zoned Business Mixed Use with a 12m height limit.	Reject	5.4
3285	H W Richardson Group	That in the event of Upper Clutha Transport is relocated to Church Road, that a portion of 114-126 Main Road Luggate and 132 Main	Accept in Part	5.4

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		Road Luggate retain the Settlement Zone as notified with the addition of a commercial precinct overlay.		
3285	H W Richardson Group	That any further amendments or consequential changes be made to meet submission 3285, or if not implemented that Stage 3 be withdrawn.	Consequential	Consequential
3297	Kingston Lifestyle Properties Ltd	That the Kingston Settlement Zone be applied over the Kingston Flyer land (Kingston Flyer railway corridor) identified as Section 2 SO10898, Section 1 SO 10898, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661.	Accept in Part	5.3
3297	Kingston Lifestyle Properties Ltd	That the Kingston Settlement Zone be applied to Crown Land Lot 4 DP 318631.	Reject	5.3
3297	Kingston Lifestyle Properties Ltd	That Kingston Flyer Land identified as Section 2 SO 10898, Section, 1 SO 10898, Lot 1 DP 12130, Lot 9 DP 306647, Lot 1 DP 306647, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661 be included in the Commercial precinct overlay in the Kingston Settlement Zone.	Accept in Part	5.3
3297	Kingston Lifestyle Properties Ltd	That the land identified as Sections 1 – 5, 22 – 24 Block 1 Town of Kingston, Section 1 Block XIX, Town of Kingston, Part Section 12 Block 1 Town of Kingston, Part Section 13 Block 1 Town of Kingston and Lot 4 DP 318631 be included in the Commercial precinct overlay in the Kingston Settlement Zone.	Accept in Part	5.3
3301	Tim Porter	That the zoning of Hawea to Lower Density Suburban Residential be retained as notified.	Accept in Part	5.5
3306	Kingston Village Ltd	That Kingston Landscape Classification Line be amended to exclude Kingston Special Zone.	Reject	5.5
3306	Kingston Village Ltd	That the Landscape Classification Line surrounding Kingston be rejected.	Reject	5.5
3306	Kingston Village Ltd	That if the amendments set out in submission 3306 are not implemented that Stage 3 of the Proposed District Plan be withdrawn.	Reject	5.5
3306	Kingston Village Ltd	That any Landscape Classification line provisions be deleted.	Reject	5.5
3307	Pounamu Holdings 2014 Limited	That the Visitor Accommodation Sub-Zone over Camp Glenorchy (Lot 2 DP 435250, Lot 3 DP 501488 and Lot 1 DP 435250) be	Accept	5.1

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		retained as notified.		
3307	Pounamu Holdings 2014 Limited	That the Visitor Accommodation Sub-Zone be extended over entire extent of the Mrs Woolly's site (Lot 1 DP 26928, Lot 3 DP 26928 and Lot 2 DP 26928).	Accept	5.1
3307	Pounamu Holdings 2014 Limited	That the portion of Mrs Woolly's site that currently contains the notified Visitor Accommodation Sub-Zone also imposes a Commercial Precinct.	Accept	5.1
3307	Pounamu Holdings 2014 Limited	That the Building Restriction Area on Oban Street be deleted, or a 10m Building Setback should apply for the land affected by the Building Restriction Area.	Accept	5.1
3308	Dart River Safaris Limited	That Lot 2 DP 8985, Lot 3 DP 8985 and Lot 4 DP 8985 retain the Commercial Precinct and Visitor Accommodation Sub-Zone as notified.	Accept	5.1
3310	Glenorchy Trustee Limited	That the Visitor Accommodation Sub-Zone over Lot 1 DP 430468 be retained as notified.	Accept	5.1
3310	Glenorchy Trustee Limited	That the Building Restriction Area over Lot 1 DP 430468 (Bible Face) be rejected.	Accept in Part	5.1
3310	Glenorchy Trustee Limited	That the Building Restriction Area on the Oban Street frontage be rejected.	Accept in Part	5.1
3310	Glenorchy Trustee Limited	That the Visitor Accommodation Sub-Zone along the east and west sides of Oban Street and the north-western corner of Lot 1 DP 430468 be retained as notified.	Accept	5.1
3315	D.M. & M.E. Bryce Limited	That 107 - 109 & 112 Hampshire Street, Kingston is rezoned as Commercial Precinct.	Accept in Part	5.3
3328	Quartz Commercial Group Limited	That a Visitor Accommodation Subzone be extended to apply to all of the submitter's Capell Avenue, Lake Hawea property (Lot 1 DP 27336).	Accept	5.6
3328	Quartz Commercial Group Limited	That the zoning of the submitter's property at Lot 1 DP 27336 Capell Avenue, Wanaka as LDSR is retained.	Accept	5.6
3339	Blackthorn Limited	That the Visitor Accommodation Sub-Zone on the submitter's property as indicated in the submission be retained as notified.	Accept	5.1
3339	Blackthorn Limited	That the Commercial Precinct be extended over the submitter's property at 1 Benmore Place (Lot 1 DP 12016 BLK I Glenorchy TN)	Accept in Part	5.1

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
		fronting Mull Street and 13, 15 and 19 Mull Street as shown in Schedule 4 of the submission.		
3339	Blackthorn Limited	That the Visitor Accommodation Sub-Zone be extended over the submitter's property, being proposed Lots 43, 45, and 46 of the subdivision of Lot 1 DP 430468 (as identified at Schedule 1 of the submission) approved by Resource Consent RM171428.	Accept	5.1
31019	Cardrona Village Ltd	That the inclusion of those parts of the submitter's land (Lot 4 DP 507227, Lots 7-17 DP 440230, Lot 1 DP 310692, Section 47 Block I Cardrona SD) at Cardrona within the Settlement Zone and the associated Commercial Precinct or the associated Visitor Accommodation Sub-zone is retained.	Accept	5.2
31019	Cardrona Village Ltd	That the land and riverbed that is to be transferred to the Submitter from the Crown and shown on the Scheme Plan attached as Appendix 1 to the submission be included within the Settlement Zone and have the Visitor Accommodation Sub-zone applied to the land.	Reject	5.2
31019	Cardrona Village Ltd	That the boundary between the Settlement Zone (and the associated Visitor Accommodation Sub- zone) and the Rural Zone on the land described as Section 47 Block I Cardrona SD be realigned to the new boundary to be created as a result of the land exchange between the submitter and the Crown as detailed on the Scheme Plan attached as Appendix 1 to the submission.	Reject	5.2
31019	Cardrona Village Ltd	That the Outstanding Natural Landscape classification be removed from all the land located within the proposed Settlement Zone at Cardrona.	Accept	5.2
31019	Cardrona Village Ltd	That the land within Lots 7, 16 and 17 DP 440230 and Lot 4 DP 507227 located 30 metres from the boundary with Soho Street be included within the Commercial Precinct.	Accept	5.2
31027	airey consultants ltd	That Cardrona is zoned Rural Visitor Zone.	Reject	5.2

Submitter No	Submitter	Submission	Recommendation	Section where Addressed
31027	airey consultants ltd	That the Cardrona Settlement zone be rejected.	Reject	5.2
31027	airey consultants ltd	That an equivalent amount of land that has been rezoned Rural Zone at the northwestern end of the eastern side of the Cardrona River be added to the western side of the actual river location to balance the Rural Visitor Zone and the Rural areas to those under the current District Plan.	Reject	5.2
31027	airey consultants ltd	That the commercial precinct extent along Soho Street to Rivergold Way or that commercial activities become a restricted discretionary or discretionary activity within the Cardrona Settlement Zone.	Accept	5.2
31036	Mark Butson	That the Settlement Zone and Visitor Accommodation Sub-Zone are extended to cover all of Lot 2 DP 411508, with an area of 2.6ha that fronts the western side of Cardrona Valley Road, approximately 140m north of Soho Street.	Reject	5.2
31046	Judith & Russell Brown	That 2347 Cardrona Valley Road, Cardrona being Lot 1 DP 26402 with an area of 0.6ha, located on the eastern side of the road approximately 80m south of the intersection with Rivergold Way, be rezoned as Cardrona Settlement Zone.	Reject	5.2
31046	Judith & Russell Brown	That 2347 Cardrona Valley Road, Cardrona being Lot 1 DP 26402 be excluded from the Outstanding Natural Landscape classification.	Reject	5.2